the next few months to ensure that on this particular question the Government will be embarrassed. I do not know how members on the Government side can remain in their seats when they realise what is going on in Collie and the numbers of men that are leaving the industry without their places being taken by others, which means that the total number of men employed is gradually being whittled away.

At present in Collie there is a big argument over housing. Of course, this is part and parcel of the set-up that is encouraged by the Government. In 1960 many houses became vacant as a result of retrenchment in the coalmining industry. When I brought this matter before the House, the Minister for Industrial Development, on several occasions, stated that we did not have any empty houses in Collie, because they had been occupied by employees of the Muja power house. That statement was entirely untrue. Those houses were filled mostly by age pensioners who were sent to Collie purely for the purpose of occupying the vacant houses so the Government would not be subjected to criticism on the matter.

I commend the motion to the House and I hope members will give it favourable consideration. As long as I am a member of this Assembly I will put forward the claims of the Collie miners, who always come to the rescue of the State when it is confronted with an emergency, or with a serious situation. Once again I refer to the big bush fires that occurred at Mayanup a few years ago.

The SPEAKER: The honourable member must keep to the motion.

Mr. MAY: This concerns the Collie miners, and in fairness to the community I think we must repeat the story of these happenings. Weekend after weekend the Collie miners spent all their spare time in the Mayanup district digging post holes and re-erecting on various properties fences that had been burnt down by the fire. Members cannot tell me that the Collie miners have not been loyal to the State when they have been called upon in times of need.

The Government should be severely criticised for its use of fuel oil instead of coal. Once again I repeat that by using foreign oil the Government is being completely disloyal, because it is sending money out of the State when coal that is available within the State could be used as fuel.

The SPEAKER: The question is—

That the motion be agreed to.

All those in favour say, "aye," and the contrary, "no." The ayes have it.

Mr. May: Divide!

The SPEAKER: What I should do is to give the vote to the ayes, but as I think that both the member for Collie and I got a little confused, I will put the question again.

Question put and a division taken with the following result:—

Ayes—16	
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Norton
Mr. Davies	Mr. Rhatigan
Mr. Evans	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May
	(Teller)

Noes—23	
Mr. Bovell	Mr. McPharlin
Mr. Burt	Mr. W. A. Manning
Mr. Court	Mr. Marshall
Mr. Craig	Mr. Mitchell
Mr. Crommelin	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Durack	Mr. O'Neil
Mr. Elliott	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Young
Mr. Guthrie	Mr. I. W. Manning
Dr. Henn	*(Teller)*

Pairs	
Ayes	Noes
Mr. Curran	Mr. Brand
Mr. Moir	Mr. Hutchinson
Mr. Graham	Mr. Lewis
Mr. Fletcher	Mr. O'Connor
Mr. J. Hegney	Mr. Williams

Question thus negatived.

Motion defeated.

House adjourned at 8.47 p.m.

Legislative Council

Thursday, the 14th September, 1967

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

MANJIMUP DAM

Pumping Station and Water Mains

1. The Hon. V. J. FERRY asked the Minister for Mines:

   (1) With regard to the Manjimup dam recently completed near the Seven Day Road, for what period have the following works been programmed:—

   (a) pumping station at the dam site; and

   (b) laying of water mains from the pumping station to the service tanks at Manjimup township?

   (2) If the works for the pumping station and water mains have been programmed, when will tenders be called for these works?

The Hon. A. F. GRIFFITH replied:

(1) and (2) It is planned that all work necessary to connect the new Manjimup dam to the town reticulation will be completed prior to the end of February, 1968.

RAILWAYS

"A" and "C"-class Diesel Locomotives

2. The Hon. F. R. H. LAVERY (for The Hon. R. H. C. Stubbs) asked the Minister for Mines:

(1) How many "A"-class and "C"-class diesel locomotives are in service in the W.A.G.R.?

(2) What was the cost of each one at the commencement of service?

(3) On what particular work are they mainly used?

(4) What is the—

(a) performance; and
(b) cost of each

since commencement in relation to breakdowns, repairs, or any other trouble or problem?

(5) What firms—

(a) manufactured; and
(b) supplied

these particular locomotives?

(6) Is it intended to purchase more of this type of locomotive?

(7) If so—

(a) which class; and
(b) how many

are to be purchased?

(8) When will they be purchased?

The Hon. A. F. GRIFFITH replied:

(1) "A"-class—1,425 h.p.:

12 owned by Railways Commission.

2 owned by Western Mining Corporation.

"C"-class—1,650 h.p.

3 owned by Railways Commission.

(2)—

Year ended 30th June	Locomotive	Date into service	Cost $
1960	A 1501	2/6/60	217,858 each
1961	A 1502	28/7/60	
1962	Nil		
1963	C 1703	24/9/62	
	C 1701	5/10/62	198,728 each
	C 1702	5/10/62	
	A 1503	26/9/62	
	A 1504	10/10/62	210,280 each
	A 1505	24/10/62	
	A 1506	14/6/63	210,618
1964	Nil		
1965	A 1507	11/12/64	
	A 1508	2/2/65	Cost not yet finalised but will approximate 186,000 each
	A 1509	24/2/65	
	A 1510	27/4/65	
	A 1511	5/6/65	
1966	A 1512	30/7/65	
	A 1513	26/11/65	Paid for by Western Mining Corporation
	A 1514	14/12/65	

(3) "A"-class—Concentrated main line work on Eastern Goldfields Railway, Iron Ore, Westmine (Koolanooka)-Geraldton. Bauxite, Jarrahdale-Kwinana. Grain haulage on main line and branches.

"C"-class—Mainly passenger operation, Perth-Kalgoorlie.

(4) (a) The department has obtained satisfactory service from these locomotives.

(b) The overall cost of overhaul, repairs, maintenance, etc., for each class has been as follows:—

Year	"A" Class $	"C" Class $
1959-60	083	....
1960-61	7,829	....
1961-62	9,773	25
1962-63	23,699	8,273
1963-64	53,934	14,196
1964-65	53,315	51,654
1965-66	110,714	58,921
1966-67	195,230	79,212
Totals	455,477	212,281

(These figures do not include drivers' wages, lubrication, fuel, depreciation, interest, etc.).

Individual locomotive costs are not available and due to varying periods of service, numbers in class, and difference in duties in which they are engaged, group figures cannot be treated on an average basis.

(5) (a) and (b)—

"A"-class—General Motors-Clyde Engineering Co.

"C"-class—English Electric Co.

(6) Both classes have been superseded.

(7) The following locomotives are at present under contract:—

Five "AA"-class (1,650 h.p.) General Motors-Clyde Engineering Co.

Five "R"-class (1,950 h.p.) English Electric Co.

(8) Delivery of these will be completed by February, 1968.

WYNDHAM SCHOOL

Additions

3. The Hon. H. C. STRICKLAND asked the Minister for Mines:

When are additions to Wyndham School likely to be provided in order to relieve existing congestion?

The Hon. A. F. GRIFFITH replied:

Plans for an additional classroom are at present being prepared. It is anticipated that tenders will be called towards the end of September.

QUESTION WITHOUT NOTICE

STATE HOUSING COMMISSION

Eviction of Family: Minister's Action

The Hon. A. F. GRIFFITH (Minister for Mines): As I indicated yesterday in reply to a question without notice from Mrs. Hutchison, I have discussed the case referred to by her with the Minister for Housing.

The commission always adopts an extremely tolerant and humane attitude in cases such as this, and only resorts to repossession action when there is complete lack of appreciation of such tolerance and a lack of responsibility by the tenant.

The article which appeared in the *Daily News* of yesterday's date does not convey the full story of the case and is, in some respects, not in accordance with facts.

The honourable member is invited to discuss the matter with Mr. Johnston, the parliamentary liaison officer, who will give her details of the case.

The Hon. R. F. Hutchison: Thank you, I rang Mr. Johnston yesterday.

The Hon. A. F. GRIFFITH: Before the honourable member asked me the question?

MOSMAN PARK

Disallowance of Heights of Buildings By-law: Motion

Debate resumed, from the 13th September, on the following motion by The Hon. J. G. Hislop:—

> That the by-law relating to heights of buildings (Saunders Street), made by the municipality of the Town of Mosman Park, under the Local Government Act, 1960-1966, published in the *Government Gazette* on Thursday, the 15th December, 1966, and laid on the Table of the House on Tuesday, the 1st August, 1967, be and is hereby, disallowed.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.39 p.m.]: I was under the impression that Mr. Heitman wished to speak but I did not notice he was about to get to his feet. I do not intend to deal with the preliminaries that have led to the present situation surrounding the motion as it now stands.

Those were dealt with at length by Dr. Hislop when he introduced the motion, and the implications of the motion have also been outlined by the Minister for Local Government. Apart from this, various members have put forward the pros and cons of the case, and have presented their views concerning the validity of the by-law and whether or not it should stand.

I think if we talk for another 30 days and another 30 nights individual members will not come to any different conclusions nor will they alter the personal opinions they now have on this issue. I believe that is basically why this by-law could be said to be a bad by-law and one that should be disallowed. Basically, no Government can exist if it does not do a *quantum* of good for a majority of the people. The consensus of opinion must be in agreement with legislative action in the field of local government just as much as in the field of Government.

The whole history of this by-law, from the time it was first discussed until it was ultimately gazetted shows an argument between the administrators on the one hand and the landholders on the other. It is easy from the administrative angle to take a point of view and say, "We will go no further than this. In fact, this is what we will do. If you do not come to an agreement, you can take it or leave it." That is not good enough.

When a man enters into a contract with the Government and takes up a piece of land, he sees in it all of the virtues that go to make it desirable from the point of view of building a home; and it matters not whether the land was purchased 28 or 30 years ago, or yesterday. Whatever the situation was at the time of purchase was the basis of negotiation for the individual. We must jealously guard against any impairment of rights when an authority moves into the field of taking something from the individual.

That is the basic right inherent in a democratic civilisation; in essence a law of contracts, the right of understanding, the basis on which to talk, and in the ultimate, compensation to the person who is injured. It seems to me this by-law does not in any degree measure up to these qualifications.

I do not for one minute doubt the sincerity of the Minister; but why did he have this on his plate for two years if he did not have doubt in his own mind as to what the council was trying to do with the by-law when it was gazetted? He must have had some reasonable doubt to hedge for such a period of time before going forward with it. In my opinion, he took this action because it was the best he could do. He decided he could not hold the proposal up any longer, and, so far as he was concerned he gave a reasoned judgment in which he believes—and all in this House know his complete integrity in these matters.

However, we are dealing with the rights of others and are merely asked to consider whether there is sufficient and reasonable doubt whether this by-law should be disallowed. If the by-law is *ultra vires* in any degree we should not bypass the situation and say to the owners, "Take legal action; fight it in court." This is the place where a decision should be made. It is the right of Parliament. We stand up and say that our rights are being whittled away; but when we get an opportunity to decide an issue such as this we say, "Leave it to the courts to decide." That is not

good enough. The right of this issue has to be decided here, on the basis that there is some doubt about it; and if there is doubt, there is no possible reason for anybody supporting the by-law. It should be looked into and submitted again on a basis of equity. That is the final judgment, as we are dealing with the rights of the people in a matter such as this—the right of equity and fair play.

Mr. Watson has produced an alternative by-law as a solution which, I submit, is far better than the one before us. If, I might add, it is being scrutinised on the basis of its being *ultra vires*, then God help the existing by-law!

The Hon. H. K. Watson: I think that is a fair observation.

The Hon. W. F. WILLESEE: I feel it is unnecessary to labour the issue. I am somewhat reminded of the situation of the mother of a little boy I knew some 50 years ago. The mother had a great belief in castor oil. She prescribed it for this chap on all occasions, whether for ill-health, whether he was disobedient, or whether she felt he needed it on a Friday night. The boy at times thought she was trying to kill him, but she believed she was doing everything for his good.

After the passage of years she is now a venerable old lady and still believes the best thing for her son was castor oil. The young boy has grown up to achieve status, with a family, and the one thing that is entirely prohibited in his house is castor oil.

It seems to me that that is similar to the issue we have before us. We cannot resolve this question unanimously. One section of members—not a particular party of members—believes the by-law is wrong, and another section believes the by-law is right. Therefore there is no question at issue—the by-law should be disallowed because of the reasonable justification for doubt that it is fair to the people who are affected by it.

THE HON. F. J. S. WISE (North) [2.48 p.m.]: At an earlier stage it appeared to me that one or two things might happen. No-one knew who was going to speak. A member was urged to get to his feet, but he did not wish to do so; and it might easily have been that the motion was put, as I know of your astuteness, Mr. President, and desire to expedite business. However, I intend to speak to the motion, and at some length.

It is obvious there is much contention, dissatisfaction, and unhappiness with this by-law, in the community sense in particular, which has extended into strong differences of opinion in this Parliament. There is nothing wrong with that; but the situation of the individual who is aggrieved and who is being injured is something that this Parliament should watch very closely. Therefore, in considering the case in this atmosphere, I presume all of us have had the opportunity to see the documents supplied by the town council. A councillor delivered one to me—a most unsatisfactory document that does not tell of the effects of the by-law.

If members want that aspect analysed I would be pleased to do it; but the conclusion must be reached by someone not involved and on the outer—not influenced by old friendships, school mates, or anything else—that a serious injustice exists.

We are dealing with an area which is old in survey and old in design; a ridiculous design that would not be tolerated by the Lands and Surveys Department or the town planning authority in this age. It was designed in the days when the high-water mark was often used as the boundary, and that high-water mark is the boundary shown on the title.

As is my usual custom, I have looked at the origin of this survey for guidance. In this case the high-water mark was surveyed in 1913 and established in that year by surveyor Fred Johnson. He delineated the high-water mark for the purpose of issuing titles for subdivisions covering a good deal of the country between Guildford and Fremantle. The area was resubdivided to high-water mark in 1925 before we had town planning, and before the Lands Department saw the lack of wisdom in making surveys to the high-water mark.

There is nothing new in high-water mark boundaries. It is not unusual to find the high-water mark being used at Claremont, and elsewhere. Surely there are hundreds of such titles for land between Perth and Augusta, and between Perth and the Kalgan River. Indeed, they extend to areas as far north as the Gascoyne river at Carnarvon. Some members will know of boundaries which exist in the middle of rivers. It is nothing new and has been a standard practice.

Coastline surveys still exist to the ocean high-water mark. There are plenty of them, but it is wrong to continue this system if it can be corrected. I am not advocating the use of the high-water mark as a boundary. Both the Town Planning Department and the Lands and Surveys Department are conscious of the fact that it is unwise to continue this system. It has been found that it is not in the public interest to use the high-water mark as a boundary where a subdivision has been carried out on the riverside or the ocean front. Where it is practicable, this is not done now.

It is important to observe, at this point, that those people who hold titles and have rights in land, are entitled to those rights and interests, unimpaired. Their ownership should be undisputed and the title respected by all authorities. That is the situation. There was nothing sinister and

nothing coldly planned by the owners of the land of which we are speaking when the survey was made to the high-water mark. There was nothing improper in the purchasers buying the land in good faith. Are those people not entitled to an increment in value? What do our farmers think of the increment in the value of their land over the last 10 years? It has been at least $1 per acre per annum. But is that not theirs, even though it is brought about because of changing circumstances?

Unfortunately, the trend today, by those in whom authority is vested, is to interfere with the private ownership of land. Indeed, at times authority has no respect for ownership and takes land on any pretext, and then pays as little as possible for it. Although there is no question of resumption in this case, there is a serious question of depreciation of value. Where access is necessary in the public interest, appropriate recompense should be made and the job should be proceeded with. I do not know that resumption is implied or suggested, or thought about in this connection.

With the application of modern laws there is no need for an owner to be deprived of any part of his land without adequate compensation. This present proposition will not stand up to that test, in spite of what has been said by two or three speakers, and I will deal with that shortly.

In my view, Parliament should safeguard the rights of individuals and ensure that none of their rights or entitlements are filched from them. There have been too many examples—even amongst past members of this Chamber—of disputation and the freezing or sterilising—to use Mr. Watson's expression—of assets. Surely, we as a body, do not agree with that.

The Hon. H. K. Watson: An Englishman's home used to be his castle.

The Hon. F. J. S. WISE: The area we are discussing was surveyed and sold at a time when there was no practical way to construct a road where Saunders Street now runs. It just was not possible at that time. Indeed, one of the owners told me he was informed, when he purchased the land, that he was very foolish. I think anyone who purchased that land at that time was either very foolish or farsighted, because Saunders Street was just a mark on the plan. It was impossible to build a road there until we had the use of modern machinery. At that time there was no prospect of a road for 50 years; and one person was told it would be 100 years before a road would be built.

Some members have said they have walked over every inch of the area, but there must have been some things they did not notice. I will deal with the shape of the area shortly. Are members conscious of the fact that those blocks are 22.3 feet wide at the top, fronting Saunders Street? No town council or shire would approve of a building on that width of land. So, what is the alternative? Those people had to buy two blocks each to get a width of 50 feet three chains down the hill.

The Minister for Local Government said that these were big blocks. I have the greatest respect for the Minister, but he has not stated the area involved in each block. I have gone to the trouble to obtain plans and maps showing the contour at every five feet from Wellington Street down to the river. Those blocks are 35 perches in area. I would like members to bear that in mind: a single block contains 35 perches and has a 22-foot frontage to Saunders Street. The blocks broaden out at the high-water mark.

Standard building by-laws, as applied by the shire, do not allow a building to be erected within 25 feet of Saunders Street. So that is 25 feet of the land gone. Also the town council does not allow one to build within 50 or 80 feet of the river, according to the contour of the land. The town council has deprived the people of the broadest section of the blocks, and confined the area which can be used. The section of land which can be used is a small piece on the escarpment. The area left for use in the case of nine lots—and I have had them measured and worked out to the exact acreage—is below the minimum area the Minister cares to approve in any subdivision.

The area is under 27 perches. Are we depreciating their land? Are we saying to them, "We will drive the yellow pegs in"? In one instruction they are driven in 12 feet from a man's home and 30 feet from the top of the cliff, but that man does not want to go over the cliff; he wants to use the land in front of his home. Another peg is four feet from a man's verandah and it is over 30 feet from the peg to the top of the cliff, on the broad face of his property. Is that a fair proposition? But that is what has happened. The pegs are there to be seen.

Let me take members' minds back to the time when many of the people purchased these blocks. There were no roads. There was no possible chance of building a road along that strip of land now known as Saunders Street when the first of these blocks was sold. I would point out that they were very slow to sell. The nearest transport was the Perth-Fremantle railway. There were no buses, no shops, no water supply, and no electricity. So the people who bought blocks there could not build homes and let their wives live in such isolation. One could not get down to the properties by road.

So there is no truth whatsoever in the suggestion that these people are all in the wealthy class; that they are not entitled to any increment in their land. I will not

stand for any of those suggestions. Those people bought two blocks each, side by side, in order to give them the correct width to enable them to build houses on the blocks. In doing so, they looked a long way into the future. What has happened now is not their fault and their rights should not be impaired, surely, because the land fronts the river and it is difficult terrain. There was no thought of that when the blocks were purchased. There was no sinister design by the vendor at that time. These people simply owned a precipitous piece of land to which there was no access.

As a title to the land has been issued to them by the Crown these people have rights and we in Parliament should do all in our power to ensure that they retain the rights inherent in those titles. This by-law impairs the right to the use of the land and it prejudices values. There are persons residing on this land who have children and grandchildren, but if they obey, to the strict letter of the law, the by-law that has been drafted by the council, they will not be allowed to use the land from the front of the house to the top of the cliff.

There is not one owner that I know of who wishes to use—according to the illustration given by some—steps that will go over the top of the cliff, or who wishes to build on extended piers. If the council came forward with a fresh and reasonable plan, every one of the people affected by the by-law would be agreeable to saying, "We will not use the cliff; we will not build over it." So it is absolute nonsense to say that these people desire to take certain action when it is not even in their minds. It is only fair that Parliament should be told what the true state of affairs is. They do not wish to despoil or deface the cliff in case of any erosion; that is the true situation. It has been pointed out in this Chamber that the protection of the rights of others enters the question, but to my mind that does not enter into this argument.

I have in front of me a contour map and any member who is interested can peruse it later if he so desires. This map shows the tops of the homes built on the blocks affected by this by-law; not those built on the Saunders Street frontage, but all of the homes from block 13 to the area owned by the Sisters of St. John of God are 100 feet below the base of the homes built on the top side of Saunders Street. So what is all this nonsense spoken on the subject of subdivision and of a grandiloquent person building a multi-storied structure to block out the view? As for all the talk about construction on The Coombe itself, the peculiar thing about that is all the blocks fronting The Coombe have been approved by the town council.

The structures are set back and do not break any building by-law so far as distance from the back boundaries is concerned. The total area of one block is 29 perches. Another is 36 perches, and a third is 32 perches. So what is all this nonsense about subdividing an area such as that? It would be impossible, impractical, and quite unlikely, because it would never happen. The council permitted the owners to build such structures. It would not be a case—as one speaker said last night—of a rat race to see who could build over the top of the cliff. All those buildings were approved by the town council. They are built on the areas I have quoted and, if necessary, I can supply the names of the individuals who occupy them.

To suggest that someone intends to build and so blot out the view enjoyed by someone else is advancing an argument that is completely non-existent. There is absolutely no likelihood of any subdivision of The Coombe area. It is all very well to say that this by-law will protect the rights of people; these people do not want to be protected. Those who occupy houses on the top of Saunders Street are on the side of Dr. Hislop with this motion. Dozens of people whose views will be spoilt—as averred by some speakers—have signed a petition to the council requesting it not to proceed with the initial matter. They are not only those who are resident around Saunders Street, but also those who reside in Wellington Street, right away from the area in question. They object to this by-law.

Yesterday one member stated that voters did not take umbrage at this move when the council elections were held; that the voters in this ward did not object to the proposal. That is not correct. I do not think Mr. Dolan would knowingly express an untruth, but he was certainly misled in making that statement. The councillor representing the ward in which Saunders Street is situated was opposed at the last election but despite the support of the council, he was defeated by the biggest majority in the elections held by the council. The person who defeated him stood on the policy that she was opposed to the dictatorial attitude of the council.

This lady won the election. So it is wrong to say that the voters did not take umbrage at election time, because the only opportunity they have had to take umbrage they have seized.

Mr. Watson, one of the members for the province in which the area in question is located, came forward with a very good proposition. In effect it is that permission shall not be given to deface or to abuse the area, or to impair the titles in respect of the territory fronting the river; and that an arrangement be arrived at with the council concerned to determine the building line from the top of the cliff, so that the owners of the land will be able to make the fullest use of it, without touching the cliff face. As I understand it, Mr. Watson suggested that all these matters be put

into the melting pot; that the matters affecting the whole area be reviewed; and that the council, in consultation with the aggrieved persons, come forward with a new proposition which will satisfy not only the council itself but also those aggrieved, and Parliament.

I suggest it is not right for the Minister to say, in the course of his speech, that this by-law does not take away any of the rights contained in the title deeds. Of course it does. I am referring to the words of the Minister as recorded in *Hansard*. He said that none of this land was being taken from the owners. That is true, but he went on to say that the value of the land would not be reduced. That statement is quite wrong.

The Hon. L. A. Logan: It is not. That is your opinion.

The Hon. F. J. S. WISE: The useful land has been reduced from 35 perches to under 25 perches. Can the Minister say that the owner is not aggrieved? In his speech the Minister also said that these blocks were very big. I would point out they are 35 perches. He then said there was plenty of room to build behind, at the escarpment. Of course there is not. The Minister's statement will not stand examination for one moment. I do not wish to labour this question unduly.

The validity of these by-laws has been doubted by more than one authority. Experts in the matter say there is no doubt about the by-laws being invalid, and I have consulted such an expert. In his view there is no question about the by-laws being invalid. Let us suppose they are not invalid; then what right has anyone, including the Minister, to say "If you think they are invalid you test it." What sort of proposition is that? Do we believe in the principle of onus of proof as it applies under the Police Act in relation to gold stealing? The party to which I belong will not stand for the onus of proof being placed on the owners of the land. The person who is aggrieved should not be the one to have to test the validity of the by-laws.

I notice that your name, Mr. President, was brought into the debate. I am sure you would have your own opinion on this matter, and when necessary you would express it. We cannot ask for your opinion from the floor of the House, nor can we aver what is in your mind, but mention was made of your name.

I am absolutely on the side of the people whose rights are affected. As expressed much more effectively by my leader, I will not stand for the rights of a person—particularly rights in respect of his land and its use—being impaired by any authority.

On the legal side we, as members of Parliament, are the custodians of the law, and we have to decide whether a law is good or bad. If there is any doubt about the validity of a law we should not have anything to do with it. I abhor the attitude of making the persons concerned test the law in a court. I do not believe in touching the hip pocket of anyone, and I will not be a party to imposing a burden on a person by compelling him to test his rights in any matter, just because a town council wants to do a thing in a certain way. It is of no use coming to this House with an *ex parte* case; and it is of no use refusing to hear the other side of the story—and this has been done by more than one member, in not listening to the person with whom the problem rests.

The Hon. R. Thompson: If this by-law is disallowed will it affect the Claremont by-law?

The Hon. F. J. S. WISE: It will have no effect whatever. I am glad that point has been raised, because the Claremont by-law is on all fours with this. If the honourable member is familiar with the position in Claremont he will realise that there is no possible use for this by-law, or the cliff face. It might be a good thing to have a set-back of 30 feet in the perpendicular, but these people are prepared to undertake not to deface the cliff. We should adopt the proposal of Mr. Watson, and ask the council to withdraw or discontinue the by-laws so that Mr. Kent and Mr. Campbell will be satisfied, and to meet the aggrieved parties to fix a building line which will be agreeable to all concerned. Surely no council wants to operate in an atmosphere where contention and dissatisfaction exist! It is desirable that a council should function in the community in a happy atmosphere; it should not take any part in impairing the rights of people.

I support the motion on the grounds that if any doubt whatsoever exists then Parliament should exert its right to have the by-laws disallowed, and the responsibility should not be placed on the individual to test the case. I support the motion on the grounds I have mentioned, but more particularly on the clear-cut issue that the persons concerned are aggrieved in that their rights to their land are being abused and filched from them.

Debate adjourned, on motion by The Hon. J. Heitman.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

DOG ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains only three clauses of which clauses 1 and 2 provide for the necessary amendments to the title and the

proclamation of the date of the coming into operation of the Act.

Clause 3 provides for an amendment to section 21A. This section at present provides that the owner of a dog which is found in any shop within any town, which is not under the effective control of some person, by means of a chain, cord, or leash, commits an offence. This implies that provided a dog is on a chain, cord, or leash, it may be taken into a shop. Section 35, however, enables by-laws to be made prohibiting dogs from entering such places as may be prescribed. The council of the City of South Perth has a by-law, made under section 35, which states that the owner of a dog shall prevent that dog from entering or being in a shop or other public business premises. It is clear that under the Act at present the by-law is *ultra vires* as being repugnant to section 21A.

The amendments in subclauses (1) and (2) of clause 3 provide that an owner of a dog which is found in any food shop within any city, town, or townsite commits an offence. The penalty for the first offence is $10 and for subsequent offences $20.

Subclause (3) of clause 3 is designed to provide that where a person is totally or partially blind, he is entitled to be accompanied by a dog *bona fide* used by him as a guide dog, in any building or place open to or used by the public for any purpose or in any public transport. This amendment was sought by solicitors acting for the Guide Dogs for the Blind Association of Australia and is similar to legislation which has been enacted in other States.

Debate adjourned, on motion by The Hon. J. Dolan.

MARKETABLE SECURITIES TRANSFER ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.23 p.m.]: I move—

That the Bill be now read a second time.

Prior to the passing of the Marketable Securities Transfer Act, 1966—which will be referred to as the principal Act—it was necessary in an instrument of transfer of marketable securities, which by definition in the principal Act means *inter alia* any share, stock, or debenture of a company, to state the occupations of the transferee and transferor and to have the signature of the transferee and transferor witnessed.

The object of the principal Act was to simplify the mode of transferring marketable securities so that, after the passing of the principal Act, a marketable security could be validly transferred by merely using the appropriate instrument prescribed in the schedule to the principal Act, and including in the instrument the full name and address of the transferee and having a stamp purporting to be the stamp of the transferee's broker affixed by the broker to the instrument.

The definition of "broker" in the principal Act means a person who is a member of the Stock Exchange of Perth and includes a broker's agent. "Broker's agent" is defined in the principal Act to mean "an agent or employee of a person who is a broker within the meaning of a corresponding law and who is carrying on business for and on behalf of that person in this State." The effect of these definitions is that the above simple form of transfer of a marketable security could only be availed of where the transferee's broker was a member of the Stock Exchange of Perth, or an agent or employee of an interstate broker, who is carrying on business for and on behalf of the person in this State.

The result is that if the instrument of transfer of shares on the Perth register of a company bears the stamp of a broker who is a member of the Melbourne Stock Exchange, it is not validly executed for the purposes of the principal Act, and a similar position arises where shares on the Melbourne register of a company are sold on the Stock Exchange of Perth and bear the stamp of a broker who is a member of the Perth Stock Exchange.

The purpose of this Bill is to overcome that difficulty and enlarge the definition of "broker." This will be achieved by defining "broker" as meaning a person who is a dealer within the meaning of Part IVA of the Stamp Act, 1921. The Stamp Act, 1921, by the amending Act No. 93 of 1966, defines "dealer" as meaning a broker or a broker's agent within the meaning of this Act or any corresponding law and "broker," "broker's agent," and "corresponding law" are defined in that Act. The two last-mentioned definitions have been deleted from the principal Act by the Bill, as they are now redundant.

By clause 2, the Act will be made retroactive until the 1st July, 1967, the date the principal Act commenced. This was the date of the proclamation of the Act. This will cure any invalid transfers of marketable securities that may have been registered and which bore the stamp of an interstate broker.

Victoria will, I am advised, be introducing similar legislation to this Bill very shortly.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

BULK HANDLING BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.28 p.m.]: I move—

That the Bill be now read a second time.

I might mention, when introducing this measure, that the Bulk Handling Act passed in 1935, though amended on many occasions since then, has been reprinted only once in the intervening period and that reprint appears in the appendix of the sessional volume for 1936.

This aspect I mention for the primary reason of indicating to members that, on the passing of this Bill, there will become available to the persons interested in the administration of the Act, a reprint of the modified law dealing with bulk handling powers and observances.

As this piece of legislation contains some departures from existing statutory requirements and other alterations, aimed at bringing the legislation up to date and according statutory recognition of certain procedures which have become established custom, it is, I think, worthy of mention that the original Bulk Handling Act passed in 1935 came as a result of a recommendation by a Royal Commission in that year. However, as a consequence of some stiff opposition to Co-operative Bulk Handling at that time, the original Bill was considerably amended and some of these amendments could, I suggest, have been better expressed. An effort has been made therefore, in the drafting of this Bill, to tidy up some of these features. In approaching some of the amendments contained in this measure, members are reminded that the original Bill was drafted to meet the requirements of pre-war days, since when great development in the grain industry in this State has made it essential that the Act be overhauled.

This Bill, while it rearranges, does not remove any of the restrictive sections, an example of which is that affecting the receiving of grain at certain points and any alteration now proposed is being done with a view to bringing the Act into line with modern practices.

Indeed, far from removing restrictions, the Bill, in fact, lays greater burdens on the company. For instance, under the 1935 act, the company was required to receive bulk wheat within the limits only as laid down by the Act and, briefly, this was f.a.q. wheat.

In providing a service to the growers, C.B.H. has gone much further than required under existing provisions and now handles all grades of wheat as well as oats and barley.

This is recognised in the redrafted legislation which now makes it mandatory for the company to receive all grain which is offered to it, irrespective of grade and condition.

Grain is defined in the Act as the seeds of wheat and barley but may also include other seeds as the company, with the approval of the Minister, elects to handle. Thus, this would include oats under present circumstances and, in the future, could include such seed as linseed and sorghum, for instance.

The provisions in this measure have been cast primarily to provide for operation under a free marketing system. In this, it follows the approach of the existing Act. In addition, however, this measure provides also for operation by the company under compulsory acquisition of grain such as wheat and barley, an aspect for which no provision is made in the existing Act.

Monetary amounts have been increased generally about five-fold and, to some extent, this increase is due to the decline in the value of money but, also, with a more realistic view to present-day circumstances. To elucidate this latter expression, I would mention that the reserve which may be accumulated to meet shortages in outturn has been increased from a maximum of $40,000 to a maximum of $200,000. Also, the penalty for infringing the concessional rights of the company has been increased from $200 to $1,000.

Nevertheless, the penalty for offences in relation to polls of growers has not been increased but merely converted from pounds to dollars, namely, $40.

The general power to make regulations involving penalties will enable a maximum penalty of $200 instead of $20.

Before proceeding further, I think it may be useful, for the information of members who are not directly concerned with the operation of C.B.H. to make a brief review of the existing position.

The company may be described as a growers' co-operative service organisation entirely owned, controlled, and financed by the grain growers of Western Australia and, for these, it provides a service in handling grain from point of receival to ultimate destination within the State.

Ownership of the co-operative is secured to the growers by a system which provides for control and finance as well as ownership.

For instance, in respect of each bushel of grain delivered to the co-operative, the grower contributes an amount of 5c per bushel as a toll. This toll is composed of two portions known as the foundation toll and the port equipment toll. In respect of the first $2 worth of toll contributed, the grower receives an ordinary share in the capital of the company and a debenture for the remainder of his toll payment.

Shareholding is confined to growers only and at the date of the last balance sheet issued by the company—namely, the 31st October, 1966—there were 14,802 shareholders. Under the Articles of Association of the company, no shares may be issued to other than active grain growers as I have already indicated. The shares themselves are not transferable and do not carry dividends. Provision is made whereby should a grower cease to grow grain for two seasons in succession, his share is surrendered to the company for a face value

of $2. This ensures shareholding is a clear indication of being a grain producer.

There is the further requirement that the directors of the company must be shareholders. The present board consists of nine directors, two of whom are elected annually and the remaining director in the fifth year, with each director serving a five year term. This further emphasises that the company is in the hands of active growers of grain.

The amount of toll remaining after deduction of $2 for the share is devoted, as provided by the Act, towards capital expenditure and towards repayment of moneys borrowed for such purposes.

It will be appreciated from the foregoing that the system provides a revolving capital fund contributed by growers who are actual users of the system.

The company is presently making arrangements to borrow finance to carry out the construction of additional storage necessary to accommodate an expected increase of 50 per cent. in the amount of grain which will be handled over the next five years. Members should realise that the quantity last year was approximately 104,000,000 bushels and, with favourable seasonable conditions, this year it could be approximately 130,000,000 to 135,000,000 bushels.

This increase entails also the provision of greater handling speed at terminals. This is something which should be appreciated. Members can understand the situation which prevailed a few years ago in connection with handling at sidings. If the same system prevailed today it would not be possible to deal with half of the grain, because of the slowness of the system.

In respect of this proposed loan raising, the company, in order to be able to satisfy the lending authorities that it will be in a position to guarantee repayment, requires a necessary authority to raise the toll in the event of this being found necessary. This proposal to increase the toll was submitted recently to farmers in the form of a referendum. Of the voters 58.6 per cent. voted in favour of the proposal—2,811 for and 1,983 against—and I can inform members that it is not the intention of the company to raise the toll unless the directors are convinced of its absolute necessity.

Other significant changes included in this measure are the widening of the definition of a bin, so as to bring the receiver of grain away from a railway line within the ambit of the legislation. This aspect is not covered under the Act at present.

The definition of a miller is being widened to include those who use or process grain to cover the present situation in relation to coarse grains.

A grower's representative has been defined in accordance with present-day needs when so many of a grower's dealings with the company are carried out by his representative.

In clause 8 is a provision whereby members of marketing boards may serve on the directorate of the company. Up to the present they have been debarred.

In clause 16 will be found means for ascertaining a value for grain, which is not available under the Act now in operation.

Ministerial direction to the company to install facilities has been made more realistic in clause 21. At present the Minister has the power only in relation to a railway station or siding where the average annual receival over the preceding five years has been 20,000 bushels. There have been no such places for many years past. The amendment proposed in this clause will empower the Minister to order the company to install facilities at any point more than 25 miles from an existing facility, when satisfied that the average annual receival can be expected to exceed 200,000 bushels for at least five years.

Clause 36 has reference to weighbridge tickets and warrants. At present the company is required to issue a warrant on receipt of wheat. However, only weighbridge tickets have ever been issued on receipt, the warrants being issued later. This amendment gives statutory acknowledgement of this custom and approves the issue of the weighbridge ticket on receipt, later to be followed by the warrant.

Clause 39 grants the company sole right to receive grain in bulk at any point within the State. The present exceptions of a grower transporting not more than 10 per cent. of his crop and a miller receiving premium wheat are maintained.

Under clause 42, the Bill makes it mandatory for the company to receive all grain whatever its condition—an aspect to which I referred earlier—but it may defer the receival of inferior grain or permit its receival at a point other than the place tendered. In these matters provision is made for overriding control by the Minister.

In clause 43 are encompassed the difficulties at present being experienced in relation to appeals over assessments of dockage. This clause provides for the present system known as the "S" system, developed by the company for assessment of difficult or complicated dockages at its head office. There is provision for appeals to either the Department of Agriculture or to the company. It is provided also for detailed procedures to be prescribed by regulation—a course that will enable the machinery to be adapted to circumstances existing at the time.

Clause 51 provides for operations by the company when, as at present, there are State and Commonwealth laws providing for compulsory marketing. Paragraph (a) of this clause is in the present Act but paragraphs (b), (c), and (d) have been

added. These additional paragraphs provide for the issue of documents required by the relevant marketing authority instead of warrants, the replacement of the Shippers' Delivery Board, and the matter of remuneration. Broadly speaking, this clause recognises the situation as at present existing.

Clause 52 provides for the receival of crops other than those compulsorily acquired.

Finally, there is the clause providing a general penalty to cover provisions of the Bill for which no specific penalty has been provided.

Reverting to clause 6, I might add before concluding that, in relation to the procuring of a bond, this clause provides for the Minister to require the company to enter into a bond. Existing provisions in this direction are considered to be somewhat unrealistic, having the appearance of operation in perpetuity with no escape for the surety—called the obligor—whether the company pays the premium or not.

Apart from the amendments and alterations which I have outlined, members will find that the remainder of the measure is in conformity with the existing provisions of the Bulk Handling Act. I commend the Bill to members and should it meet with their concurrence, it is proposed that the Act, when passed, will come into operation on a day to be proclaimed.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [3.42 p.m.]: I move—

That the Bill be now read a second time.

This brief measure amends sections 13 and 20 of the Education Act. Section 13 of the Act makes provision for the compulsory attendance at a Government or efficient school of children within certain age groups.

Members may recall an amendment to this section, which was passed last session, for the purpose of permitting a child, with ministerial approval, to leave school earlier than the age stipulated in the section where it is necessary for him to do so in order to engage in employment. A similar provision was made also to enable a student, having completed three years of secondary education or an equivalent course, to leave school for the purpose of undertaking full-time education in a vocational course other than at a Government or an efficient school.

The amendment contained in clause 2 of this Bill provides that, where a child wishes to be exempted from attendance at school for a period during which he intends to engage in employment of a nature that is related to his education at the school he attends, and where the principal of that school is satisfied that the engaging by the child in that employment for the proposed period would be in the best interests of the education of the child, then, in that case, the Minister may exempt the child from attendance at school for such period as is specified in an instrument of exemption granted by the Minister.

There is the further provision that such exemption, notwithstanding that the period specified in it has not expired, may be revoked at any time by the Minister. Unless it is revoked, it expires upon the expiration of the period specified or when the employment, with respect to which it was granted, comes to an end, whichever occurs first.

The object of this proposal is to permit headmasters or principals to allow certain classes of students to avail themselves of work experience as part of the curriculum.

1 instance Kent Street Senior High School, where, in co-operation with the local Rotary club, new courses, which included experience in the work situation for non-academic students, were introduced last year. The students taking these courses are offered a choice of a wide variety of occupations, such as those available in shops, offices, warehouses, and factories, and are employed for short periods under normal working conditions in the occupation of their choice. This has been somewhat in the nature of an experiment, and has proved to be successful in the stimulation of interest in prevocational courses and the equipment of students for job opportunities available on their leaving school. The experiment has had the effect also of interesting employers to the extent that offers of employment are made to a number of students.

Headmasters of many other schools in both the metropolitan area and in country centres desire to proceed with similar courses as soon as they can be implemented. Indeed, the work experience programme will form part of the new high school certificate course; it being envisaged that students in the second and third years would have one week of work experience each term. During their employment, they would be under award conditions and rates of wages, but there is one major obstacle to be overcome in the introduction of this programme.

Under the Factories and Shops Act, employment of a child not of school-leaving age is precluded unless he has been exempted from school. Also, in order that students be properly covered by the provisions of the Workers' Compensation Act, they must be employed legitimately. As earlier indicated, the Minister was empowered under the provisions of the 1966 amendment to exempt a child from the age of 14 under certain conditions, but this exemption is permanent and cannot be withdrawn.

The amendment contained in the Bill will resolve these difficulties enabling an exemption to be granted for a period during which a child is engaged in employment of a nature related to his education at school, and the period will be defined in the exemption.

The second amendment has reference to the education of the blind, deaf, mute, cerebrally palsied, and mentally defective children. These references are contained in section 20 of the Act, and in subsection (1) is stated the duty of a parent of such defective child to provide efficient and suitable education for the child from an age to be determined in each case by the Minister, and until he attains the age of 16 years.

Subsection (2) contains the provision that, if the parent of such child is unable to provide such education, he must give notice in writing to the Minister of his inability to do so and shall, from such date as is specified by the Minister, send the child to such institution as the Minister directs.

It is not intended to interfere, through the introduction of this measure, with any of these provisions.

Subsection (2) further provides, however, that the parent shall pay such periodical sum towards the cost of the education or maintenance and education of the child at the institution, as is agreed between him and the Minister.

The amendment contained in clause 3 of the Bill deletes this passage, and hence the provision requiring the parent of a handicapped child to pay for its education.

The Minister for Education, when introducing this measure in another place, expressed the belief that the provisions under which the department may require a parent to bear the cost of educating his handicapped child were a carryover from the past; adding that they were not now enforced and their retention in the Act tended to give a false picture of the position, which it is desired to rectify.

Debate adjourned, on motion by The Hon. J. Dolan.

Sitting suspended from 3.48 to 4.6 p.m.

IRON ORE (NIMINGARRA) AGREEMENT BILL

In Committee.

Resumed from the 13th September. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 6: By-laws—

The DEPUTY CHAIRMAN: Members will recall that progress was reported after clause 6 had been partly considered.

The Hon. F. J. S. WISE: When progress was reported we were debating the issue I raised as to the position of these agreement Bills when contracting out of certain legislation; and in particular the effect of nullifying the provisions of section 36 of the Interpretation Act. I think the Minister conceded that while the Government thought it right to draft this sort of legislation, I did have a point of view to which I was entitled.

The Hon. A. F. Griffith: I never doubted that.

The Hon. F. J. S. WISE: I hold the view I do very strongly. When by-laws are made by a company, with the sanction of the Governor in Council, they may be tabled in Parliament and scrutinised, but here section 36 of the Interpretation Act—or that part of it which deals with the disallowance—is specifically mentioned as not applying; it is contracted out.

It is of no use my delaying the Committee, because though I am conscious of the fact that I always regard it as the right of Parliament to amend a Statute or disallow a by-law, I do concede that if any Government found anything objectionable in the light of the circumstances obtaining, a Bill could be introduced to nullify the effect of the by-law, even though it were not disallowable. It would be extraordinary if that were ever necessary. Although we may disagree with certain concessions, as distinct from privileges, in these agreements; and although we may disagree with some arrangement made with certain parties under the agreements, it would be most unusual if a succeeding Government did anything to break a contract which was previously entered into.

I know I am arguing against myself, and I repeat that I feel very strongly that this provision should not be in the Bill, but it is of no use my trying to take it out, because I would not succeed. If anything dreadful did happen, Parliament would decide the course of action to take; it would not be decided by political parties or by Governments.

The Hon. J. DOLAN: I am interested in these agreements, and I am in line with the action it is proposed to take. I thought I would like to see whether I could find a basis for comparison between the agreements made by this Government and those made elsewhere. To satisfy my curiosity I secured a copy of the Iron Ore (Savage River) Agreement of Tasmania. I studied it to see whether it contained anything similar to the agreement before us.

The Hon. F. J. S. Wise: The Tasmanian agreement is even more generous in some particulars.

The Hon. A. F. Griffith: Indeed it is.

The Hon. J. DOLAN: I agree with that, but I would like to refer to some of its clauses which appear to conflict with the provisions in the Bill. I am merely seeking

information, so that I will be perfectly clear in the matter.

The Hon. A. F. Griffith: It is quite easy for the two agreements to conflict, particularly when one is made here and the other elsewhere.

The Hon. J. DOLAN: I would like to know why it is not possible to blend the aspects of the two agreements in question. The laws of Tasmania are to apply to the lessees. If there are any disputes the warden's court has jurisdiction to hear such disputes and determine them. The Lands Clause Act does not apply in connection with the ratifying of that legislation. The lease of the area was granted under the Mining Act of Tasmania. If the company there did not live up to the obligations mentioned in the agreement the right was vested in the Minister, after 30 days' notice, to terminate the agreement. So in Tasmania the Minister has full control. I think both agreements contain a clause that there can be no alteration of any kind unless there is agreement between the Minister and the lessees. I would like the Minister for Mines to comment on these aspects.

The Hon. A. F. GRIFFITH: To be quite truthful I have not studied the Savage River agreement.

The Hon. F. J. S. Wise: There is one in the building.

The Hon. A. F. GRIFFITH: I am making the point that I have not studied it. The circumstances of the establishment of the Savage River project were different from the circumstances regarding the potential establishment of this industry. At Savage River the deposit was known to exist in a certain place, and there was deep water a certain distance away. All the fairly positive things about that agreement were known before the agreement was entered into.

The Hon. J. Dolan: In other agreements, say in regard to Mt. Tom Price, where these things were known, is this sort of clause in the agreement?

The Hon. A. F. GRIFFITH: There is a similarity between this agreement and the Cleveland-Cliffs agreement.

The Hon. F. J. S. Wise: They are not so specific, nor can they be.

The Hon. A. F. GRIFFITH: That is correct, but they are so similar as to be not dissimilar. This agreement covers a fairly large area of ground. Might I say that the Hamersley agreement also covered a fairly large area of ground. Initially that company was perhaps more forward in its prospecting than were the other companies. There are some differences between this agreement and the Hamersley agreement, but it is similar to the Cleveland-Cliffs agreement. Attached to this agreement is the possible existence of a ferro manganese plant. Therefore, there are many imponderables about this agreement at this point of time.

The Hon. F. J. S. Wise: We do not know where the port might be.

The Hon. A. F. GRIFFITH: We know where the Government would like it to be, and that is the direction in which we will steer. We do not know where the towns are to be located, and we do not know where the railway is going to be.

I would like members to accept this agreement in the spirit that it is something entered into in good faith by the Government and the company, and both parties want to see the agreement reach the point of fruition. If there are to be any changes in the agreement, and if the company is to make any by-laws, agreement will first have to be reached with the Government. We have two parties working together in relation to all the clauses of the agreement; both as regards undertakings by the State and covenants by the company.

I am not suggesting the Bill containing the agreement is being treated with suspicion, but it must be accepted with an openmindedness in the hope that the target set out in the agreement will be reached. The point made by Mr. Wise is a very valid one. Last night I heard Parliament referred to as "the highest court in the land." I doubt the correctness of that statement; but this Parliament is certainly the custodian of Acts that Parliament passes, and it would be quite competent for any change to be made by any future Parliament, led by some Government. If the position is ever reached where things get out of hand, surely someone must step in and do something; but, as Mr. Wise has said, that is a very unlikely state of affairs.

I conclude by saying that the Cleveland-Cliffs agreement is almost identical with this one. The variation clauses in the two agreements are almost the same, excepting the type of industry covered by the Cleveland-Cliffs agreement is different from the industry covered by this agreement.

The Hon. J. DOLAN: I would like to thank the Minister for his explanation. My queries were not critical; they were just academic. I wanted to resolve things in my own mind.

Clause put and passed.

Schedule—

The Hon. F. J. S. WISE: I draw the attention of members to paragraph (k) of clause 9, page 27; and also to clause 15, page 45, which refers to many things that may be varied.

My first point is in regard to royalties. I think they are expressed in more than one place in this agreement. Does the variation clause permit of a variation of royalties?

The Hon. A. F. GRIFFITH: I think the way the variation clause is written would permit of an alteration to the royalties, but I think it very unlikely that such would take place for the very sound reason that we have a number of similar agree-

ments which this Parliament has ratified. If any of the parties saw fit to use the variation clause to alter royalties, I should imagine that other companies would waste no time in bringing this to the notice of the Government of the day. Somewhere in this agreement, and in others, there is a clause about "favourable treatment." One company will not receive treatment more favourable than another. Speaking from memory, I think I had to introduce a Bill into this Chamber a couple of years ago to give the same treatment to a company that had already entered into an agreement with the Government, as was given to another company.

I think the only time royalties could be affected would be if the state of the industry was such that an alteration was necessary to enable it to carry on. In that case, the Government of the day might have to contemplate a reduction of royalties. The state of the industry could mean that the supplies of iron ore and steel were at a low ebb and some action might be necessary to enable the industry to carry on. I do not think anything of this nature would take place unless by arrangement between the parties, because everybody would know the state of the economy. As far as I am aware there is little chance indeed that the variation clause will be used for the express purpose of deliberately taking away from the State income which it receives as a result of this agreement.

The Hon. J. DOLAN: I notice that the companies concerned in the Savage River agreement are registered under the laws of the State of Delaware. Is the State of Delaware a State where mining companies are registered, or is it just a coincidence?

The Hon. A. F. GRIFFITH: I could not specifically answer that question; but this company is incorporated there, and it must be registered in Western Australia. I do not think all companies are registered in the same place in America. As a matter of fact, I am certain they are not.

The Hon. H. K. WATSON: The answer to the question raised by Mr. Dolan is that for taxation and other purposes American companies find Delaware a good place to register, just as many Australian companies find Canberra a good place to register.

The Hon. F. J. S. WISE: I think the Minister said it may not be necessary to use the variation clause, but currency values could affect royalties and their value to the Crown. I do not know whether this sort of legislation is referred to a trade practices commissioner to ensure that there is no unfair treatment, collusion, and so on.

It seems to me that the variation clause gives unlimited authority to vary anything by mutual agreement, and that must include royalties. We can do nothing about this but I think some information from the Minister would help. I would also like the Minister to give us some further information on labour conditions, and to what extent the labour conditions under the Mining Act are not to apply. Does this condition refer only to manning, or does it also affect other conditions regarding labour provided for under the Mining Act.

The Hon. A. F. GRIFFITH: I think the paragraph is pretty clear. It reads as follows:—

> (i) that during the currency of this Agreement and subject to compliance with its obligations hereunder the Company shall not be required to comply with the labour conditions imposed by or under the Mining Act in regard to the mineral lease.

In the case of a mineral lease, the Mining Act states that there shall be employed one man per six acres, with a minimum of two men. The mining lease, or leases, taken up by this company can be to a maximum of 300 square miles. Contained in that 300 square miles is an area which, under the conditions I just mentioned, would require 30,000 men to be employed. This, of course, is quite impracticable, and therefore the agreement relieves the company of the necessity to employ those men.

The Hon. F. J. S. Wise: That is the only principle involved?

The Hon. A. F. GRIFFITH: As far as I am aware. I am frequently allowing relief from labour conditions. Where a person has not been relieved from labour conditions it is possible for someone to move in and jump the claim. Without this provision the company concerned in this Bill might find itself in that position. It would be impracticable to employ 30,000 men over an area of 300 square miles.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ELECTORAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. R. THOMPSON (South Metropolitan) [4.35 p.m.]: I can see some worth-while features in this amendment to the Electoral Act. Some of them have been put forward by the Labor Party over many years. All our desired amendments are still not incorporated, but I can see we are steadily moving towards the time when we will have a consolidated Commonwealth-State electoral roll. We have not reached that stage yet, but I feel common sense will prevail, and possibly in the future we might see this most desirable aspect incorporated; that is, where one roll will

suffice for both Commonwealth and State elections.

The Hon. A. F. Griffith: Let me disabuse your mind; there are real practical difficulties.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I do think other changes could have been made in this legislation. Those changes have been advocated by members of the public and by the Labor Party over a number of years. The principal change is to have the party designation of a member on the ballot paper. This would be a most acceptable policy and would bring much credit to the party which brought it before Parliament and had it passed. The people would then go to the polls and would know for whom they were voting, instead of having a maze of how-to-vote cards.

I do not think it would favour any political party. At State elections we find it is usually the candidates for whom the electors are voting; whereas on a Federal issue it is totally different. In a Federal election, foreign and other policies are taken into account.

Another criticism I have to offer is that I feel there should be a substantial increase in the deposit paid when nominating for election to Parliament. All other costs have risen and if a person is sincere he will be prepared to outlay a certain amount of money as a deposit when seeking election.

The amount should not be prohibitive but it should be made sufficiently high to stop a person from entering an election campaign just for the nuisance value of nominating. We do not want a man to enter just to be a nuisance. We want him to be sincere. If he does not get sufficient votes he will lose his deposit and I think that is fair enough when we consider that he is standing for election to the highest court—Parliament.

The Hon. V. J. Ferry: You do not want him to lose his deposit?

The Hon. R. THOMPSON: No; not if he gets the required number of votes. I do not think such a move would in any way affect the legitimate parties which put up candidates for election to Parliament. I can recall one chap—I do not know whether he is still alive—who in his lifetime contested 29 elections for Parliament. He used this as a ruse to dodge taxation. He was not sincere and I think each time he lost his deposit. He put other candidates to a great deal of expense because they still had to organise their campaigns and work hard and spend a lot of money. That person would nominate and lose his deposit, but he would recoup a great deal of money by charging himself for printing costs.

The Hon. L. A. Logan: Perhaps he was working on the principle that if he nominated enough times one of the candidates would die before the election.

The Hon. V. J. Ferry: If the deposit were raised you would still not deter that candidate.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I think a good deal of the nuisance element would be removed if candidates had to put up a substantial deposit; but it should not be made so prohibitive as to deter a genuine person who wanted to contest a seat. That is not my intention at all. The fee should be raised to a sufficiently high level so that the people to whom I have referred will be deterred from making nuisances of themselves and putting the electors to a lot of inconvenience by forcing them to vote when it is not necessary. I hope the Government will keep this matter in mind and, if it is still in office next year, amend the legislation to raise the deposit to a substantial figure.

Clause 7 of the Bill deals with a person who, through physical or mental incapacity, or mental disorder, fails to enrol for an election. The Chief Electoral Officer has to be satisfied that such failure was in consequence of physical or mental incapacity at the particular time. There may be good reason for this provision in the Bill, but I would like to know how the Chief Electoral Officer will satisfy himself with regard to the person failing to enrol. My thoughts are that there should at least be a certificate from a doctor, a minister of religion, or a close relative. One of those people should make application for exemption from enrolment because of the particular person's condition. Probably there is an answer to that.

I have an amendment on the notice paper to clause 8. I am in complete agreement with the clause but I think it needs tidying up a little where reference is made to the Chief Electoral Officer being satisfied. I have no complaint with this clause. As a matter of fact, on my office table I have details of a case where a person was totally incapable of voting, or of going to a polling place. It is a Commonwealth case and I will refer it to the Commonwealth department concerned. I think the one in the Bill is a good provision but by the same token I have an amendment on the notice paper so that the clause will read "Where the Chief Electoral Officer is satisfied upon substantial proof being provided. "

I do this for a very good reason. Many of us know that in "C"-class hospitals—of which there are many—one is not welcomed by some of the people who control those hospitals. A member can go to one of these institutions, at the request of a relative of an inmate, to take a sick or a postal vote; and generally he is pushed out of such a place. I can see some danger in the clause unless substantial proof is produced to show that the Chief Electoral Officer is justified in removing the name of any elector from the roll.

A position could arise whereby a matron of a "C"-class hospital who does not wish to be bothered with assisting her patients to record a sick vote could write to the Chief Electoral Officer on behalf of every inmate in the hospital and say, "These persons are not capable of voting." In many instances, of course, such people are quite capable of recording a vote. Some aged people may be infirm to a degree that they need someone to look after them, but their mental faculties are still sound, and they are very keen to record their votes. Therefore, when the House goes into Committee, I hope members will give favourable consideration to my amendment which appears on the notice paper because it will afford some safeguard for the Chief Electoral Officer.

Substantial proof that an elector is not capable of recording a vote could be provided by a doctor, a minister of religion, or a relative. This would be preferable to a matron in charge of a "C"-class hospital deciding which of her patients were capable of recording votes.

I intend to move other amendments to clause 10 which seeks to provide that a candidate in any election may withdraw his nomination by giving notice in writing to the returning officer not later than 12 o'clock noon on the day of nomination. The amendments I propose are in line with the relevant provisions contained in the Local Government Act. If agreed to, they will bring both Acts into line. I cannot agree with the clause as printed, particularly the last two or three lines where it states the deposit lodged with the nomination shall be returned to the candidate; that is, provided he submits notice in writing of the intention to withdraw his nomination within the time specified.

As the provision in clause 10 is an improvement on the existing section, it is most desirable. In effect, section 82 of the Act provides that a candidate can withdraw his nomination at any time within seven days of polling day. Under the clause in the Bill a candidate has the opportunity to withdraw his nomination at any time right up to 12 o'clock noon on the day of nomination. My amendment seeks to line up the provision in the Bill with the relevant section in the Local Government Act. Although nominations close on a Friday a candidate is given 72 hours in which to withdraw his nomination for the forthcoming election. With State elections, the usual practice is for nominations to close on the Friday.

It would appear I am arguing against myself in view of what I have already said. If my amendment is agreed to it would give a candidate 72 hours in which to withdraw his nomination, which is the time specified in the Local Government Act. However, I still maintain that his deposit should be forfeited to the Crown.

I am in complete agreement with the other clauses in the Bill. Most of them seek to tidy up the Act and to rectify anomalies in or omissions from previous measures. For example, one of the clauses seeks to alter the title of Inspector General of the Insane to the Director of Mental Health Services. The Bill also seeks to bring the enrolment qualifications into line with those provisions contained in the Commonwealth and New South Wales legislation. I give my general approval to the Bill, but at this stage I wish to mention that, in the Committee stage, I will move the amendments I have on the notice paper.

Debate adjourned, on motion by The Hon. H. C. Strickland.

EVAPORITES (LAKE MACLEOD) AGREEMENT BILL

Second Reading

Debate resumed from the 7th September.

THE HON. E. M. HEENAN (Lower North) [4.51 p.m.]: Firstly, the Bill seeks the approval of Parliament to an agreement made on the 16th February, 1967, between the State of Western Australia and Texada Mines Pty. Limited, a company incorporated in 1961 under the Companies Act, and having its registered office at 97 St. George's Terrace, Perth. The agreement relates to the production of evaporites at or near a place called Lake MacLeod.

Secondly, the Bill seeks to provide that section 96 of the Public Works Act shall not apply to any railway constructed by the company, and that subsection (5) of section 257 of the Mining Act shall not apply to any renewal of the rights of occupancy granted pursuant to the provision contained in paragraph (a) of clause (2) of the agreement.

Thirdly, the Bill provides that the Governor may, on the recommendation of the company, make or alter any by-laws in accordance with the provisions of the agreement. As I have already stated, the agreement relates to the production of evaporites at or near Lake MacLeod, about 30 miles due north of Carnarvon. It is a spacious inland depression, which, in some remote far distant era, was an arm of the sea. It is about 80 miles in length and has an area of some 800,000 acres, all more or less devoid of vegetation.

To all intents and purposes, therefore, it is a vast unattractive wasteland and, in the past, has been accepted as such. However, like the toad of which Shakespeare has written, although ugly, it apparently contains not a precious jewel in its head, but within its wide reaches something very rich and precious; something which is in short supply in this country, and something which is essential to the enrichment of the vast agricultural lands of Australia; namely, potash.

It has transpired therefore, from the skilled research of geologists who, in recent years, have discovered so many rich mineral deposits in this State, that this apparently useless area can prove to be of great value. It is important to bear in mind, as the Minister pointed out, that at present all of Australia's requirements of potash are imported. In the year 1955-56, the Minister stated that 75,000 tons of muriate of potash were imported at a cost of approximately $2,500,000.

It has also been estimated that, by 1970, 100,000 tons of potash per annum will be imported into Australia, and 200,000 tons will be imported by New Zealand. Japan, a country with which our future economic destiny is closely allied, also imports vast quantities of potash. It will be appreciated, therefore, that if the latent deposits of Lake MacLeod prove to be as rich as anticipated by the experts, and can be developed along the ambitious lines proposed by Texada Mines Pty. Limited, a great contribution will be made to the economy of this country, to the development of Western Australia, and especially to the district of Carnarvon.

In support of this view I refer to the Minister's statement that it is estimated the production of potash by the company will amount to 200,000 tons per annum, plus a by-product of 3,000,000 tons of salt per annum. The State will receive a royalty of 50c per ton on the potash production. A royalty will also be payable on salt which may be marketed, although it would appear from the agreement that the company has no immediate plans for the marketing of salt.

The agreement provides that the company will be obliged to submit to the State proposals for the development of the potash deposits, the provision of wharves, townsite areas, proposed housing and water supplies, and satisfactory evidence of the availability of finance. Upon doing all this, the company will be entitled to lease an area of 550,000 acres for a term not exceeding 63 years. The company will also be obliged to provide wharf facilities, railways, roads, and an airstrip.

Clause 9 of the agreement, which covers six pages, provides that the company shall comply with numerous, fairly rigid conditions. In my view, this ensures that the rights of the State are protected and the company complies with the letter and the spirit of the agreement. It is also interesting to note that the company has the right to lease 150 lots in the town of Carnarvon for the erection of houses for its employees. All houses will be built by the company at no cost to the State.

It is obvious that a scheme of the magnitude proposed will have to progress by stages, and no doubt a great deal of further research and planning by geologists and engineers will have to be carried out. However, all great enterprises have to proceed along these lines. An appropriate example was illustrated in the film which was shown at Parliament House last evening. This film gave eloquent proof of the marvellous work carried out by Wapet in establishing a commercial oilfield at Barrow Island. The accomplishments of the geologists, engineers, workmen, and all associated with the scheme evoke, I am sure, our highest admiration; also the courage of the company in spending vast millions of dollars in the highly risky search for oil deserves the greatest commendation. Surely no-one will begrudge such a company reaping any of the rewards which will come its way.

Similar remarks could be applied to the Western Mining Corporation for its accomplishment at Kambalda; and no doubt to other companies which are playing such an important role in the development of industries in far-distant portions of the State. It is to be hoped, therefore, that the Texada Company will succeed completely in this project at Lake MacLeod. I wish it well, and I sincerely hope that all of its hopes and goals will be achieved.

As regards the provisions absolving the company from complying with certain Acts, there are valid arguments for and against. In my experience the fundamental element in any agreement is its spirit. I therefore express the hope that in this case the spirit of the agreement will be carried out in its entirety to the benefit of both parties. I have pleasure in supporting the Bill.

THE HON. C. R. ABBEY (West) [5.3 p.m.]: I wish to comment briefly on the Bill before the House, one of the main reasons being that I found the speech of the Minister to be extremely interesting. His explanation of the investigations which have been carried out in, and of the geological features of, this area was enlightening. If we can always have as interesting a presentation during the second reading debate of a Bill, then I am sure the attention of all members will be retained.

The possible production of sufficient potash to supply the agricultural needs of this State—and this company's investigations indicate that the production of potash is worth proceeding with—will have a marked effect, coming in line with other developments, such as the establishment of facilities by CSBP to enable sufficient nitrogen to be produced for use in this State. In line with such development it is encouraging to think that Western Australia can become self-sufficient in the products I have just mentioned.

I express the hope that in the near future several of the trace elements which at the moment are deficient—I have in mind copper in particular, and several other minor elements used in the produc-

tion of fertilisers—will also be produced in Western Australia. I hope that in the not too distant future further agreements will be reached to enable Western Australia to become self-sufficient in these items.

I expect that development of the known deposits is proceeding as quickly as possible. I hope that some prospect exists for us to find a more worth-while copper deposit than the existing one, and to find other minerals which are required for mixing with superphosphate. In this State there is a very large usage of copper, and development of new deposits should be given greater attention.

These agreements, coming one after another, make us realise—if we need to be reminded—the terrific pace of development being undertaken in Western Australia. I congratulate the Minister, in particular, for the great part he has played in negotiating agreements for the development of our State; and in having the required investigations made. With those comments I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.7 p.m.]: Briefly I would like to say that I appreciate very much the remarks made by Mr. Heenan and by Mr. Abbey in support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 5.9 p.m.

Legislative Assembly

Thursday, the 14th September, 1967

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (14): ON NOTICE

POLICE FORCE

Natives Employed

1. Mr. W. A. MANNING asked the Minister for Police:

   (1) How many men who could be classified as natives are employed in the Police Force?

   (2) Are many applications for appointment as constables received from natives?

   (3) Am I right in assuming that no differentiation is made between applicants provided the usual requirements are met?

Mr. CRAIG replied:

(1) None.

(2) Within the past two years, one only.

(3) Yes.

THIRD PARTY INSURANCE

Tribunal: Appointment

2. Mr. GUTHRIE asked the Minister representing the Minister for Local Government:

   (1) What parts of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1966, have in fact been proclaimed?

   (2) Has the Third Party Claims Tribunal to be established by section 16 of the Motor Vehicle (Third Party Insurance) Act, 1943-1966, been in fact established?

   (3) If the answer to (2) is "Yes," are claims being dealt with by the tribunal?

   (4) If the answer to (2) is "No,"—

      (a) when is it anticipated that the tribunal will commence dealing with claims;

      (b) what is the reason for the delay?

Mr. NALDER replied:

(1) Sections 1, 2, 6, 7, 8, 9, 19, and 21 were proclaimed to come into operation as from the 1st July, 1967, in the *Government Gazette* No. 39 of the 5th May, 1967.

(2) Yes.

(3) No.

(4) (a) As soon as practicable after the rules and regulations are made in terms of section 20 of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1966, and the accommodation for the tribunal is completed.

(b) The making of the rules and regulations and the completion of the accommodation for the tribunal, as stated in (a) above.

DRUNKEN DRIVING

Stationing of Police Officers outside Hotels

3. Mr. FLETCHER asked the Minister for Police:

   As my question of the 12th September, 1967, suggested policing with a mobile breathalyser not all metropolitan but unspecified hotels at closing time—

   (a) was his negative reply influenced by knowledge of a shortage of police to cope with my suggestion; or

   (b) what other reason motivated the negative reply?