such an abattoir be required to engage an inspector who is qualified to classify carcases?

Mr. H. D. EVANS: In a country abattoir where the use of a full-time board employee can be justified, a qualified inspector will be required to grade the carcases. In the large country abattoirs the appointment of inspectors would be merited. In regard to the situation in Newdegate some other arrangement will have to be made between the board and the abattoir.

It will be an administrative matter the board must determine. An examination will certainly not be made in every small abattoir, and I pointed out that this was not intended in the first place.

Mr. LEWIS: The grower will be obliged to send lambs to Midland and have the carcases sent back to the local butcher; whereas at present they are slaughtered and sold locally.

Mr. H. D. Evans: That is right.

Clause put and passed.

Clause 22: Payment for lambs acquired by Board—

Mr. W. G. YOUNG: In connection with subclause (7) a producer might find that circumstances completely beyond his control preclude him from delivering his lambs on a specified day. Is there any way he can get out of the contract under circumstances such as those which occurred last night at Wickepin? It would have been impossible for the sheep or a truck to be taken into a farmer's yard in that area this morning. I know we must have a clause similar to this to ensure an even flow of stock, but some tolerance should be exercised by the board.

Mr. H. D. EVANS: The assumption of the member for Roe is perfectly correct.

Mr. BLAIKIE: During his second reading speech the Minister said—

> Producers will be paid an equalised price within prescribed grades—

The CHAIRMAN: Order! The honourable member is not permitted to read from *Hansard* of the current session.

Mr. BLAIKIE: The Minister referred to a composite price being paid on an equalised basis for lamb sold on the home and export market. Where is this allowed for in this clause of the Bill? Will the Minister also give the assurance I asked for earlier that producers, providing a product out of season, will be covered also?

Mr. H. D. EVANS: Those points will be covered in the operation of the board. In the fixing of the price, the equalisation of price and the allowing of a premium price for grade and other considerations will be studied. However this is something the board will have to establish.

Clause put and passed.

Clauses 23 to 31 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.02 p.m.]: I move—

> That the Bill be now read a third time.

MR. I. W. MANNING (Wellington) [11.03 p.m.]: I desire to make a brief comment on the third reading.

Mr. Graham: Oh, come on!

Mr. Court: Plenty of time!

Mr. I. W. MANNING: This Bill has gone through without any amendment, but the member for Roe referred to subclause (7) of clause 22 which contains a provision which could be an area of dispute between the lamb producer and the marketing board. I know of similar situations with other boards under which people have ended up in gaol because they did not have a good excuse.

I want to emphasise a point I made earlier; that is, a right of appeal. This legislation contains provisions which could be the subject of dispute and I maintain a right of appeal should be provided. On the third reading I want to emphasise again that the Government made a mistake in submitting this legislation to Parliament without provision for a right of appeal. If it is not too late, I would like a right of appeal to be written into the legislation before it progresses right through Parliament. That is my view.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 11.04 p.m.

Legislative Council

Wednesday, the 24th November, 1971

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

QUESTIONS (10): ON NOTICE.

1. YUNDURUP CANAL SCHEME

Government Guarantee

The Hon. F. R. WHITE, to the Leader of the House:

(1) Whose advice did the Government seek before agreeing to guarantee the $1.7 million loan from the Rural and Industries Bank for the Yundurup Canal Scheme?

(2) What was the advice received by the Government?

(3) Will the Leader Table the advice received?

The Hon. W. F. WILLESEE replied:

(1) to (3) Questions seeking information about matters which are in their nature secret, such as advice given to Cabinet, are inadmissible. See Erskine May's Parliamentary Practice, Seventeenth Edition, page 352.

2. HOUSING

Interest Rate Subsidy Scheme

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) How many housing loan applicants have availed themselves of the Interest Rate Subsidy Scheme introduced by the previous Government?

(2) What are the current conditions relative to eligibility for this assistance?

(3) To whom do intending home purchasers make application for assistance under this scheme?

The Hon. W. F. WILLESEE replied:

(1) Under the interest subsidy scheme Permanent Building Societies have made advances totalling $9,466,055 to 797 home purchasers.

(2) To be eligible to participate in this scheme an applicant must meet the following conditions:

(i) Gross income not exceeding—
in metropolitan area—$4,000 p.a.
in country areas—$4,500 per annum.
in north of 26th parallel—$5,500 per annum.

(ii) require an advance not exceeding $12,500;

(iii) not own another home;

(iv) have a proposition acceptable to a participating building society.

(3) To assist the building industry and help transfer some demand from the Housing Commission, the Government agreed to provide interest subsidy assistance in respect of $10 million only of advances to be made by Permanent Building Societies. This sum is now almost exhausted, but intending home purchasers wishing to obtain the benefits of the scheme should enquire from any of the Permanent Building Societies.

3. FISHERIES

Rock Lobster Industry

The Hon. D. K. DANS, to the Leader of the House:

(1) Was the fishing boat *Charm*, which sank in May, 1970, licensed for 159 rock lobster pots?

(2) Was the entitlement to 123 pots sold to a Mr. B. Morey in June this year when the *Charm* was taken out of the industry?

(3) If so, what has become of the remaining 36 pot entitlement?

(4) Is it a fact that entitlement to rock lobster pots are sold (with departmental approval) for approximately $200 each?

(5) If this is so, would not the original owner of the *Charm* be entitled to sell the 36 pots not sold to Mr. Morey?

(6) (a) How many processing companies or organisations were advised in September of the Department's intention to allow fishermen or groups to buy pot entitlements from boats being taken out of the industry; and

(b) who were these processing companies or organisations?

(7) Does this practice favour companies who have the finance to buy pots?

(8) Did this prior notice to companies some months before the season opened give them an advantage over individual fishermen who may not have been aware of these changes until they appeared in the *Fishing Industry News Service* last week?

(9) Is the Minister aware that some rock lobster fishermen claim there are serious anomalies in the pot entitlements to some boats, and that a re-appraisal is urgently needed?

(10) (a) When were pot entitlements for each boat fixed, and what was the formula for determining each boat's allocation;

(b) would it have been possible for companies or individuals to have added stern counters or similar devices to their boats just before the regulations came in so that they received more pots?

(11) (a) Was a rock lobster boat named *Kangaroo* or *Ross Kangaroo* launched at Fremantle recently;

(b) if so—
(i) what length is it;
(ii) what length was the boat it replaced; and
(iii) who is the owner?

(12) When the pot entitlements for the boat *Rocky* were being split recently, did the Department order the owner to sell them to one man, and if so, why?

The Hon. W. F. WILLESEE replied:

(1) Yes.

(2) No. The fishing boat *Beatrice*, with a pot entitlement of 123 rock lobster pots, was licensed in the name of B. Morey as a replacement for the fishing vessel *Charm* which had sunk. The licensee of *Charm* had advised the Department in writing that he forfeited all lobster fishing rights in respect of the fishing boat *Charm*.

(3) Each boat is permitted a maximum of three rock lobster pots per foot of registered boat length. When a smaller boat replaces a larger boat, the total number of pots in the fishery is reduced.

(4) Not as a direct sale of pots. If a person desires to take a rock lobster vessel completely out of the rock lobster industry the Department may approve a redistribution proposal.

(5) No.

(6) (a) Ten together with all those fishermen who communicated with the Department in relation to additional pot allocations as invited by the Minister in an article appearing in *F.I.N.S.* in December, 1970.

(b) Bay Fisheries Pty. Ltd., P.O. Box 10, Tuart Hill.
Crayboats Co-op Pty. Ltd., c/- F. A. Jones & Associates, P.O. Box 39, Fremantle.
Fremantle Fishermen's Co-op, Marine Terrace, Fremantle.
Geraldton Fishermen's Co-op, P.O. Box 343, Geraldton.
Golden Gleam Fishing Processing Co., P.O. Box 285, Geraldton.
Messrs. James Bowes Pty. Ltd., 44 St. George's Terrace, Perth.
M. G. Kailis (1962) Pty. Ltd., Mews Road, Fremantle.
Markwell Ross Fisheries, 7 Cleaver Street, West Perth.
Seafarer Industries Pty. Ltd., 88 Pt. Walter Road, Bicton.
Tropical Traders Ltd., 96 Queen Victoria Street, Fremantle.

(7) There is no discrimination in favour of companies.

(8) *F.I.N.S.* was scheduled for distribution to industry on September 30. However, printing delays over which the Department has no control caused the issue to be late.

(9) Yes. I am aware of the claim by some rock lobster fishermen, but believe that the present method best meets the situation.

(10) (a) 1963. Three pots per foot of boat length as then licensed.

(b) Yes. This was one of the reasons why further restrictions were introduced in 1965.

(11) (a) Yes.

(b) (i) 42 feet.

(ii) She replaced two boats, the *Grimsby* and the *John Charles* which had pot entitlements of 96 and 54 respectively. The new vessel has a pot entitlement of 126. Ministerial approval for this type of pot re-distribution was given in *F.I.N.S.* in June, 1971.

(iii) The vessel is licensed jointly in the names of Markwell Ross Fisheries Pty. Ltd. and C. J. Starr.

(12) No.

4. HOUSING

Assistance to Home Purchasers

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) Did the Premier, in his policy speech or during the general election campaign, promise that he would introduce measures that would reduce the repayments of home purchasers by approximately $5.00 per week?

(2) If so—

(a) what were the details of the promise; and

(b) what progress has been made towards the fulfilment of the promise?

The Hon. W. F. WILLESEE replied:

(1) and (2) Labor's policy contained the following relevant passages—

"There is undoubtedly a strong case for the statutory control of interest rates in Western Australia. We believe we can fairly effect a reduction in interest rates on all home building loans obtained from building societies by amounts ranging from ¾% to 1½% per annum."

"We shall amend the State Housing Act to enable the interest subsidy scheme to operate within the framework of the proposed maximum interest rates to be prescribed by statute."

"We shall introduce legislation to control interest rates as has been done in Queensland and New South Wales and this will result in the saving of thousands of dollars to every home buyer who has obtained his loan from a building society. The legislation will have application to existing loans as well as new loans."

"Legislation similar to that which applies to many lenders will be introduced to prohibit the inflation of interest charges by the pre-dating of interest and imposition of premiums."

An inter-departmental committee which has consulted with representatives of building societies, has been working on Labor's proposal and a report is expected shortly.

5. TRANSPORT

Dwellingup Area

The Hon. N. McNEILL, to the Minister for Railways:

With reference to my question on the 17th November, 1971, and the Minister's reply, on the subject of road transport and the possible closure of the Pinjarra-Dwellingup railway, I ask—

(1) Did the Minister advise the Murray Shire Council in the letter dated 19th April, 1971, that, and I quote "I will be pleased to arrange for the situation to be re-examined in, say, six months time to ascertain whether it has changed materially"?

(2) If so, does he consider that this constitutes an assurance of a re-examination as suggested in my question of the 17th November?

The Hon. J. DOLAN replied:

(1) Yes.

(2) I agree that this does constitute an assurance of a re-examination, but in respect to road transport policy only. My reply of 17th November, 1971, referred more specifically to a re-examination of the closure of the Pinjarra-Dwellingup railway line concerning which no assurance has been given and which could be re-examined if considered desirable.

6. HOUSING

Allocation of Funds to Building Societies

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) In view of the Minister's answer to my question of the 6th October, 1971, on the subject of the allocation of funds to building societies, to the effect that Western Australia is without statutory appropriation authority to operate a State Home Builders' Account from which advances can be made to building societies, would the Minister please indicate how it comes about that cheques are still being drawn on a State Home Builders' Account at the Reserve Bank?

(2) Would the Minister care to indicate what steps have been taken to ensure that allocations to building societies continue?

(3) Does the Minister appreciate that unless funds are made available without delay it will be virtually impossible to have them all placed and expended before the 30th June next which on past practice would mean that building societies would pay full interest on moneys still undrawn at the 30th June?

The Hon. W. F. WILLESEE replied:

(1) The operation of a State Home Builders' Account as a condition of receiving Commonwealth Housing Assistance Grants relates to new funds available for housing in 1971-72 and succeeding years. The authorities existing under the discontinued Commonwealth/State Housing Agreements continue in respect of the Commonwealth Home Builders' Account set up with funds made available in previous years under those agreements. The cheques referred to by the Hon. Member would relate to operations of the existing Commonwealth Home Builders' Account, which is a revolving fund.

(2) Under the conditions unilaterally imposed by the Commonwealth for the new arrangements, the State must operate a Home Builders' Account as a requirement of eligibility to receive Housing Assistance Grant. The State has decided to meet this condition. Allocations to building societies from a State Home Builders' Account are now a matter of arranging machinery which will satisfy Commonwealth conditions while not disrupting the Housing Commission programme.

(3) Yes.

7. EDUCATION

Eastern Goldfields High School

The Hon. R. T. LEESON, to the Leader of the House:

What is the annual charge to the Education Department to transport students from Kambalda to the Eastern Goldfields High School?

The Hon. W. F. WILLESEE replied:

Based on present monthly rates of payment, the annual charge will be approximately $33,000.

8. RAILWAYS

Employees' Accommodation at Meekatharra

The Hon. S. J. DELLAR, to the Minister for Railways:

(1) What accommodation is provided by the Railways Department at Meekatharra for—
(a) married employees; and
(b) single employees?

(2) Has a recent inspection of the quarters been made, and if so, what was the report on the inspection?

The Hon. J. DOLAN replied:

(1) Accommodation at Meekatharra comprises five houses and two sets of cabins. All these premises with the exception of one vacant set of cabins are occupied by married employees.

(2) No inspection has been made recently but the District Engineer, Geraldton, will inspect these properties on his next visit to Meekatharra.

9. DEPARTMENT OF DEVELOPMENT AND DECENTRALISATION

Regional Officer at Port Hedland

The Hon. W. R. WITHERS, to the Leader of the House:

(1) In view of the reply to my question on the 17th November, 1971, concerning the office of the North West Administrator, will the Leader of the House advise if an officer has been appointed for the regional office of Development and Decentralisation based at Port Hedland?

(2) If so—
(a) who is the officer and what is his status within the State Public Service; and
(b) what is the salary for this position?

(3) If the answer to (1) is "No"—
(a) when will the appointment be made; and
(b) what is the proposed salary?

(4) (a) What past experience in the broad field of northern development is required in the appointee;
(b) how many employees will work under this officer in the Port Hedland office;
(c) where will the office be situated;
(d) will the consultative councils continue to meet under this officer, or will they disband; and
(e) was the position offered to or open to the past Administrator?

The Hon. W. F. WILLESEE replied:

(1) No.

(2) Answered by (1).

(3) (a) Applications are about to be called from within the State Public Service for a Pilbara Regional Officer and an appointment will be made as soon as practicable.
(b) $7,155—1st year plus District Allowance.
$7,385—2nd year plus District Allowance.
$7,615—3rd and subsequent years plus District Allowance.

(4) (a) The service experience of the appointee will be relevant to the duties of the office which necessitates close collaboration with Departmental and other officers with direct association with northern development.
(b) Two.
(c) Dempster House, Wedge Street, Port Hedland.
(d) No, but the consultative councils will continue to function.
(e) No. The Administrator has accepted a position with the Department of Development and Decentralisation on a higher salary.

10. *This question was postponed.*

BILLS (2): INTRODUCTION AND FIRST READING

1. Prisons Act Amendment Bill.

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

2. Motor Vehicle (Third Party Insurance) Act Amendment Bill.

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and read a first time.

POTATO INDUSTRY

Inquiry by Select Committee: Motion

THE HON. V. J. FERRY (South-West) [2.50 p.m.]: I move—

> That a Select Committee be appointed to inquire into and report upon the Potato Industry in Western Australia and to make such recommendations as are considered desirable to encourage greater productivity and expansion of the industry, including processing and export trade opportunities, with view to bringing further benefits to growers and the general public, and that the Select Committee be empowered to utilise the evidence received by a similar committee appointed in the previous session of Parliament.

Members will recall that during the early part of the first session of the Twenty-seventh Parliament this Chamber saw fit to appoint a Select Committee to inquire into and report upon the potato industry in Western Australia. Just for the record, I mention that the motion for the establishment of the committee during the previous Parliament was moved on the 10th August, 1971, and the committee was appointed by this Chamber on the 24th August, 1971. Having been appointed, evidence was taken by the committee at Perth, Spearwood, and Harvey. However, before the committee could complete its work, prepare its findings, and report back to this House, Parliament was prorogued on the 11th October, 1971. It was therefore impossible for the committee to report back to this Chamber on the 4th November, 1971, as had been intended.

Unfortunately, through the prorogation of Parliament the committee was unable to carry out its task of taking evidence, as planned, at centres such as Manjimup on the 15th October, Pemberton on the 16th October, and Albany on the 18th October; nor was it able to visit Busselton on the 22nd October and Donnybrook on the 23rd October in accordance with the arrangements which had been made. It had been hoped, following visits to those country centres to hear evidence from witnesses in the potato-growing areas, to continue taking evidence in Perth and report to the Chamber in due time. I suggest the committee as previously appointed had, at a guess, completed its task to the extent of perhaps 50 per cent.

I hope this House will see fit to support the motion I have moved to appoint another Select Committee along the lines of the previous one to carry on this work and incorporate the evidence taken by the committee established during the previous Parliament. I believe the committee, having been appointed previously by this Chamber, should be allowed to continue its work and report back as originally intended, notwithstanding that Parliament was prorogued and the committee was unable to continue taking evidence with legal backing.

Debate adjourned until Wednesday, the 1st December, 1971, on motion by The Hon. W. F. Willesee (Leader of the House).

MARKETING OF LAMB BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

EDUCATION ACT

Disallowance of Amendment to Regulation 249: Motion

Debate resumed from the 17th November, on the following motion by The Hon. J. M. Thomson:—

> That the amendment to subregulation (4) of regulation 249 made under the Education Act, 1928-1970, published in the *Government Gazette* on the 21st September, 1971, and laid on the Table of the House on the 5th October, 1971, be and is hereby disallowed.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [2.56 p.m.]: I think when I have finished the statement I propose to make in opposing the motion moved by Mr. Jack Thomson the House will be convinced that in this particular instance acceptance of the motion will mean a grave injustice will be done to a considerable number of teachers. Neither the Education Department nor the Teachers' Union can in any way support the move that has been made, and the particular gentleman who claims he would be disadvantaged has, on the contrary, misled the honourable member who has brought his case to the House. I therefore feel that members of the House could not agree to the proposal contained in the motion.

It would appear that Mr. Jack Thomson has been misled, as many others have been, by certain statements made by Mr. Everett and therefore has been persuaded to move for the disallowance of the amendment to regulation 249. None of us likes bringing personalities into matters of regulations with general application but it is necessary to do so in this case because of the action taken by Mr. Everett in this matter.

It should be made quite clear that Mr. Everett is entitled to take all reasonable steps to secure his own advantage, but in this case he has selected those facts which best support his arguments and has completely ignored others, and in circulated material he has made personal attacks on the integrity of certain people. Having examined the facts, I am convinced that personal attacks are not in any way justified, and that the people involved have acted with propriety.

I shall now enumerate the facts, a statement of which I can table, if necessary, so that members may see them at any time.

In the salary determination published in the *Government Gazette* of the 2nd July, 1970, under the authority of the then Minister for Education, provision was made for a restructuring of the relationships between the positions of deputy principals, heads of departments, and officers in charge in the Technical Education Division of the Education Department. These changes were in accordance with proposals made by the Teachers' Union at a deputation to the Director-General on the 8th June, 1970, as recorded on page 367 of the *Teachers' Journal* of September, 1970.

Notice was given in the supplementary issue of *Education Circular* of July, 1970, of the intention to amend regulation 249 so that applicants for promotional positions would be aware of the promotional relationships which would apply in the future. The date of closing of applications for the relevant positions which had been advised in the April circular was extended to the 14th August, 1970, to enable applicants to amend their applications if they so wished.

If it had not been the clear intention of the Minister and the department to make these changes apply to the appointments for 1971, there would have been no need to give this notice at that particular time nor for the closing date of applications to be extended.

In this notice the phrase "early in 1971" was used because it was apparent that the precise date of gazettal could not be forecast. The precise wording of the proposed amendment was not given because there had been insufficient time to have the proposed amendment examined by the Crown Law Department. There would have been no doubt in the minds of those familiar with the workings of the Education Department that the proposed relationships would be effective for appointments made for 1971.

That Mr. Everett was well aware of the implications of the proposed amendment is demonstrated by the fact that he immediately wrote to the Teachers' Union protesting against the proposed amendments. In a letter to the union dated the 10th July, 1970, Mr. Everett in regard to these proposals, stated—

> However, several teachers will be distinctly disadvantaged and I am one of them.
>
> The situation will definitely be detrimental to both Mr. Preece (in Geraldton) and to me (I hope in Albany).

By these statements, with which I do not agree, Mr. Everett demonstrated that he fully understood that the proposed amendments would apply to appointments for 1971. Mr. Everett has therefore misled Mr. Thomson by suggesting to him that "it was quite obvious to all concerned that whoever was promoted to Albany would be given an elevation in status." These words appear in *Hansard*, dated Wednesday, the 17th November, 1971.

The union was advised in a letter dated the 28th August, 1970, of the precise wording of the amendment to regulation 249(4) to be gazetted. The wording clearly showed that officers-in-charge already appointed would retain existing equivalence with other officers and that officers-in-charge appointed from the 1970 advertisements would be covered by the new relationships.

These amendments were published in the *Government Gazette* of the 5th February, 1971. It should be stressed that the amendments implemented the original intention of the department.

In the meantime, however, the union, following representations from certain officers-in-charge, had requested the department to make the operative date "on or before the 1st January, 1971," and the department agreed to this request. Following further discussion in February of this year, this decision was implemented by the amendments gazetted on 19th March, 1971.

The union's views are given in the record of a deputation to the Director-General on the 21st July, 1971, which appears on page 408, *Teachers' Journal*, for November, 1971. This states—

> Initially, the union, acting in good faith, believed that Mr. Everett was the only person involved. Subsequently it became known that Mr. Duncan was also involved and that a Departmental Officer had advised Mr. Duncan that there would not be any advantage in going to Albany.
>
> The union knows that Mr. Everett will lose status as a result of our present stand. However, the union cannot allow one member to gain a fortuitous advantage over other members.
>
> The union believes that teachers are quite right in asking Departmental Officers the effect of any proposed regulations. In this case the time for appeal was over when it became known that the status was going to be higher for the person who obtained the position.

It should be noted that the officer with whom Mr. Duncan discussed the meaning of the proposed amendment to regulation 249(4) was the superintendent responsible for staffing in the Technical Education Division and therefore an officer who could be expected to know the departmental policy on such staff matters.

The Hon. J. M. Thomson: Would you have been satisfied to have gone to the superintendent or would you have gone to the Director-General?

The Hon. J. DOLAN: If the honourable member will be a little more patient he will be given the answer in regard to this particular matter.

The Hon. G. C. MacKinnon: Could you explain something to me? You spoke as though Mr. Everett had a routine advantage, but then you mentioned a fortuitous advantage.

The Hon. J. DOLAN: Fortuitous means a certain state of—

The Hon. G. C. MacKinnon: I know what it means, but what did you mean by saying that he had a routine advantage when you follow that up by saying he had a fortuitous advantage?

The Hon. J. DOLAN: These men, like Mr. Duncan, did not promote their opportunities for this position because they were well aware of the advantage they would gain by doing so.

The Hon. A. F. Griffith: Would you blame Mr. Everett for that?

The Hon. J. DOLAN: Had the Leader of the Opposition listened to the preface to my remarks he would have realised I made it quite clear that Mr. Everett is entitled to take all reasonable efforts to his own advantage.

The Hon. G. C. MacKinnon: I can remember your saying that. That is why I cannot understand your making it clear that in taking these steps he was reprehensible.

The Hon. J. DOLAN: The honourable member will realise that he was trying to take a very unfair advantage of the position.

The Hon. J. M. Thomson: You will not be able to justify that statement.

The Hon. J. DOLAN: Had Mr. Duncan written to the department requesting the information this officer would have replied to his letter in the name of the Director of Technical Education, as he did to Mr. Everett in a letter on the same matter dated the 7th August, 1970.

The date advised to Mr. Duncan was stated as "prior to 31st December, 1970" and not "31st January, 1970" as Mr. Thomson has apparently been told. At no time did the officer state that the notice in the circular was not correct. In fact he stated the very opposite; that the notice was a correct statement of departmental intentions.

Furthermore, the information given to Mr. Duncan was in complete accord with that given in the Director-General's letter of the 28th August, 1971, and also with the amendment gazetted on the 5th February, 1971.

Members will no doubt be aware that it is normal practice in all Government departments for responsible senior officers to deal with such matters in the name of the head of the department.

Mr. Duncan obviously had no reason to complain to the union prior to March, 1971, because until the regulations were amended on the 19th March, 1971, Mr. Duncan's interests were fully protected in the manner he reasonably expected from the advice he had received.

Something has been made of the legal opinions given to the union. A careful and objective reading of these opinions indicates that the counsel was more concerned that the union had acted with due process than that each party had received justice. The last legal opinion given regarding the Director-General's letter of the 28th August, 1970, states—

> In these circumstances in my view the propriety of the Executive's actions both before the receipt of this letter and subsequent thereto are not open to challenge. . .

The Hon. J. M. Thomson: Whose opinion is that?

The Hon. J. DOLAN: I think it was the opinion of Mr. Dunphy, but I can get the name of the solicitor for the honourable member if he so desires from the Teachers' Union. Mr. Dunphy is I think, the union's official solicitor.

At no stage does this legal opinion attempt to answer the question as to whether the amendment made on the 5th February, 1971, and which this present amendment now reinstates, is fair and equitable to all concerned.

A careful reading of the notice contained in the *Education Circular*, supplementary issue, dated July, 1970, shows two clear statements.

Firstly, that regulation 249 would be amended "early in 1971" and this was done.

Secondly, that the amendment would have the effect of rating—

> Service as a deputy principal of a technical school Grade 1, or as an officer-in-charge of a technical centre Class 1 or as head of a department Grade A as equivalent in experience and status for appointment as the deputy principal of a technical college.

Under no circumstances could this statement be interpreted to mean that this condition would not apply to appointments for 1971. Regulations of this nature usually have retrospective effect. When the original sub-regulation (4) of regulation 249 was gazetted on the 21st May, 1968, it applied retrospectively to officers already occupying those positions.

Because the department recognised that officers already appointed before Mr. Everett should retain their existing rights, an operative date of "prior to 31st December, 1970" was inserted to preserve those rights.

Mr. Jack Thomson has claimed, however, that Mr. Everett has been made to suffer a reduction in rank and grade because of this event.

This is most important. It is more in the nature of a preamble to give the background.

As a result of his appointment at the 1st January, 1971, Mr. Everett gained promotion to officer-in-charge of a centre class 1, with advancement in status from a centre class 2, and carrying an increase in salary from $7,600 to $8,000 at the time of advertisement.

Under the amendment foreshadowed in the advertisement of this vacancy in July, 1970, and gazetted on the 5th February, 1971, the position gained by Mr. Everett at the 1st January, 1971, no longer held the equivalence with the deputy principal of a technical college which had applied in appointments prior to that date.

It should be noted that this amendment did not cause Mr. Everett to lose any status in regard to the position he had held prior to this appointment.

The later amendment in March, however, then conferred on Mr. Everett an advantage over other teachers of similar rank by equating his service as officer-in-charge of a centre class 1 with that of a deputy principal of a technical college; an advantage which he has temporarily held from the 19th March to the 21st September, 1971.

It is this advantage, and this advantage alone, that Mr. Everett will lose if this amendment is not disallowed.

If, however, the amendment is disallowed Mr. Everett will be given an advantage over 23 other teachers—three deputy principals of technical schools grade 1, five officers-in-charge of centres class 2, and 15 heads of department, grade A—with whom he was equated prior to the 1st January, 1971.

He will in fact be advanced to equivalence with seven other teachers, five deputy principals of technical colleges, and two officers-in-charge of centres class 1—appointed before the 31st December, 1970—who are at present ranked above him.

The Hon. G. C. MacKinnon: You have me lost. Is this not routine for anyone promoted? They do, in fact, move out of one group into another and over a group they were with before.

The Hon. J. DOLAN: No. He has moved out of one group into another and he has taken precedence over all those in the group in which he was before he was promoted.

The Hon. G. C. MacKinnon: Does that not always happen when someone is promoted?

The Hon. J. DOLAN: No.

The Hon. R. Thompson: Subject to appeal.

The Hon. J. DOLAN: Yes. When the other teachers who held similar offices knew they would gain nothing by the appointment in Albany, they did not appeal. They could see no advantage in it because they retained their rights as being senior members with similar appointments in the previous year or the year before that, whereas Mr. Everett would get promotion above all.

The Hon. R. J. L. Williams: It is not Mr. Everett's fault, that they did not appeal.

The Hon. J. DOLAN: No. They made inquiries at the Education Department and were informed that they would gain nothing by appealing so they did not worry. Had they appealed they would probably have beaten him because of their seniority and efficiency.

Mr. Everett will thus gain over some 30 other teachers an advantage to which he is not entitled—because of the wording of the advertisement.

In particular, the following teachers, who also were applicants for the position of officer-in-charge of the Albany centre class 1 when it was advertised in 1970, will be materially disadvantaged—

Miss J. A. Jackson, head of department grade A.

Mr. E. G. Hoare, Officer-in-charge, centre class 2.

Mr. H. F. Duncan, deputy principal, school grade 1.

Mr. B. J. Best, deputy principal, school grade 1.

These teachers did not proceed with their applications, or did not appeal because the appointment at Albany no longer represented an increase in status, and in the case of Miss Jackson, Mr. Duncan, and Mr. Best would have resulted in a decrease in salary at the time applications closed.

Making the operative date for this regulation "prior to 31st December, 1970," has preserved in full the relationships existing between all officers of the technical education division at the date applications closed; namely, the 14th August, 1970. At the same time it applies equally and equitably to all new appointments for 1971, the new conditions advertised in July, 1970, and under which these appointments were made.

The Hon. G. C. MacKinnon: This is very confusing. Would you mind slowing down a little? I am finding it very difficult.

The Hon. J. DOLAN: I am sorry. Both the union executive and the director-general have examined this matter very carefully and are convinced that the amendment gazetted on the 5th February, 1971, and reinstated on the 21st September, 1971, is the only regulation which will

give justice to the technical education division as a whole.

This is, in fact, the decision that members must also make in the light of all the facts.

It is not a question of choosing between Mr. Everett and Mr. Duncan—and other unnamed parties. It is a question of whether the present operative date should be disallowed to give one man an advantage to which he is not entitled while many others are disadvantaged.

I do not want to wade through all the papers I have here. As Mr. MacKinnon said, the situation can be confusing when quoting first one regulation and then another. However, if he likes, he can examine the papers and he will realise that what I am saying is completely correct.

The Hon. G. C. MacKinnon: The mere fact that this same regulation has been gazetted about three times with changes is confusing anyway.

The Hon. J. DOLAN: That is right. A certain amount of blame can be placed on a number of parties. Mr. Everett went to the union and it took the case to the Education Department, which agreed. Later on Mr. Everett was not happy because he was not getting what he wanted and he moved again. This time the union realised he was gaining an advantage to which he was not entitled over 30 members of the union. This is not a question of union matters at all. It is a question of education policy and departmental policy.

I will conclude by quoting the final paragraph of the submission made to me by the General Secretary of the State School Teachers' Union. It reads—

> Other teachers who had applied for the position of Officer-in-Charge Class I, Albany, did not proceed with their application to the extent of appealing against Mr. Everett's recommendation because advice they had received from the Education Department through a Superintendent of Technical Education was to the effect that whoever received the promotion to Officer-in-Charge I, would not thereby gain status equivalent to the Deputy-Principal of a Technical College.

The Hon. J. M. Thomson: That is extraordinary.

The Hon. J. DOLAN: To continue—

> When they found that Regulation 249 (4) was amended to give this status to the position they no longer had the right to appeal against Mr. Everett's appointment so they raised objections to the Union and the whole matter was re-opened. After long consideration including consideration of a legal opinion from a Queen's Counsel—

It would not be Mr. Dunphy.

The Hon. R. J. L. Williams: Mr. Howard Smith, Q.C.

The Hon. J. DOLAN: Thank you. To continue—

> —it was decided to make a further approach to the Department to request another amendment to Regulation 249 (4). This time the Union asked that the regulation be amended to allow only those appointed as Officer-in-Charge Class I, prior to the 1st January, 1971, to be equal in status to the Deputy-Principal of a Technical College.
>
> To this the Department agreed and Mr. Everett who obtained a promotion to Officer-in-Charge Class I finds that this promotion left him in a position no greater in status than he held before the promotion.

I will conclude by saying that people can be confused with promotions. Mr. Everett was not promoted above all those other people. He was promoted to a higher position. In other words he went from the position he held into this position at Albany. To disallow the regulation would give him an advantage over the 30 teachers I have mentioned who were senior to, or of a superior status than, Mr. Everett at the time this appointment was made. Their seniority was either on the score of efficiency or service. To disallow the regulation would mean that Mr. Everett would be more than promoted in that he would gain an advantage over the 30 teachers who had the advantage previously.

The Hon. G. C. MacKinnon: There is one other point that confuses me. I cannot see for the life of me how Mr. Everett can be blamed.

The Hon. J. DOLAN: I am not blaming him.

The Hon. G. C. MacKinnon: Yes you did. I do not think he can be blamed in any way for the gazettal of these things. That must be the mistake of someone in the department. Nevertheless, you tended to blame Mr. Everett.

The Hon. J. DOLAN: Only to the extent that I feel Mr. Everett knows the position clearly.

The Hon. A. F. Griffith: You went so far as to say he took an unfair advantage.

The Hon. J. DOLAN: It is an unfair advantage which he is seeking. I do not think he could be so naive as to think that the action he is trying to take would not give him an advantage to which he is not entitled. It would put him ahead of 30 teachers who are senior to him because of their appointments to other positions.

The Hon. J. M. Thomson: The amazing thing is that none of the 30 appealed.

The Hon. J. DOLAN: I thought I had explained that clearly. They did not appeal because they were advised by a high departmental officer that there was no sense in going to a position where they would

not gain any advantage. That is the reason for their not appealing. He was left with the field to himself.

The Hon. A. F. Griffith: I think it would be undesirable, in view of the serious statements you have made, for a vote to be taken right this minute. I think the statement you have made on behalf of the department should be closely examined and I hope a member will adjourn the debate to enable this to be done.

The Hon. J. DOLAN: I am quite agreeable, because I am certainly not trying to push anything through. I have stated clearly the case presented not only by the Education Department but also by the Teachers' Union which exists to do its best for all its members.

The Hon. A. F. Griffith; I look for more time to see that the right and proper thing is done.

The Hon. J. DOLAN: That is my intention and always has been.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

ABATTOIRS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.25 p.m.]: I move—

That the Bill be now read a second time.

This amending Bill is introduced to give effect to some recommendations of the Law Society and the Barristers' Board in relation to the Legal Practitioners Act.

The society's submission is directed towards improving control over practitioners' trust accounts to the protection of the public.

At this point I would say that the history of the legal profession in this State has been a good one, nor is there any reason to doubt that this record will not continue.

The council of the society, however, having in mind one serious defalcation, appointed a subcommittee to examine the matter thoroughly. As a result, recommendations have come forward for amendment to the Act.

In these amendments it is proposed that the Barristers' Board be empowered to appoint and authorise an accountant who is a registered company auditor or one approved by the Minister under the provisions of the Land Agents Act to examine, without notice, a practitioner's books of accounts. The board itself will promulgate rules to regulate the manner in which trust accounts are to be kept.

Before an annual practice certificate is issued to a practitioner, it is proposed that a certificate from an accountant with the qualifications to which I have already referred is to be provided confirming that the books of account relating to the trust accounts have been kept in accordance with the rules and that the prescribed amount of trust moneys has been deposited to the credit of the legal contribution trust.

These recommendations were made after the council had considered the practicability of compulsory audit. The investigations which were carried out indicated that in the few cases concerned defalcations had commenced at a point where the practitioner was keeping his trust account in a disorderly manner. It was thought also that the existence of a power in the Barristers' Board to order an audit or examination without notice would be a sufficient deterrent to any practitioner tempted to be dishonest.

Another amendment proposes the deletion of the maximum fee of $20 now prescribed for the issue of the annual practice certificate. The figure has remained unchanged since 1926. Funds received from this source are applied for the purposes of the board and the greater part is used in the purchase of books for the central library maintained for the benefit of legal practitioners. It is submitted that the amount of the fee can be left safely to the determination of the board.

Existing provisions of the Act prohibit an articled clerk from holding any other office or engaging in any other employment. From time to time the board is confronted with a situation in which it would be disposed to relax the requirements but it is powerless to do so. A situation often arises in the case of mature persons with responsibilities who find it extremely difficult to meet the present obligations imposed under articles. The profession in this State is not strong enough numerically to risk the loss of persons who could offer a useful contribution to the community needs. The amendment recommended by the society and the board will provide authority to deal with such applications on their merits.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

MILK ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.29 p.m.]: I move—

That the Bill be now read a second time.

The Milk Act prevents the Milk Board from issuing milk treatment licenses to a licensee in excess of 40 per cent. of the total number of such licenses issued, or four in number, whichever is the greater. The purpose of the proposed amendment is to remove this restriction from the Act.

The maximum number of treatment licenses which one licensee may hold may then be prescribed in the regulations to accommodate particular circumstances from time to time.

The need for this amendment arises from the proposed merger of two companies. The merger is regarded as being in the best interests of the dairying industry as it will allow a desirable rationalisation of milk collection and treatment operations in some areas. At present a total of 11 treatment licenses is held. After the proposed merger of companies the members of the merged companies will have interests in excess of 40 per cent. of these licenses.

Under the present provisions of the Milk Act the members of the merged companies would be ineligible to continue to hold all of the treatment licenses previously held, as they would be limited to the maximum of four such licenses. While the rationalisation and centralisation of milk treatment operations consequent upon the merging of these companies may well reduce the number of treatment licenses necessary, such reorganisation would take some time to effectuate.

Section 30 of the Milk Act, which is the section proposed to be amended, was amended in 1963 when the proportion of treatment licenses allowed to be held by any one licensee was increased from 25 per cent. to 40 per cent. At the time of this amendment it was indicated that future circumstances could require a further increase in this proportion.

The intention of this section of the Milk Act is to ensure that producers and consumers are protected from a monopolisation of the treatment of milk for liquid consumption. The proposed amendment will enable this objective to be retained while at the same time allowing freedom to deal with special circumstances as they arise, thus removing the necessity to seek periodical amendment of the Act.

Increasing costs within the milk treatment industry are best countered by attaining lower transport mileages per gallon of milk collected and a larger throughput at treatment plants. Such economies can be effected only through some degree of rationalisation of milk collection and treatment within fewer companies. Excessive competition among several different companies for limited milk supplies could become a luxury that the industry cannot afford.

The proposed merger of dairy companies is seen as a desirable move towards effecting economies in operations which must be of at least indirect benefit to producers and consumers. It is essential for this merger that the Milk Act be amended as I have outlined.

It is proposed at a later time to introduce a Bill to consolidate the dairy industry Acts. However, this will be a very complex piece of legislation which will take some time to prepare and introduce. In the meantime it is not desired that the proposed merger of the two companies concerned should be delayed by obstacles contained in existing legislation.

Debate adjourned, on motion by The Hon. N. McNeill.

DRIED FRUITS ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.33 p.m.]: I move—

That the Bill be now read a second time.

The Dried Fruits Board is constituted under section 4 of the principal Act. The Act empowers the board in section 16 to determine by regulation a current rate of levy payable by growers. The same section sets the maximum rate which the board may determine at any time.

The statutory maximum rate is at present "nine hundredths of a cent per pound," which is equivalent to $2.016 per ton. The purpose of this Bill is to increase that maximum figure to $4 per ton.

Due to adverse seasons there has been a decline in crop yields. In 1970 the crop of dried fruits was only 903 tons, which is the lowest recorded figure. This particular crop was levied at the maximum rate of $2.016 per ton and resulted in a total levy yield of only $1,820, which amount was insufficient to finance the board's activities. As a result of the depletion of the board's funds, overdraft arrangements have had to be made with the Rural and Industries Bank of Western Australia.

In order to ensure that a similar financial predicament does not occur in the future, the board has requested an increase in the maximum figure which may be levied, as proposed in this Bill.

The board of course is charged with the responsibility of entering into contracts with similar boards in other dried fruit processing States for the purpose of effecting concerted action in the marketing of such products as are produced in Australia.

In order to carry out its commitments, which involve office costs, payment of board members' fees and allowances, and an annual payment to the Department of

Primary Industry to cover inspection costs, etc., the board is authorised—as I have already mentioned—to impose this levy on growers. The rate of the levy is struck after an estimate has been made of the crop and of the budget figure of the board's costs. The maximum ratable levy was last raised in 1968 and is currently being charged.

Apart from increased administration costs the board has over the years been facing financial problems for the reason that the returns have not been as high as expected.

The board has a long-established policy requiring it to be self-supporting. To enable it to continue its operations which are to the benefit of dried vine fruit growers in this State an upward movement in levies is inescapable. It is not possible at present to indicate to members the new rate to be determined by regulations. Rates are fixed in April of each year when a feasible estimation of the result of the crop can be made. I commend the Bill to members.

Debate adjourned, on motion by The Hon. F. D. Willmott.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.37 p.m.]: I move—

That the Bill be now read a second time.

This amending Bill is to extend the life of the principal Act for a period of three years from the 1st January, 1972, until the 31st December, 1974.

The purpose of the Act was to complement legislation enacted by the Commonwealth to overcome the problems created by the decision in what has become known as the "Worthing Case." Until that decision was given it had always been understood that State laws were operative throughout the whole of the State, including Commonwealth property.

The States, whilst agreeing to enact complementary legislation, were unanimous in expressing the view that an amendment to the Constitution was the only satisfactory long-term solution to the problem. It was decided to limit the operation until the 31st December, 1971. This was meant to make it clear to the Commonwealth that the States regarded the legislation as a stopgap measure only.

At the meeting of the Standing Committee of Attorneys-General held in Melbourne in July of this year, the Attorneys-General agreed to recommend to their Governments that the operation of their respective Acts be extended for a further period of three years. Having regard for this general agreement, the legislation is recommended for the favourable consideration of members.

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

COMPANIES ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.39 p.m.]: I move—

That the Bill be now read a second time.

For many years there has been an understanding between the States that uniformity is desirable in respect of the provisions of the Companies Act, and there is no reason why this should not apply in the case of fees, the subject of this Bill.

It is proposed to increase fees payable by companies to the registrar up to the amounts which have been agreed on by the States as being reasonable.

The previous increase in this State was approved by Parliament with effect from the 25th November, 1969. However, on that occasion the increases were deferred from 1967, having regard for the impact on companies of increased receipt duties which had then recently come into effect. Therefore, in considering the time lapse between the increases, it is fair to consider the period as from 1967 and not as from 1969.

In a full year the increases now proposed will produce additional revenue of $200,000 per annum. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

BILLS OF SALE ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.40 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase the fees on registration or renewal of bills of sale, including hire-purchase agreements.

The present fees which were fixed in 1957 are—

Where the amount or value of the consideration or the sum secured—

	$
Does not exceed $100	1.00
Exceeds $100	2.00

It is proposed that the fees be increased to $2.50 and $5 respectively.

When considering these proposals members might take into account the lapse of time since the last increase and the de-

valuation of money since then. In addition, the registration covers a period of three years so that the annual charge is small for any service by present-day standards. It is estimated on the present volume of business that additional revenue of $214,000 will be produced by the proposed increases.

The increases proposed in respect of companies and bills of sale registration are to be brought into effect on the same day. Increases which can be effected by regulation are to be made concurrently to fees payable for registration or renewal of business names. As with registration under the Bills of Sale Act, these fees cover a triennial period. The increase from $5 to $10 will produce extra revenue of $40,000 per annum. These fees are generally deductible for taxation purposes.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

Sitting suspended from 3.43 to 4.02 p.m.

ALUMINA REFINERY (UPPER SWAN) AGREEMENT BILL

Second Reading

Debate resumed from the 23rd November.

THE HON. L. A. LOGAN (Upper West) [4.02 p.m.]: In dealing with the measure before the House which seeks the approval of Parliament to an agreement entered into between the Pacminex people and the Government, perhaps it is fair to say that, to my knowledge, very few people are opposed to the mining of bauxite or are against the establishment of a refinery to treat bauxite, as is envisaged in this agreement. However, many, and perhaps I can say thousands of, people have expressed opposition to the site of this refinery, and this is the cause of all the problems.

In view of a world-wide recession in the production of alumina, one might doubt the wisdom, at the present time, of carrying on with these negotiations. Perhaps it would be better if they were left until such time as the recession has lifted, which would give the interested parties greater opportunity to make a more suitable agreement than they can make in the present circumstances.

I was sorry to hear the Leader of the House, when introducing the measure, criticising certain people when he said they were ill-informed and were basing their experience on emotionalism. His actual words appear on page 1846, proof No. 11 of the *Parliamentary Debates* and they are as follows:—

> Critics of the project argue against the refinery on aesthetic grounds. Some of the criticism has been ill-informed and based on emotional rather than technical reasoning, I believe.

That is a rather sweeping statement when we realise the number of people who have objected to the establishment of the refinery on the proposed site, especially when many of them possess very high qualifications. Perhaps I could mention the qualifications of a few. Of the committee of 20 members who comprise Environment 2000, nine have the letters "Ph.D." after their names; six are graduates who hold diplomas in fields ranging from earth sciences to pure science, biology, economics, engineering, and planning.

Surely it is not fair to say that these people are basing their opposition purely on the ground of emotionalism. If the charge that they are ill-informed can be proven—and perhaps it can—whose fault is that? It is not their fault, because for quite a long while they have been trying to obtain all the information possible to make a balanced judgment on the situation, but they have been unsuccessful. Therefore if they are ill-informed it is not their fault that they have based their judgment on the matter without being in possession of all the facts.

I do not see any real need for the urgency to pass this legislation at present. I have just said that it may be better, in view of a world recession in alumina production, if the agreement were not passed until the recession had lifted, and so give these people a better opportunity to enter into a more suitable agreement. However, before the last session ended and this new session began, we were led to believe by the Minister for Development and Decentralisation that there was a sense of urgency in having this agreement passed by Parliament, because of a suggested meeting in the U.S.A. on the 18th October. It was pointed out that it was necessary that this legislation be passed before that date. What happened? You know as well as I do what happened, Mr. Deputy President. Despite the urgency and the necessity for this agreement to be passed by Parliament, the Government prorogued Parliament. The Government was not worrying about the urgency of the situation at that stage; it never even thought about it. So I do not see any reason why we should treat this measure with any urgency.

I do not know how many people have personally inspected the proposed site for the refinery, but I have. Not only have I inspected the site, but I have inspected portion of the area in which the deposits are located also. Undoubtedly, if the refinery was built on the site proposed in this agreement, and everything was carried out properly, with the State taking full advantage of the situation, we would finish up with one large industrial complex.

I ask members to consider this matter not from an emotional point of view, but from a common-sense point of view. Is this the place—14 miles from the city—to establish a complete industrial complex of this nature which will include heavy industry?

I do not think emotion comes into the matter. All one needs is common sense to realise what would happen to the city if the refinery was sited there. It has been said that the site will only be a refinery site; but in view of the amount of money which the Government has to spend on this venture one cannot isolate the refinery on its own. As a matter of fact, the agreement makes provision for the establishment of a smelter, and that is to be another industry to be established in this locality. If the refinery is established there then I am sure other industries will emanate from it, and eventually we will find a great industrial complex in that area.

At present around the metropolitan area we have the Kwinana industrial complex on the south and the Upper Swan site to the north, with the city in between and the Darling Range to the east. It does not require any emotion to realise what could happen; all that is required is plain common sense to visualise the situation.

It has been said that feasibility studies have been undertaken. In the introduction of the second reading the Minister said that the expenditure by the group on testing the deposits and on the feasibility study had already exceeded $2,000,000. I would like some evidence as to where the $2,000,000 has been spent. When one is testing very shallow deposits of bauxite in the ranges one can put down many holes for $2,000,000. We should be given more details on the expenditure of the $2,000,000, before we are expected to accept as gospel what we have been told up to date.

When one looks at the map showing the deposits, which has been presented to Parliament, one sees that the mineral area and the refinery site are marked. Generally the refinery site has no connection whatsoever with the deposits; and that site is outside the mineral area.

Under the agreement it is proposed that a railway spur line will be built between Walyunga National Park and Toodyay, up into the ranges where the deposits are located, and to a crushing plant. From there the material is to be transferred back on the spur line to connect with the Midland railway line; it is then to be taken up the Midland railway line on a spur line into the refinery site. The ore is to be treated at the refinery, and the finished product conveyed to Kwinana.

It is very difficult to believe that the feasibility study has shown this to be the most economical way of transporting the ore. I do not think this Parliament has been given any alternative, except the one between the junction of the two lines which was first mooted, and of which nobody would have a bar. We have not been told of any other feasibility studies; and no evidence of them has been given except the suggestion that a refinery somewhere in the Toodyay region is not as silly as it sounds. It is not very far from Toodyay where the spur line deviates from the standard gauge line to where the crushing plant is to be established. One readily understands that the closer the refinery is established to the crushing plant, the more economic will be the operation. If this matter has been examined, why have we not been given the particulars? I doubt whether it has been.

No useful purpose is served by saying that it is not possible to get rid of the red mud. There are many valleys in that region, and by blocking them off they could be used for the next generation for the disposal of the red mud. I do not know whether any studies have been undertaken on the effects of drainage and pumping which will take place on the refinery site.

A great deal has been suggested as to the effects on the pine plantation resulting from air pollution. Let me refer to another aspect of pollution—water pollution.

These trees are a wonderful asset to the State, and those which have matured have reached the water table; and on this water they rely for their growth. What would happen to those pines if the water table were to drop 15 feet; and such a drop could eventuate if the operations referred to are undertaken? What would happen to those pines if the salinity of the water was increased as a result of pumping? These are factors which have to be considered.

Under the agreement provision is made for the building of a spur line from the standard gauge line across to the Midland line, and then into the refinery site. That line will cross the Great Northern Highway. Whilst it may be fair enough at the present time, with only a few trains running between Midland and Geraldton, later on with the introduction of ore trains the position will become difficult, especially if no provision is made for grade separation. Under the agreement no provision for grade separation is made, and in my opinion that is one of the first requirements if the area in question is to be the refinery site.

In his second reading speech the Leader of the House said—

> There has been some public controversy as to this industry because the site is not in an established industrial area. Actually the project is based on mining bauxite that is low-grade by world standards and would be unable to withstand the economic strain that would be imposed on it by siting the refinery further north. If it is not permitted to establish on the selected site there is every possibility that the project will be deferred indefinitely.

I emphasise the words used by the Minister in the last sentence. It seems that statement points the finger at Parliament.

What is more, it leaves a great deal of suspicion in my mind as to why the Minister has been so adamant that this is to be the site and there is no other suitable alternative. This worries me considerably, and leaves a suspicion in my mind.

It has been said that if the refinery is established at the proposed site and anything goes wrong, the company will rectify it; and that the company will comply with all the requirements of the Clean Air Act and the environmental protection legislation. I ask members: After the company has spent $190,000,000 on the establishment of a refinery, and all other works necessary, will we be able to stop production overnight if the company does not comply with the Clean Air Act or the environmental protection legislation? Of course not. It will be too late to stop it then.

The Hon. J. L. Hunt: You are implying that a situation could arise similar to that which occurred with the iron ore industry in Port Hedland where the works were established in the middle of the town.

The Hon. L. A. LOGAN: That is quite right. Do not let us make the same mistake twice. Let us learn by experience. If we have been wrong, let us admit it and correct our mistakes. Let us do only those things which we think are right.

I am open to correction, but I understand the company has offered to spend $5,000 a year to guarantee the safety of the short-necked tortoise which is a feature of this area. What is the use of spending that money after the tortoise is extinct? It would be too late then. It is no good such offers being made because they are not worth the paper on which they are written.

Something is wrong with a company which spends $190,000,000 on a project, and yet not one cent on the provision of housing for its employees. However this is a fact. The agreement contains no provision for the company to build a single house for its employees. It is time every employer, irrespective of his business—a bank, stock agency, etc.—supplied housing for his employees instead of waiting for someone else or the Government to do it for him.

It is obvious to me that the report of the Director of Environmental Protection (Dr. O'Brien) was not in favour of this particular site otherwise his report would have been tabled in Parliament when the agreement was presented.

However, if we go through the speeches in *Hansard* and the Press reports, we will find we were promised that no action would be taken until such time as the environmental protection authority had an opportunity to examine the legislation.

I think it is also fair to say that the Metropolitan Region Planning Authority, which was established to protect the region, has not submitted a report, nor has the Town Plannning Department, the Metropolitan Water Supply Department, or the Country Water Supply Department. If these authorities had submitted reports in favour of the proposed site, those reports would have been submitted to Parliament with this agreement. If the M.R.P.A., the Town Planning Department, the Metropolitan Water Supply Department, and the Country Water Supply Department, as well as the environmental protection authority would supply definite evidence that they had examined the situation and are in favour of it, I would be prepared to withdraw my opposition. However until such time as they do this, I am not prepared to vote for this Bill.

I said when beginning my speech that I am not opposed to the establishment of a refinery or to the mining of bauxite. We do not need to be emotional to realise that this refinery will be the commencement of a complete industrial complex 14 miles from Perth.

Although this is a State matter and has nothing to do with the Commonwealth, I would like to know the inner feelings of those in authority at the Air Force base regarding the proposed chimney stack of 360 feet. I did not trespass, but I did go onto the site of this proposed refinery. The Air Force runway can be seen from the site. As I have said, I know that the Air Force cannot interfere because this is a State matter, but I would like to know what those in authority at the base think of this proposal.

I could go on in this vein for some time, but to return to what I said a few minutes ago, if the Minister can supply written reports, signed by the chairmen of the authorities I have mentioned—that is, Dr. O'Brien of the environmental protection authority, Mr. Hamer of the M.R.P.A., Mr. Lloyd, the Commissioner of Town Planning, Mr. Samuels, the Chairman of the Water Supply Department, and the chairman of the Country Water Supply Department, whose name I cannot remember—indicating that they have no objection to this legislation, I will withdraw my opposition to it.

One other aspect not taken into consideration, but very important to those living in the area, concerns the water table. I have had some practical experience of this subject. Once the water table is lowered in an area the wells, bores, and soaks in the vicinity are affected. Those people in the area who have vineyards, and so on, might well find themselves without water. I can give an example of what occurred in my own area. My reticulation spear in Bedford was down 14 feet when I went there 12 years ago. Subsequently a drainage scheme was established and I have had to sink the spear to 30 feet. It has cost me twice as much because of the lowering of the water table.

When the department established a water supply at Northampton and water was pumped for the Gwalia mine, the farmers in the area were without water in their wells because the water table had been lowered. When water was pumped from the Wheel May Mine at Baddera the soak in the area which to my knowledge had never been dry in 40 years, immediately dried up. This Bill does not provide for any compensation for those living in the area of the proposed refinery site, if this same situation occurs.

A complete study has not been made. The main deposits are north-east of Chittering, and I have talked to the people in the area. The bauxite must be carted from the deposits along the standard gauge line to Midland and then across to the refinery site. When it has been refined, more transport is involved.

Is the Government trying to indicate that, despite the economics involved in the transport aspect, this is the only site where the refinery can be situated? I do not think it is. Not enough study has been made of the position and until such time as I can obtain some answers to the questions I have asked and the reports I have requested, I will oppose the agreement.

THE HON. C. R. ABBEY (West) [4.30 p.m.]: I have listened with interest to the previous speakers and they have covered their points of view adequately. I must admit that when the refinery site was first proposed I experienced considerable disquiet myself, but after a fair amount of investigation in the area which will be vitally affected, and in particular after consultation with the members of the Swan Shire Council, I found that a good deal of the opposition was, perhaps, somewhat emotional. I do not think those people who have been accused of being emotional are reacting in that manner just to prevent the establishment of the industry in the area. I believe they feel their opposition is well based, but when one is firmly of an opinion it is very difficult for one to look at a matter objectively.

The Minister gave a full coverage of the intentions of the Government in this regard, and I have no real argument with what has been said. I believe the amendment proposed by Mr. Griffith, to require the environmental protection authority to examine this proposal thoroughly and advise the Government accordingly, will provide protection for the community as a whole. I sincerely hope the Minister will accept the proposed amendment because it will make the Bill much more acceptable to many members in this House.

I felt that by going directly to the Swan Shire Council, and in particular to the President (Mr. Len Marshall), I would obtain as much information as it was possible to obtain, and I would be reasonably well informed on the attitude of the people who were vitally concerned in the Swan area. Mr. Marshall informed me that he, and the shire councillors and some members of the staff, had carried out an exhaustive investigation into the project.

Those people spent not hours, but days, investigating the situation and they also went to Kwinana and inspected the long-established industry operated by Alcoa. I understand the shire councillors talked to a number of people living in the Kwinana area because it was considered those people would be better informed on the effects of the industry. It was found there was very little opposition to the industry. Certainly, there are some effects from the pollution of the air when the wind blows from the wrong direction, or when there is, perhaps, some carelessness in the loading of a ship. However, those problems seem to have been overcome.

I refer to the cement works at Rivervale where the management has achieved a great deal of success in controlling air pollution. The ex-Minister for Health, Mr. MacKinnon, can take considerable pride in the fact that armed with the powers at his disposal, and by consultation with the management, he was able to get a sum of something like $500,000 spent in an endeavour to prevent air pollution.

The pollution from the cement works was detrimental to the surrounding area. However, the efforts of the company have been very successful, and I understand that it will eventually derive a profit as a result of its expenditure. By recovering certain materials from the air, which could not be done previously, the company will get a return from the installation of the equipment which was necessary to deal with the problem.

I received a good deal of correspondence from people interested in the likely effects of the establishment of the refinery. I have a commentary on the proposed alumina refinery by Environment 2000, dated the 28th June, 1971. The commentary set out certain points which worried me a good deal and, of course, the same organisatiton has put forward further argument. The commentary to which I have referred stated, in part, that the location of the refinery was 14 miles from central Perth and only eight miles from Wanneroo. The vineyards in the Swan Valley were two or three miles away, as was the Darling Scarp. It was stated that the site abuts the Gnangara pine plantation, and that the R.A.A.F. station at Pearce was six or seven miles away.

When I was seeking information on the points raised I took the trouble to ask the president of the Swan Shire Council to comment. I recently received a letter from the Shire Clerk (Mr. T. J. Williamson),

and I think it is relevant to read to the House portion of the letter. Dealing with the area, the letter reads as follows:—

> It has been stated that the area of the proposed site is 6,000 acres compared with 12,000 acres for the Alcoa Refinery at Pinjarra.

Many members have inspected that site and feel it is quite a reasonable size. To continue—

> Council would like to put this comparison in its correct perspective. The Pinjarra plant is projected to have a much greater capacity than the Upper Swan installation. Although there is a current temporary downturn in the world market for alumina, it is believed that in due course the Pinjarra refinery will produce about double the Upper Swan output. This accounts for the difference in site acreage.

The comment I am quoting is from the Shire of Swan. Obviously, the shire has confidence that although there may be some downturn at the moment a successful refinery will be established within the shire. Dealing now with the location, the letter continues—

> It has been stated that the proposed Upper Swan Refinery would be only 14 miles from Central Perth and 8 miles from Wanneroo Townsite. In fact the projected location of the plant is 17¾ from Central Perth and 10½ miles from Central Wanneroo.

I would not expect the Shire of Swan to make those statements if they had not been checked or were not correct. The letter continues—

> Although the Pacminex mineral lease territory extends further northward, the bauxite deposits upon which the intended industry is based, are located in the southern portions of the lease area with reasonable access to Upper Swan, substantially via existing railways.
>
> It would not be feasible to locate the Refinery further north as this would require large amounts of additional capital for railway and utility services extensions: The selection of a more remote site would also affect the need for infrastructure.

Mr. Logan has made the point that in his opinion this agreement should require the company to provide housing and so on, but we have a situation in the Swan area where many of those who have been engaged in the production of wine and fruit and similar industries are finding they are unable to make a decent living from those industries. In many cases established vignerons and their families need work in the area, and many people feel that this industry will be an outlet for their labour.

In his introductory speech the Minister said a large crowd of 300-odd people were at the Baskerville hall where this matter was discussed at a meeting called by the shire. A great proportion of those present considered the establishment of this industry would be a good thing for the district because it would provide jobs for those who are now struggling to make a living and the people who live in their own houses in the area would be catered for. The letter from the shire comments on the likely environmental effects. It reads—

> A good deal of verbal and written opinion has been on the subject of pollution which may be created by the proposed Alumina Refinery at Upper Swan. The great majority of this opinion is emotional and for practical purposes has little basis in established fact.

I take the point made by Mr. Logan. The reaction may not be as emotional as the shire thinks but it is the point of view of the people concerned and they are entitled to that point of view. The letter continues—

> Some attempt has been made to use weather information as a reason why industry should not be permitted at Upper Swan. This data, if properly studied, shows that prevailing winds render the Upper Swan area an infinitely smaller air pollution problem to the Metropolitan Area than is Kwinana. Airborne effluvia ex Upper Swan is not likely to reach Perth.
>
> The indications are that the Walyering gas field will be of considerable volume. The Dongara gas line was detoured a considerable distance to traverse the potential gas field between Upper Swan and Dongara. This additional cost certainly would not have been incurred unless the gas yield was judged to be reasonably high and assured.
>
> It has been stated that the sulphur dioxide emission from the Upper Swan Refinery would be 72 tons daily if fuel oil was used. The actual emission is calculated as being 25 tons per day using fuel oil or nil if gas is used. The natural gas pipeline does of course pass through the Refinery site and a coupling has been installed in the line, to supply the plant.

That is a very significant statement. Only last evening we, as members of Parliament, had the opportunity to hear an explanation of the way in which natural gas will be introduced into the metropolitan area. We were given a very clear explanation of the advantages of it and, obviously, the advantages to industry must be very great. I believe that at the moment natural gas will not be available to the industry but is under discussion. With the very fast development of new fields it would seem that if the company

is on the ball it will try to negotiate an agreement which will allow it to use natural gas. I sincerely hope that from the point of view of having less pollution of the atmosphere the company will take this matter up as an urgent measure.

Again I draw the attention of the House to the following point:—

> The natural gas pipeline does of course pass through the Refinery site and a coupling has been installed in the line, to supply the plant.

The letter continues—

> Another complaint is that underground water supply will be affected by (a) the escape of liquor and (b) the depletion of the supply. As far as the possible escape of poisons into the ground water is concerned, it is perhaps not widely known that apart from the impervious clay lining which will be applied to red mud disposal pits, the red mud is inherently self sealing. The Kwinana disposal ponds have withstood a very severe earth tremor without deleterious affect.

Surely by this time there would have been some effect on the ponds at Kwinana if there were going to be any effect. The letter continues—

> Representatives of this Council interviewed residents of Kwinana regarding the Alcoa Alumina Refinery effect upon the use of adjacent lands and was satisfied that there were no serious problems. In fact, one party was found to be drawing underground water a distance of about one tenth of a mile from the effluent disposal area and using the water for human consumption. This has been the case for some years without affecting these people.

That statement has been made by a group of people who, in my opinion, would never consider making a statement that could not be supported. I reiterate that Mr. Marshall, the shire president, led a party from the Swan Shire to the Kwinana area and actually questioned the people in the area surrounding the Kwinana industry. The letter continues—

> Although 1.5 million gallons per day draw upon the underground supply sounds as if it is a considerable amount of water, it is worth noting that only one inch of rain on 6,000 acres is equal to about 136 million gallons of water. A number of users of underground water have a similar or greater propensity to consume 1.5 million gallons of water daily and have been so doing for some years without permanently depleting these reserves. One is bound to conclude that on the one hand the supply will not be materially affected and on the other that any liquor leakage, although not likely to occur, would be prone to be drawn back into the plant via the water bores.
>
> Primary producers have for decades, been engaged in applying some of the so called pollutants to the soil, in an endeavour to increase production.
>
> The Environment Committee for Environment 2000 has said Council favours the Pacminex Alumina Refinery proposal on only a 7 to 5 vote. This is not so, the resolution was carried unanimously.
>
> It is doubtful if there is any industry which does not create some conflict of interest. The most important aspect is to see these interests in their true perspective, and to act in the best interests and for the ultimate good of the great majority of the population.
>
> The Pacminex enterprise will present problems, but they are problems which can and we believe will, be properly controlled.
>
> The economic benefits to the State and this area in particular will be considerable and the opportunity to benefit should not be lost, in Council's opinion.
>
> Yours faithfully,
> (T. J. WILLIAMSON)
> SHIRE CLERK.

The contents of those letters outline the opinion of the shire. They have been backed up in discussions between the president, myself, and others representing the shire, and I have taken the opportunity to question those people at considerable length.

It appears from the local approach to the problem that there is the possibility of several suggestions coming forward if and when this industry is established. It is felt that the area to the west of where this project will be sited could be set aside as open space to preserve the fauna and flora that is found in the area. It may well be that the Swan Shire could carry out a suggestion which has been made by some members that it should in fact promote, and perhaps establish, an area which could be used for this type of environmental protection.

Mr. Marshall considers there are areas in the vicinity of the refinery site which could be set aside for use by the public. They are being appraised, and there is a possibility that they could be used for this purpose. I believe this would be a very wise move. If suitable areas were found and they did not contain natural fauna, such as kangaroos and other native animals, it would be possible to have native animals placed on the reserves so that they may reproduce and, being in close proximity to the city these places could prove to be useful and attractive areas which could be visited by those taking a Sunday drive.

In studying the problem, I was interested, a few days ago, to receive a publication entitled *Ulster Commentary*. This issue that I have in my possession is No. 304 and was published in September, 1971. The heading of the principal article in this publication is—

World Wide Air Pollution Problem Solved?

Underneath this heading is the photograph of a young scientist who has been delving into air pollution and, of late, has tackled the problem of pollution from the exhaust systems of new cars. This article is not very lengthy and I think it is worth quoting because it does indicate that where the onus is placed on an industry it can find the means to solve a pollution problem.

It may well be that not only the Australian community but also all communities world wide will have to accept a charge being imposed upon them to provide this sort of pollution control. The efforts of this young scientist constitute a breakthrough in solving the pollution problem and the article reads as follows:—

> A remarkable discovery by an Ulster scientist could mean the end of the serious world-wide problem of air pollution by car exhaust fumes. The find in question is a new catalyst which converts the complex substances in the exhaust of petrol engines to harmless water and carbon dioxide.
>
> And the catalyst is so cheap to produce that its incorporation into the exhaust system of a new car would involve only a fraction of the cost of other systems.
>
> Lambeg Industrial Research Association chemist Dr. Eric Robinson discovered the catalyst after several years research—originally into effluent from linen mills which was polluting rivers.
>
> 'Laboratory tests have proved extremely successful', said Dr. Robinson. 'We have been able to turn about 90 per cent of the pollutant gases in car exhaust fumes into harmless gases —a remarkable achievement'.

I am sure we all agree with that statement. The article continues—

> 'A catalyst', explained Dr. Robinson, 'was a substance which caused chemical reaction. Now' he said, 'we have to examine a method of supporting the catalyst in a car exhaust system —perhaps in the form of pellets. Then, we must find out if substances in petrol, such as lead, will build up on the catalyst and reduce its effectiveness. Finally, we will have to find out how long it will last'.
>
> 'Other companies have been trying to develop effective catalysts to do the same job—but they are platinum-based and very expensive. Ours is manganese-based and much cheaper'.

I think that illustrates the point sufficiently and so I will not quote the remainder of the article.

I now wish to continue with the remarks I was making; namely, that the pollution of the air and all the other pollutants that industry inflicts on the community can be overcome. I think research must be extended in all countries throughout the world and in particular in Western Australia to deal with this problem. We are in the midst of an industrial revolution in this State and it behoves us to treat this aspect of industry with a great deal of care.

I would hope that companies themselves will set aside large portions of their profits to deal with the problem of pollution, because undoubtedly it will make their task, in negotiating agreements such as that contained in the Bill, much easier in the future. No doubt those who are opposed to the site of this industry to be established in the Shire of Swan will remain opposed to it, but I feel I have satisfied myself that the industry is one which will prove to be of great benefit to the area and to the State, and I intend to support the Bill.

The HON. F. R. WHITE (West) [5.00 p.m.]: The Bill before us is rather thick, but contains only three short clauses, the bulk of the Bill being in the form of a schedule. As we are already aware, the agreement concerns four companies which are combining to mine on 768,000 acres in area "C" shown on the plan tabled in the House. Of this only 13,000 acres will be mined to extract bauxite. In addition another 3,000 acres outside the area will be mined for the extraction of bauxite. So we have one aspect, which is mining in the middle of the Darling Range.

Another aspect covered by the Bill is the erection of a refinery on an area designated in plan "A" tabled in this Chamber. That plan shows that the refinery site covers lots 41 to 49 inclusive, plus lot 277 and, as stated by the Minister, involves an area of 2,600 acres—not 6,000 acres which has been quoted by others in this Chamber today. The Minister also said that options had been negotiated for a further 1,150 acres.

In addition the Bill covers the construction of railway lines, as outlined by Mr. Logan, and I will, therefore, not pursue that point any further. Another portion of the agreement deals with loading facilities and wharves at Kwinana; and another covers environmental protection of the mined areas, the refinery area, and the regions surrounding them.

In the last session of Parliament, in another place the Minister for Industrial Development and Decentralisation spoke at considerable length when introducing this Bill. In his second reading speech the

Leader of this Chamber also spoke at considerable length, but not to the same extent as the Minister in another place. I will, therefore, find it necessary to quote from *Hansard* some of the statements made regarding this Bill and its implications, and also from the speech of the Minister in another place, as well as from the speech of our Minister in this Chamber. On page 1271 of *Hansard* No. 8 of this year, Mr. Graham is reported as follows:—

> The refinery site, as defined by the agreement, covers a total area of just over 2,600 acres but the joint venturers have options over an additional 1,150 acres and are in the process of acquiring additional land adjoining the site. This area will be sufficient to enable them to maintain extensive buffer zones of natural bushland around the refinery varying from one and a half miles wide on the southern side to three-quarters of a mile wide to the north.

The plan does not show these additional areas of land, but only the 2,600 acres; nor does it show any area to be used as a buffer.

From the extensive inquiries I have made I know that ponds will be established on the 2,600 acres which have been acquired and on additional land for the storing of red mud. It is a fact that a minimum of 1,000 acres every 20 years will be utilised for the storage of red mud in ponds. Every 20 years 1,000 acres will be utilised and this is an average of 50 acres a year. As under the agreement the life of the refinery is anticipated to be in excess of 63 years, it is obvious 3,100 acres minimum will be required for the ponding of red mud, plus the area of land for the refinery itself.

However, only 2,600 acres are available. Where will the beautiful buffer zone be which has been referred to in the Minister's speech? What are we to believe? This will be a common saying during my address today; that is, "What are we to believe?" Are we to believe that adequate land will be available for all the requirements of the agreement, including the buffer zone, or are we to believe that only 2,600 acres will be available? Are we to believe this 2,600 acres is actually owned by these people at this point of time?

My inquiries have indicated that they do not own the land, but that it is owned by two gentlemen in England and one in Nedlands, none of whom, to my knowledge, is associated with the proprietors mentioned in the agreement. My investagations reveal that some approaches made to obtain options on nearby land have been rejected, and in one particular instance they have been very firmly rejected. Therefore it would appear to me that at this time no necessarily firm commitment exists on any piece of land. However if some land has been tied up to any extent, then the only land which could have been committed is the 2,600 acres, far less than the total requirement for the refinery, the red mud ponds, and the buffer zone.

On page 1848 of *Hansard* No. 11 Mr. Willesee is reported as follows:—

> Several problems arise because of the nature of this project. Included in these problems are the effect of mining on the environment, the disposal of the refinery tailings commonly known as "red mud," the emission of gaseous wastes from the refinery boilers and kilns, and the problem of restoring land after it has been mined or used for red mud disposal.
>
> Each of these problems has been given serious consideration and has been the subject of detailed technical study.

Under the heading "Govt. favours $150m. plan for refinery" in *The West Australian* of the 19th May is the following paragraph:—

> Mr. Tonkin said that the Cabinet had received a preliminary report on environmental aspects of the Hanwright-C.S.R. proposals from the director of environmental protection, Dr. Brian O'Brien.

On the 19th May it was reported that a preliminary report had been received by the Government. In the same newspaper on the 21st May under the heading "Tonkin: No final terms on refinery" is the following:—

> The State Cabinet had approved the agreement in principle but not in detail.
>
> Mr. Tonkin was replying to questions at his daily press conference about the possibility of the refinery site being changed.
>
> He said that the State Government had considered another site for the refinery, but would not say where.
>
> The report on the environmental effects of the proposed refinery by the Director of Environmental Protection, Dr. Brian O'Brien, would not be binding on the Government but would influence it, Mr. Tonkin said.

The Leader of this House stated that extensive inquiries had been carried out. A brief reference was made to an interim report by Dr. O'Brien, and the Premier has stated that although a report was received the Government will probably not take much notice of it. This is not very much information by which we can be guided.

I am rather concerned at the lack of information given to members of Parliament about the details of the refinery and the environmental protection aspects. I am also concerned about some of the information which has been given to us, such

as the designated area of land on the tabled map and the assurance that ample land will be available to provide adequate buffers. Many other statements concern me because they tend to be a little misleading.

On page 1274 of *Hansard* No. 8 the Minister for Industrial Development and Decentralisation is reported as follows:—

> In addition to adequate technical assurances of the lack of adverse effect on the growth of the vines, we have the assurance of the vignerons themselves, many of whom were among 114 signatories to a petition collected by residents of the Upper Swan which gives their approval to the refinery being established on the proposed site.

This statement would lead us to believe that the vignerons in the area are in favour of the establishment of the refinery on the proposed site. I take this opportunity to quote a letter I received from the Viticulturalists Union of Western Australia which represents the vignerons in the Swan Valley who are reported to be supporting the establishment of the refinery. The letter is dated the 4th October, 1971—I understand a copy was sent to the appropriate Ministers—and reads—

> Dear Sir,
>
> A general meeting of Viticulturists from the two undersigned bodies was held on Thursday 30th September 1971, to discuss the proposed siting of the Pacminex Refinery in the Upper Swan area, and two resolutions were passed and subsequently asked to be presented to the Government for their consideration.

The Hon. J. Dolan: How many were at the meeting?

The Hon. F. R. WHITE: The letter does not say.

The Hon. J. Dolan: Probably about five or six.

The Hon. F. R. WHITE: It irritates me beyond endurance when a comment like that is made by a man who holds a responsible position in this Chamber.

The Hon. J. Dolan: There were some hundreds who wrote to the Minister supporting it.

The Hon. F. R. WHITE: There were about 114, but the implication is that they are all vignerons.

The Hon. J. Dolan: I do not know but that is not a big number.

The Hon. F. R. WHITE: They are not all vignerons.

The Hon. A. F. Griffith: The Minister for Police thinks that out of that number five or six would go to the meeting.

The Hon. F. R. WHITE: I was present at the meeting and there were many more than that number present.

The Hon J. Dolan: Why did not you say so?

The Hon. F. R. WHITE: I did not say so because I could not give factual information on the matter and I always endeavour to provide such information and not the incorrect information which has been given to me.

The Hon. R. F. Claughton: You mean that the 114 petitioners did not mean what they said?

The Hon. R. F. WHITE: I say that the wrong interpretation was placed by the Minister upon the petition which was received by him; the wrong interpretation being that the majority of the vignerons favoured the establishment of the refinery on that site. I am now in the process of reading a letter from the vignerons in the area and I am indicating to the House what the true point of view is. I will continue to read the letter which states—

> The first motion to be presented was for the Government to give written assurance that in the event of any damage being incurred to any Viticultural property through the establishment of an Alumina Refinery at Upper Swan, that the owner of such property be eligible for proper and adequate compensation.
>
> It was the second motion however that expressed the real wishes of the Growers, in that the Government be asked to resite the Refinery ten (10) miles further north of the area proposed of now.

I should like to interpolate that one or two words were missed out of that paragraph. I was present at the meeting and the motion actually read and asked that the refinery be resited at least 10 miles further north. The letter continues—

> Viticulturists are not opposed to the Refinery in principle, but the present siting is causing concern because of the potential danger to their livelihood.
>
> Contrary to reports of overall declension in the Valley, there are still many Growers present who make a comfortable living from Viticulture and Horticulture, and as assurances to date have not, or in all probability cannot be given, that vineyards will definitely not suffer because of pollution, and the Grower individually being too small to litigate against a major Industry for damages, the majority present found no alternative but to submit the above resolutions and seek the Government's assistance for their viability.
>
> We trust our request receives your favourable consideration.

The letter was signed by J. Thorn, Secretary of the Viticulturalists' Union on behalf of the two organisations mentioned here—the Viticulturalists' Union of Western Australia and the Grapegrower's Association of Western Australia. The

letter I have read is supported by a further letter from people who are closely involved in the industry. This further letter is dated the 28th September, 1971, and is addressed to me by the Swan Settlers' Co-operative Association Limited. It reads as follows:—

> Dear Sir,
>
> At a recent meeting of Directors of this Company the following resolution was moved.
>
> "That in view of the already established Industry of Viticulture in the Swan Valley, we the Directors of Swan Settlers' Co-op. Assoc. Ltd., are deeply concerned over the proposed siting of an Alumina Refinery at Upper Swan. Our Industry is of great importance to the economy of this State and is one rural industry which has on its own merits managed to maintain itself in a viable condition. We would respectfully ask you to give your earnest consideration to the siting of this proposed Refinery at least 10 miles further North.
>
> Experience over the years has proved the sensitivity of grape vines to any foreign matter either above or below the ground. The high cost of rehabilitating damaged vines is almost beyond the average Grower.
>
> For your information this Company was established by Growers in 1913 to meet the needs of the Viticulturist Industry in the Swan Valley. Since then the Company has continued on a co-operative basis to service the Growers both as Dried Fruit Processors and Exporters, and General Merchants.
>
> With these thoughts in mind, it is requested that you give earnest consideration to the siting of the proposed Refinery in a more Northerly position.
>
> Yours faithfully,
>
> SWAN SETTLERS' CO-OP. ASSOC. LIMITED.

Once again I ask: What are we to believe? Are we to believe that viticulture is a dying industry in the Swan Valley? Are we to believe that the bulk of the vignerons are in favour of the proposed siting of the refinery?

I have brought forward information which would tend to refute those implications. This afternoon Mr. Abbey made reference to the fact that the Swan Shire Council supported the proposed site. This is a fact. The Swan Shire Council does support the present siting of the refinery, but let us consider some of the history of this matter and see why the council supports this particular siting.

On a previous occasion—indeed last year—the Swan Shire Council was presented with the probability of a refinery being sited on a property at Baskerville, where the Midland railway connects with the standard gauge railway line. When it was presented with this proposal the council objected very strongly and said, "No; anywhere but there; we cannot have it in the middle of our Vine country." The council committed itself by saying what it did. It was then given an alternative site which it accepted. The council kept its word.

The Hon. C. R. Abbey: After a lot of investigation.

The Hon. F. R. WHITE: The council accepted the alternative site—it was prepared to accept any site but the first one that was suggested—and it did so because it desired that there should be development in its district. The council was anxious to obtain this industrial development and rather than lose the refinery and the consequent industrial development it agreed to the siting of the refinery on the present site.

This explanation places a slightly different complexion on the overall story. Reference has been made from a number of quarters—and particularly from the Minister and from Mr. Abbey—as to the good the refinery will do to the Swan Valley area.

It has been said that many vignerons would like to take on outside work to supplement their income. I agree that this would be a good thing; but would they be able to supplement their income by working at the refinery? Would the people associated with the refinery engage casual labour, particularly when the vignerons do not have their vines to prune, or when they do not have their spraying to carry out or their grapes to pick?

Will the vignerons be able to obtain employment at the refinery during their slack periods? I doubt very much whether the management of the refinery would employ such men on a casual basis; I doubt whether they would obtain such continuing casual employment in that area. Accordingly the vignerons could experience some difficulty in this direction.

In his reply the Minister might be able to explain exactly how the vignerons will benefit from the point of view of employment while still retaining their occupation at the vineyards.

We have been told on many occasions that there is a negligible possibility of harm being caused to the environment. As I have already said I have attended every meeting that has been held publicly concerning the establishment of the Pacminex refinery. I have attended these meetings at Hazelmere, at Baskerville, at the Subiaco Town Hall, and also at other places and, accordingly, I have a fairly good grasp of what is going on in the background.

One cannot always follow and appreciate, from reading the results of a motion

that has been moved, what the real intent was of the people who attended the meeting at which such motion was moved.

A large number of people were present at the meeting held at Baskerville. These people attended the meeting to be educated; to find out all the facts about the refinery; to find out all the implications that might be apparent and the consequent effect of the erection of a refinery on the Upper Swan site.

Invitations were sent to some very important members of the Government asking that they allow their officers to attend these meetings. But, as the Press published at a later date, the gag was applied and the appropriate officers were not allowed to attend these meetings.

One officer from the Department of Industrial Development and one from the Public Works Department were allowed to attend and they were able to answer most of the questions that were asked.

During the main address which was given by the representative of the Department of Industrial Development it was stated that the pollutant and harmful effects would be negligible. But during the question or discussion period—I am not quite sure which—the same gentleman made a statement that $5,000 per year would be spent to check on any harmful effects there might be on the environment of the short-neck tortoise nearby. At the same meeting he also said that a sum totalling $30,000 would be spent to check the effect of mining in the hills in the water catchment areas.

If no harm is likely to be caused I find it rather incomprehensible to earmark and demand expenditure of these amounts of money in anticipation that harm will be caused.

As I have just stated, it has been alleged that the grape industry is a declining industry. I maintain it is very substantial and is not declining at all. To substantiate my statement I should like to quote some of the production figures from the Swan Valley for the 1971 season. Export of fresh grapes amounted to $374,264; fresh grapes supplied to local markets, $408,000; production and sale of wine, $2,406,500; and production of dried fruits is estimated at $400,000. This makes a total of $3,588,764 for fresh grapes, wine, and dried fruits which can be accounted for.

In addition to that, further income was earned in the Swan Valley which has some excellent orchards. Many melons and other types of fruit are grown. The total income would certainly exceed $4,000,000 per year. As I have shown, it is a very substantial industry and certainly not one which is declining.

The Hon. J. Dolan: How does the honourable member establish that it is not declining? Does he have previous figures so that we can compare them to obtain some idea?

The Hon. F. R. WHITE: I will get the figures and supply them to the Minister.

The Hon. J. Dolan: That is the only way your statement will have any value.

The Hon. F. R. WHITE: The Government has made a statement that it is a declining industry.

The Hon. J. Dolan: I have not.

The Hon. F. R. WHITE: Speakers from the Minister's party have made this statement.

The Hon. A. F. Griffith: If Mr. White gives the Government the necessary figures, does the Minister think the Government will change its ideas?

The Hon. J. Dolan: Mr. White gave figures for 1971 to show it is not a declining industry, but if he does not give other figures we cannot draw a comparison.

The Hon. A. F. Griffith: I asked whether it would make any difference if the figures were given.

The Hon. F. R. WHITE: I trust Mr. Dolan will remember the remarks he has made, because I can assure him I will quote them back on many future occasions when he fails to supply similar information.

We have been told the establishment of the refinery will have no detrimental effect upon vegetation within the Swan Valley, particularly upon the vines that grow there. We have not been supplied with any evidence or any authentic reports; we have simply been told. I like to have comments backed by fact.

Over the last few years there has been an upsurge in the production of clay bricks by a brickworks in the Midland area. There are vineyards in fairly close proximity to the works. Two vineyards were found to be suffering severely from leaf scorch and defoliation and this suffering coincided with the increased production of the brickworks nearby. Obviously with increased production in the manufacture of bricks greater quantities of fuel oil would be used and greater emissions of fluorine, sulphur dioxide, and chlorides would occur. One of the vineyards had a production rate of 13 cwt. of dried fruit per acre in 1968. This has dropped progressively and in 1971 it was 5½ cwt. per acre, apparently as a result of the increased pollution caused by the manufacture of more bricks by the brickworks.

My information has shown me that the offending brick company used 13,600 gallons of oil per day. In using this quantity of oil it produced 380 lb. of sulphur dioxide per hour which would be 1,500 tons per year. If the proposed refinery uses crude oil—and we have no reason at this point of time to believe it will use anything but crude oil—a quantity of over 200,000 gallons per day will be involved and this will

produce 6,000 lb. of sulphur dioxide per hour, which is about 16 times as much as the amount of sulphur dioxide produced by the brickworks already mentioned.

The Hon. J. Dolan: Aren't they the people who are now using natural gas?

The Hon. F. R. WHITE: Who?

The Hon. J. Dolan: The brickworks at Midland.

The Hon. F. R. WHITE: The Minister should know. He has been advised through the Press and possibly from other quarters as well that the brickworks in question has five kilns. One kiln has been converted to natural gas and the remaining kilns will be converted at the rate of one every three months. At least, we are led to believe this from articles in the Press. The Minister is in a better position than I to know what is happening.

The Hon. J. Dolan: I only read the Press in the same manner as the honourable member.

The Hon. F. R. WHITE: Does the Minister not have other information available to him?

The Hon. J. Dolan: The honourable member is talking about the effect of oil but natural gas will be used.

The Hon. F. R. WHITE: The Minister is saying that the brickworks will be using natural gas! I would hate to say anything I will regret. It has been said that the kilns are being converted. I said there is no guarantee the refinery will use natural gas. I also said it is anticipated the refinery—not the brickworks, but the refinery—will use crude oil. If the refinery does use crude oil it will emit 16 times as much sulphur dioxide per hour, per day, per year than the brickworks emitted when five kilns were burning oil. Does that clarify the matter?

The Hon. J. Dolan: I am with you.

The Hon. W. F. Willesee: One school teacher to another. Well done!

The Hon. G. C. MacKinnon: No wonder there is confusion.

The Hon. F. R. WHITE: To substantiate my statement that the refinery may not use natural gas I draw attention to the East Suburban Section of *The West Australian* on Thursday, the 17th June. It is stated in this edition that the refinery may not use natural gas. There is a statement about what Mr. T. J. Lewis, Director of the Department of Industrial Development, had to say at the Swan Shire ratepayers' meeting at Baskerville Hall.

Only last evening many members of this Chamber attended an interesting talk and film presentation given, I believe, by members of the State Electricity Commission. One of the questions asked at the end was: What is the guaranteed life of the supply of natural gas to the S.E.C.? The answer given by the S.E.C. was that 15 years are guaranteed but it hopes new findings further north will extend the period of life. These are hopes, not facts.

The Hon. A. F. Griffith: While I am with you on a great deal of what you have said, what else would you expect the S.E.C. man to say?

The Hon. F. R. WHITE: I expect a straight answer to a straight question.

The Hon. A. F. Griffith: Didn't he give that?

The Hon. F. R. WHITE: He did, and I am not refuting it. I have accepted his statement. Did the Leader of the Opposition accept it?

The Hon. A. F. Griffith: I happen to know the gas field will last the people it will serve for that period of time. However there is every possibility more will be discovered.

The Hon. F. R. WHITE: That is what I have said.

The Hon. L. A. Logan: It is only proving the point that there is no guarantee.

The PRESIDENT: Order! Will the honourable member please address the Chair.

The Hon. Clive Griffiths: The Minister for Fuel might be able to give us a rundown.

The Hon. F. R. WHITE: To accede to your request, Mr. President, I will continue. There is no guarantee that gas will be used at the proposed refinery. If gas is not used, large quantities of fuel oil will be used and there may—I emphasise the word "may"—be adverse effects upon vegetation in the near vicinity. I have deliberately used the word "may." I have not seen any reports as to what the effects of pollutants will be. Indeed I do not know anybody who has seen reports. Do such reports exist? If they do exist why have they not been brought into this Chamber as supporting evidence? If reports exist, perhaps they are not favourable to the siting of the refinery in the Upper Swan. If a person wished to argue in favour of the site naturally he would not produce any detrimental evidence. We simply do not know because we have not seen any reports to substantiate the statements that have been made.

I find that in *Hansard* No. 8 on the 9th September the Minister for Industrial Development in another place made the following statement which appears on page 1275:—

> A lot of criticism that has been levelled at this project . . .

Meaning the refinery project. To continue—

> . . . has been from people not likely to be directly concerned—let me interpolate here and now that they are entitled to express themselves; I am merely making the point that they are

not likely to be directly concerned—and a lot of the argument against the project has been emotively based, or with very little foundation in fact, or relevance to this particular project. Those who have taken the trouble to inform themselves adequately of the effects that a properly controlled industrial undertaking such as this proposed refinery has on the environment have far more moderate views.

I have taken a lot of trouble, many other people have taken a lot of trouble, the electors at the Baskerville meeting—the several hundred referred to by Mr. Abbey—have taken a lot of trouble; yet we have found it most difficult to get facts. We have been unable to obtain any reports; if they exist then secrecy appears to be the order of the day.

The Hon. A. F. Griffith: Not under this Government—gracious me!

The Hon. F. R. WHITE: Surely the Minister—I am sorry, I mean the Leader of the Opposition, although I would love to be able to address him as Mr. Minister on every occasion I rise—heard the reply to the question I asked today. The reply stated that certain information was very secret and it referred to the 17th edition of Erskine May's *Parliamentary Practice*—an edition which was printed in 1964, although there is an 18th edition printed in 1971 which apparently is different in interpretation. Obviously there is secrecy.

The Hon. A. F. Griffith: It was only the previous Government which was secretive, not the present Government!

The Hon. W. F. Willesee: What about getting back to the job in front of you? I must say that your chatting to each other is most interesting.

The Hon. A. F. Griffith: We were talking about you.

The PRESIDENT: Order!

The Hon. F. R. WHITE: I have mentioned how at that meeting secrecy reigned, departmental officers were gagged, and it was difficult to obtain information. I have endeavoured to inform myself in spite of many obstacles placed in my way. I have submitted today some information which I believe refutes statements which have been made and recorded in *Hansard*. As a result of the lack of information available I am not satisfied that no harm will be done to the environment, I am not satisfied that no harm will be done to vegetation, and I am not satisfied that there will be no pollution of the air.

My inquiries have shown me that there is an inversion layer across the metropolitan area and over the Swan Valley on many occasions—particularly on still, fine mornings. Anyone who lives in the Swan Valley will be aware that a heavy mist hangs over the valley proper for long periods of time after the sun rises. Then, as the inversion layer is dissipated the fog slowly lifts.

We have heard many comments about prevailing winds allegedly coming from the south-west and blowing any possible pollution to the north away from the city if the refinery is established on the proposed site. My inquiries have revealed that there are just as many winds, if not more, coming from the opposite direction. My inquiries have further shown that the number of still, cool days is far in excess of the days on which the prevailing winds blow; and that there is a convection effect over the city proper which tends to draw into the centre of the city. These facts have satisfied me to a degree that there is a possibility of the city area suffering from air pollution if a heavy industry is established immediately north of the city.

We already have problems emanating from Kwinana. I hate to think that we might ring ourselves with heavy industry and increase the problems which future generations—not we because we may be dead and buried by then—may have to bear. I am not satisfied that this refinery will be as harmless as some people say it will. I am not satisfied that it will be an isolated industry. Mr. Logan today stressed emphatically that in his mind it will form the nucleus of a complex. The Press has also stated this and many people of basic, sound, common sense say that once one heavy industry is established there other heavy industries will follow, creating a complex which could have disastrous effects in the future.

I have doubts about a large number of aspects, and many statements belie the facts. I have referred today to the 2,600 acres which appear on the plan as the proposed refinery site and which apparently cater for all the wonderful buffer zones, the red mud ponds, and so forth. Some other statements have been made which have been refuted later. On the 20th July of this year in this Chamber I asked the following questions of the Leader of the House:—

(1) Has the agreement for the proposed alumina refinery in the Shire of Swan been signed by either Pacminex or the State Government?

The answer to that was, "No." My next question was—

(2) If the answer to (1) is "Yes" on what date were the signatures affixed to the agreement?

The answer to that was, "See answer to (1)." My third question was as follows:—

(3) If the answer to (1) is "No" when is it anticipated that the agreement will be signed?

To this the Leader of the House replied, "When the draft of the agreement has

been finalised." The draft of the agreement has been finalised for a long time.

The Hon. A. F. Griffith: But there was a change of mind?

The Hon. F. R. WHITE: Oh yes, I am coming to that. I use that answer as a fact. In *The West Australian* of the 11th September, on page 4 under the heading, "Refinery Bill to be delayed" the following is stated:—

> The Government's environmental protection legislation would precede any agreement on the Upper Swan alumina refinery, the Premier, Mr. Tonkin, said yesterday.
>
> The refinery agreement would have no force till he signed it—and he would not do this till the environmental protection legislation was passed.

That is an answer different from that which I received previously. When I received that different answer it made me wonder, so I did a little more research and found that on the 8th July, 1971—prior to my asking my question on the 20th July—the following words appeared on page 10 under the heading, "Tonkin reassures A.L.P. on refinery":—

> Last month the party's State executive directed the Government not to sign the refinery agreement before the proposed environmental protection legislation passed through Parliament.

That was on the 8th July. I asked a question on the 20th July, and subsequently I found the answer to my question proved to be incorrect. I will say no more.

I feel that the Bill before us has involved a great deal of political manoeuvering. We have been told many things that have been unsupported by facts. We have been told of the tremendous urgency for the signing and passing of this agreement before the 18th October—it just had to be done. We are still dealing with the Bill and we hear no more about the grave need to satisfy a meeting in America on the 18th October.

I query some of the actions which have occurred regarding the siting of this refinery. We have been told more or less blatantly that if the refinery is not built on the proposed site the State will not get it. The State wants the refinery and needs it. I support the establishment of another refinery in this State, and any reasonable person, Government, or businessman would be prepared to carry out a thorough investigation of the economics of siting it in another place.

I think the Premier stated that another site had been considered, but it was being kept a secret. That is not good enough for me. As a member of Parliament, if am asked to vote on some matter I want to know all the facts, and I want to be assured that I am doing the right thing not only by my constituents, but also by the State and future generations. I will not be content merely to say, "Yes, you may have a refinery, and it may be established on that site."

I am not opposed to the Bill, as far as its general implications are concerned: that is, the establishment of a refinery. However, I am adamantly opposed to the site as stipulated in the Bill, and this will become the mandatory site if the measure is passed in its present form.

I now get down to what I consider to be the most serious effect of this refinery; that being the effect upon the underground water supplies in that area. We know that in this area there is a water catchment which is used to supplement the water supplies of the metropolitan region. We also know that a large number of bores have been put down, and that a quantity of water is being drawn from underground sources to supplement the needs of the metropolitan area.

We are aware that the future of Perth and of the whole metropolitan region will depend upon the availability of good water supplies; and that our existing supplies from the rivers, the hills, and the creeks are limited. We suspect that our underground water supplies are limited. What do we know of our underground water supplies? I have made many inquiries, and the answer I received on each occasion was, "I do not know. We hope and we think we have sufficient underground water, but we do not really know what the situation is;" yet under this Bill it is proposed that a refinery be established on the one known substantial water source in the area which could be used to supplement the water supplies of the metropolitan region, and we are asked to permit ultimately 3,000 acres of red mud ponds to be erected in that area, and to allow that industry to use up to 3,000,000 gallons of water per day. Of that quantity 1,500,000 gallons is to be drawn out of the reticulated scheme, and the other 1,500,000 from underground water supplies. That is the initial requirement after the refinery has been established; if other industries follow the refinery the water supply position will become worse.

A person could reasonably ask: How much water is there from underground sources? Is it possible that the underground water may become polluted by the red mud ponds? Is it possible it may become polluted by some of the gaseous wastes washed down through the soil? Is it possible that the use of water from underground sources in that region may ultimately lead to the lowering of the water table to such an extent that vignerons and others who rely on that water supply will be affected adversely?

There is no provision made in the Bill for compensation, should anything go wrong. It was pointed out by Mr. Logan that even if anything did go wrong and

if these valuable but pretty limited underground water supplies became polluted, it would not cause such a huge industry to close down. No doubt it will be allowed to continue to operate. Once the industry has been established it will be permitted to continue, irrespective of the harm it may cause. We could police the industry and restrict it; but once it has been started we would not be able to close it down.

Even the vignerons in the area are very concerned about the possible effects of the establishment of the industry upon the water sources. I keep on saying "possible" because nobody knows the situation, and no adequate information has been given. Even the Government departments are not aware of the possible effects. In this respect a vast emptiness of knowledge exists, and that is not good enough for me.

I now refer to a report which appeared in the East Suburban Section of *The West Australian* of the 8th July under the heading "Vignerons worry about possible loss of water." The following appears in that report:—

> Some Swan grape growers and farmers, living near the proposed Pacminex refinery site, fear that their drinking and crop water supplies will be greatly depleted if the company uses underground water.
>
> Most growers in the area rely solely on ground and surface water.
>
> They have bores ranging in depth from 50ft. to 500ft. and some supplement these with surface run-off catchments.

Further on in the report the following appears:—

> Mr. T. J. Lewis, director of the Industrial Development Department, said at the Swan electors' meeting on June 9 that the refinery would use about 1½ million gallons a day. It would get its supplies from surface water or bores not exceeding 500ft. in depth.

From inquiries I have made, I find that surface water will be used. My inquiries indicate that artesian water is extremely saline, and cannot be used for domestic purposes, or for industrial purposes of this type. The investigations I have made also indicate that no knowledge whatsoever exists as to the replacement rate of the water in that area. There is no knowledge whether excessive drain on the underground water source will completely deplete the supply, or whether the water will be replaced as it is used. To continue with the newspaper report—

> Mr. Polich said that towards the end of the summer water supplies dropped noticeably. It was only because the farmers did not use water during winter that the supplies recuperated.
>
> He could not see the supplies lasting —let alone being sufficient for agriculture.
>
> He was dissatisfied with the June 9 meeting called by the Swan Shire Council. Because the Government had barred its experts from attending, the farmers had left no better informed.

Further on in the report the following appears:—

> Mr Richard Barret-Lennard said that he would welcome the refinery if it did not pollute the water.
>
> He and his two brothers, John and George, had given up farming in other areas to put all their resources in their 1,200-acre property.
>
> They irrigated 1,200 acres of vines and lucerne and ran cattle.
>
> The property had much potential.
>
> They got their water from three sources, a 500 ft. bore, Ellens Brook and an 8,000,000-gallon dam fed by surface water and springs.
>
> Over the years there had been a noticeable drop in the underground water table. As new bores had been put down by other landowners the flow of their bore had dropped, especially towards the end of summer.

If we are to believe the views of a practical vigneron residing and operating in this area they would indicate there is a limit to the quantity of water that can be obtained. There is a possibility that people already established in the area may be disadvantaged. In this regard no information has been given; all the research I have undertaken has furnished me with little information. This indicates that not only do I but that the Government departments also lack reliable knowledge of the water supplies in this region.

Sitting suspended from 6.09 to 7.30 p.m.

The Hon. F. R. WHITE: Prior to the tea suspension I was talking about the water in the Gnangarra area, and I was quoting from a newspaper cutting of the 8th July relating to the vignerons' worry about the possible loss of water. I, too am very worried about the matter. Like my colleague, Mr. Logan, I inspected the area. Admittedly I did not trespass on the site, but from the surroundings I found the area to be extremely wet—in fact rather swampy. Obviously this land will have to be dredged before a refinery and settling ponds can be constructed and this will have to be done irrespective of the refinery. It is apparent that the water table will have to be lowered, and we understand that initially, it will need to be lowered to a depth of 15 feet.

The scientists are also worried. I would like to refer to a newspaper cutting in the East Suburban Section of *The West Australian*. I think this was also dated the 8th July, but for some reason I failed to write the date on the article. It is headed, "Concern By Former C.S.I.R.O. Man" and it reads as follows:—

> Scientist: Threat to our drinking water
>
> By Christopher Lawe Davies
>
> A soil and water scientist said last week that permanent damage could be done to Swan Valley and north and east metropolitan water supplies, if the proposed Pacminex refinery built caustic settling tanks as planned.
>
> Most growers in the area have no scheme water and rely solely on ground and surface water.
>
> Dr Frank Roberts, formerly of the C.S.I.R.O., said that the refinery was planned to be over shallow underground water which flowed east towards Ellens Brook—an important irrigation source.
>
> The settling ponds would sit on vast areas of flattened land. The flattening process would expose the shallow water, or render it close to the surface and create swamp areas.
>
> To avoid this the company planned to pump water out of the ground to keep the water-table down. It would use this water to process the alumina. The rate of pumping was expected to be about 1.5 million gallons a day.

Further on it continues—

> The clay would have to be monitored to test its uniform composition. However it was doubtful if there were clay deposits good enough within an economic distance.
>
> The clay idea was experimental. No-one knew whether it would work under Swan Valley conditions, but the company was prepared to use it.
>
> Once any toxic chemicals got into the light soil they would travel down the east slope and into Ellens Brook polluting shallow bores on the way.

This is the opinion of a scientist—an expert. His opinion is that the construction of a refinery at this site could possibly endanger water supplies to the vignerons, and in my opinion it may endanger water supplies in the metropolitan area.

We have been told that the nucleus of an industrial complex will not be commenced in this area, and that the refinery will be the only industrial development.

I have explained that over the period of life of this refinery the settling ponds will cover a minimum of 3,000 acres. I have not told members that my understanding is that after the ponds are filled and covered with surface soil they may take even more than 20 years to dry out. In the meantime there will exist a rather viscous mass, which, after a heavy downpour of rain, could possibly break its banks and flow onto the surface of the surrounding land.

Members will note that clause 32 of the Alumina Refinery (Upper Swan) Agreement Bill provides that the joint venturers will not sell any land used for ponds without first notifying the Government and giving it the option to purchase the land for industrial purposes. Obviously after the ponds have finally dried it is intended that the land will be used for industrial purposes. It may be used for light industry or heavy industry but obviously the agreement makes allowance for the building of a very large industrial complex. In other words, we could have another Kwinana within the Swan Valley. Of course, this would lie well within the boundaries of the metropolitan region, and the future dormitory for city population.

Urban development will eventually extend beyond this site, and the refinery will be then within the urban development area. This is most undesirable. We have been told that pollution will not affect the central city, but has consideration been given to future generations who will live within the metropolitan region?

I would like to quote from an article in *The West Australian* of the 17th June, 1971. This article is headed, "Kwinana residents tell of discomfort," and it commences as follows:—

> Some residents in the Kwinana area say that people living in the Swan Valley may be in for much discomfort if the proposed alumina refinery is established.
>
> They say that their experience of living close to extractive industries have made them wary of promises that such schemes would not create air or noise pollution.

These are factual statements from people living in the Kwinana area. the people concerned say they have suffered discomfort and they warn the residents of the Swan Valley not to take too much notice of promises because these may not be honoured.

We do not want to see our city of Perth become polluted, either now or in the far distant future. We read of polluted cities overseas; in Japan and America. There is an article about Osaka in the Press dated Thursday, the 31st August. The article is headed, "Osaka pupils collapse in white smog." Then on the 8th July, 1971, in the East Suburban Section of *The West Australian* there is an article headed, "Refinery Opposed—Student's collapse recalled."

I have here a letter from a lady who comes originally from America. She has experienced what happens in these other cities. Her letter reads as follows:—

> Dear Mr. White,
>
> As a mother and as an American who has seen industry destroy a city, I appeal to you to do everything you can to prevent a refinery from going up fourteen miles adjacent to this beautiful city.
>
> My daughter and thousands of youngsters gasped for breath because "progress", man's vested interests, materialistic gain, built steel mills and aluminium refineries.
>
> Dr. Michael Dilworth, eminent university scientist and native West Australian, stipulates that severe air and water pollution from the refinery is inevitable. Yet we are faced with the possibility that a few men's greed may pollute the air so that our children's lungs are contaminated.
>
> I trust that as a concerned and responsible human being you will carefully study the scientific facts and do everything you can to help keep Perth the unspoiled, open, clean city that it is today.

This is what I am endeavouring to do. If the Bill survives the second reading, I hope some action will be taken in the Committee stage to ensure that the refinery is not constructed close to our beautiful city.

Like my colleague, I have toured through the area which it is proposed to mine. In my layman's opinion there are many other sites which could be utilised for the construction of the refinery. The sites appear to have adequate water supplies and they are very close to the mining areas. Is the Swan Valley site the best site available? In my opinion it certainly is not. If anything it could be the worst. There are many other better sites.

I feel that debating this Bill is farcical. When the Leader of the House introduced the second reading he stated that Parliament was being given the opportunity to debate the Bill. The Liberal and Country Parties have debated it. However, it appears to me that the Labor Party does not have a free vote. Its members have been regimented to vote in favour of the Government's Bill.

One section of Parliament has been given the opportunity to debate the Bill and another section has been regimented. I believe this should be a free vote for all parties so that we can do justice to the legislation before us.

At least one member of the public sees things as I do. There is an article in *The West Australian* dated Wednesday, the 15th September, 1971. The article is headed, "Debate on refinery deal seen as farce," and it states:—

> The Parliamentary debate on the draft agreement to set up the alumina refinery at Upper Swan promised to be the biggest farce of the year, Dr. M. J. Dilworth said yesterday.

Dr. Dilworth expresses many of the thoughts I have expressed myself.

I have never opposed the establishment of such a refinery in Western Australia. As the Leader of the Opposition stated, when speaking on this Bill, it will be an asset to the State. It will bring employment, and we do not want to see it go elsewhere. We do not want to see the refinery not constructed, but as legislators we are the protectors of the people and of the public interest. The site which has been chosen is not, in my opinion, the most desirable site.

When Mr. Griffith spoke he referred to the fact that when the Upper Swan alumina refinery was mentioned I tended to change colour. I think that possibly the honourable member may have been correct, but in case he might have been misinterpreted, the colour to which I changed was not to red; if anything it was white, because I felt rather sick inside to think that an item of such tremendous importance was not to be debated freely in the public interest and in accordance with the consciences of individual members.

Members may have noticed that I have placed some amendments on the notice paper. When we get to the Committee stage—if we get to it, which I hope we do not—it is my intention to proceed with those amendments. I oppose this legislation.

THE HON. R. THOMPSON (South Metropolitan) [7.47 p.m.]: Over the past 12 years of the reign of the previous Government we saw many agreements come before Parliament. Some of those agreements did not, of course, come to fruition and as I do not have a crystal ball I cannot say whether this agreement will come to fruition.

By the same token, every time an agreement was read out to us previously we were subjected to tedious repetition. Speaker after speaker would get to his feet and congratulate the Government because it was doing a good job and pushing the State ahead. I consider the previous speaker was sincere when he said he wanted to see industry established; that he wanted to see another refinery established to process alumina in Western Australia. I feel exactly the same.

I listened very patiently to Mr. MacKinnon last night when he gave us a lesson on the ethics of politics, and on how Parliament should be run. Amongst other things Mr. MacKinnon mentioned that

agreements—and he was criticising the agreement now before us—should come before Parliament for variation, and that this had been done in the past. Of course, it has not been done in the past.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr. President, I said no such thing. If the honourable member cares to check my speech he is at liberty to do so. He will find I said no such thing.

Debate Resumed

The Hon. R. THOMPSON: If I am wrong I will apologise, but if my memory serves me correctly Mr. MacKinnon said that agreements came before Parliament signed and sealed, and that this was the responsibility of the Government.

The Hon. G. C. MacKinnon: I accept that.

The Hon. R. THOMPSON: I have complimented the Government for bringing agreements before Parliament, but I have been critical—as was Mr. F. J. S. Wise who is no longer with us—of agreements being presented to Parliament as a *fait accompli*, as a result of which there could be no variation; nothing to the contrary could be done. We either accepted them or rejected them.

The Hon. A. F. Griffith: What does the honourable member think we should do with the Poseidon Nickel Agreement Bill which his Government will bring to this House?

The Hon. R. THOMPSON: I am not too happy about that agreement either.

The Hon. A. F. Griffith: If the honourable member is honest he will realise that he will vote for it.

The Hon. R. THOMPSON: I ask to be permitted to make my speech, and the Leader of the Opposition can record his own vote. I am not afraid to stand up and be counted, whether I support a Bill or do not support it.

The Hon. F. D. Willmott: Sometimes you would like to be counted twice, no doubt.

The Hon. R. THOMPSON: I think legislators should have the right to vote and that is the reason for us being here. However, it is very nice to hear concern being expressed. Evidently the concern I expressed during the last seven or eight years has fallen on deaf ears. I have constantly complained without avail about gas, dust, and pollution in the Cockburn Sound area. However, the previous Government is now sitting on the other side of the Chamber and what do we find? We find that people are suddenly awakened to the inherent dangers, of which I have been aware for some time.

The Hon. G. C. MacKinnon: The previous Government brought in the Clean Air Act.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I have known of cases of people having to shift from their properties because of the dust nuisance and pollution as a result of signed and sealed agreements brought to this Chamber. We had no chance to alter those agreements. It is now desired that every member of the Opposition—and every member of the Government for that matter—should be able to alter the agreement which is now before us, or attempt to have it altered.

The Hon. A. F. Griffith: What amendments do you intend to move?

The Hon. R. THOMPSON: I will direct my criticism to the Bill, and I do not think any amendments are necessary. I will not support any amendments.

The Hon. A. F. Griffith: I thought that would be the case.

The Hon. G. C. MacKinnon: You will have to toe the line.

The Hon. R. THOMPSON: Mr. MacKinnon should know; he has had to toe the line. In the last six years his Government brought agreements to Parliament which could not be altered.

The Hon. G. C. MacKinnon: There is nothing wrong with that.

The Hon. R. THOMPSON: If there was nothing wrong why do we find that members of the Opposition have placed amendments on the notice paper? If they think it is a divine right of Governments to bring agreements to Parliament why are they so concerned to put amendments on the notice paper?

The Hon. G. C. MacKinnon: The Government gave us the opportunity to do so.

The Hon. R. THOMPSON: But the honourable member has said this should not happen. We are discussing a signed and sealed agreement.

The Hon. G. C. MacKinnon: I made it perfectly clear, last night.

The Hon. R. THOMPSON: The honourable member must be consistent.

The Hon. A. F. Griffith: Can the honourable member tell me in what way my amendment will alter the agreement?

The Hon. R. THOMPSON: The only thing the amendment could possibly achieve is to hold up consideration of the agreement for at least 12 months.

The Hon. A. F. Griffith: The amendment does not alter the agreement, and you know it. Your Government would not get on with the environmental protection legislation.

The Hon. R. THOMPSON: The Leader of the Opposition knows that the environmental protection legislation introduced by his Government was not worth the paper on which it was printed.

The Hon. F. D. Willmott: It was better than nothing.

The PRESIDENT: Order!

The Hon. R. THOMPSON: We now find amendment after amendment placed on the notice paper, and it is possible that the Environmental Protection Bill will also receive a pretty rough deal when it comes to this Chamber. I cannot foreshadow the contents of that legislation.

I am concerned with the effects the present proposal will have on the metropolitan region. That is my main concern because I understand that at a meeting where a Dr. Letham was the speaker he was asked a question regarding the fall-out of sulphur dioxide if the alumina refinery were established. On the estimated tonnage of oil the refinery would burn daily it was anticipated there would be a fall-out of 72 tons of sulphur dioxide each day.

The Hon. G. C. MacKinnon: That would be Dr. Letham.

The Hon. R. THOMPSON: I was never happy to see the Cockburn area being destroyed by pollution, and now the effects of that pollution are beginning to be felt in Perth. I am concerned as to what will happen as a result of the prevailing winds. We have an easterly breeze in the early mornings, followed by an east by north-easterly breeze. My concern is that those breezes will blow a large proportion of the sulphur dioxide onto the City of Perth. When the sea breeze comes in from the south-west at about midday or a little later, during the summer months, the pollutents will be blown from the Kwinana area into the metropolitan region. I ask: In what sort of position will we find ourselves? I have with me a meteorological summary published by the Commonwealth of Australia Bureau of Meteorology. It is a climatic survey covering region 15, which is the metropolitan area of Western Australia. It is a very interesting review and table 50 on page 125 sets out the percentage duration of wind from various directions over the years. The table is for the period between 1944 and 1958 and I do not think the direction of the winds has changed materially since that time.

I do not think members would be able to follow closely the whole of the table were I to read it out, but I will quote some relevant facts. The percentage of wind from the north is shown as 3.1; from the north north-east, 4.3; from the north-east, 5.4; and from the east north-east, 7.3. The percentage from the east is shown as 6.4; from the east south-east, 7.3; from the south-east, 7.4; and from the south south-east 8.9 per cent. If those percentages are added together they will show that during a period of 12 months approximately 50 per cent. of our winds come from the east and the variations of the eastern regions of our city.

It is reasonable to expect that unless the proposed environmental protection council imposes stringent safeguards we could finish up with another area similar to Cockburn Sound, but this time in the area north of Perth. We should have grave concern for the future of the City of Perth.

The Dow chemical company of America, which is possibly the largest manufacturer of chemical goods in the United States and perhaps one of the largest manufacturers in the world, has taken in hand the control of pollution caused by its industries. The amount of money which is expected to be spent on the control of pollution is staggering. I have with me an extract from the magazine *Fortune*, published in July, 1971, and at page 88 the article refers to the Environmental Protection Agency of America and says—

> For example, one recent EPA study put the cost of suppressing sulphur oxides from copper smelters at $87 million. The copper industry says that much larger outlays will be required—$345 million if new control technology works out, $1.2 billion if it doesn't (because the failure would require replacement of present smelters).

I would like members to read that article because I think it is possibly one of the finest documents on pollution control that I have read. It goes on to say—

> Some of the biggest investment decisions of the decade will concern capital goods that protect the air and water but may have no dollar pay-off at all.

I think that is the main point about the signing of this agreement. I accept the undertakings given by the Premier—which are written into the measure which will become an agreement—that the refinery will conform in all ways to the environmental protection legislation. It will be up to this Chamber, when that legislation is before it, to ensure that the legislation has sufficient teeth to protect the environment of Perth in the future.

The Hon. A. F. Griffith: Do you think the refinery is in the right place?

The Hon. R. THOMPSON: Candidly, no. I think that could be gleaned from what I have been saying. I am concerned about the wind movements. The information contained in the book to which I have referred, which is to be found on aeroplanes and the bridges of ships, is comprehensive and I do not think it could be questioned in any shape or form.

The Minister's introductory speech on this Bill commences on page 1846 of *Hansard*. On page 1854 the Minister said—

> In view of the environmental controls that have been insisted upon for the proposed refinery, the Government is satisfied that the operations of the refinery will not have any adverse effect on the vineyards in the Upper Swan Valley. I have already mentioned the situation at Kwinana

where, after seven years of operation, there has been no damage to market gardens or other plant life. The Upper Swan refinery will be well over two miles from the nearest commercial vineyard, yet the Government is assured by its leading experts in these matters that the level of concentration of noxious matter, even at the refinery itself, will be far below what are considered safe limits for all types of vegetation.

I do not know who supplied the Minister with that information in regard to Spearwood, but very early in the piece when the alumina refinery was put into operation at Kwinana it had many teething troubles, as do most refineries. The nickel refinery at Kwinana has experienced the same troubles and I thought at one stage it would have to close down because of the noxious gases and the detrimental effect they were having on local residents, but that problem has been remedied to some extent. I compliment Alcoa on the wonderful work it has done and the manner in which it has set about remedying the problems regarding pollution of the atmosphere that are inevitable when establishing heavy industry.

Alcoa bought out a number of properties very close to its works. One which is right next to the works used to be a race-horse training establishment. Not so long ago that area was flooded by caustic. There is another property on Rockingham Road which I think most people would know. When travelling through Spearwood, before reaching Cockburn Road there is a sharp right-hand turn at the junction with the turnoff to the old Naval Base hotel. A man named Pearson had a nursery and flower garden on that property and derived his living, mainly, from selling gladioli. When the inspectors from the Department of Agriculture visited the property at my request, it was found that the refinery was not responsible for killing his flowers and plants. Although he had been there for many years, the inspectors said his plants had been attacked by a virus. Of course they had, but the virus was in the form of caustic and sulphur dioxide. It was excessive concentrations of those chemicals that had killed his plants. He was forced to sell out and give up his livelihood.

We cannot just take everything for granted. I have grizzled for a long time about the gases, the nuisance, and the discomforts suffered by people in the Naval Base-Kwinana area. Those people are still suffering and will continue to suffer, but at that stage my complaints fell on deaf ears. It was obvious that the Opposition's point of view was that the individual did not matter, and that attitude was well proved by the paltry sums that were offered for resumptions at that time. The individual had to move on. In this Bill at least we have some safeguards which provide that land will be bought by negotiation, and resumption will be a last resort. I think there will be very few resumptions because most of the land will be acquired.

I now refer to the annual report for 1970-71 of the Plant Research Division of the Western Australian Department of Agriculture. On page 29 it is stated—

> The flue gas emission from the brickworks contains fluorine, possibly as hydrofluoric acid, sulphur dioxide and chlorides. Although any of these could cause damage it is considered that fluorine is probably the main contributor to any damage, followed by sulphur dioxide and chloride. Sampling of vegetation near the brickworks shows the localized buildup of these pollutants in vegetation (Table 23).
>
> An investigation to determine whether foliage lime sprays on grape vines could neutralise fluorine or sulphur dioxide toxicities showed that although frequent lime sprays did minimise the leaf scorch symptoms to some extent the method did not give economic or satisfactory control.

Table 23 shows the inorganic sulphur fallout and fluorine content of grapes and flooded gums at varying distances from the brickworks. The report continues—

> The toxicity to surrounding vegetation of fluorine emissions from brickworks is well known in other parts of the world. The sulphur dioxide comes from the fuel oil used in the kilns and unfortunately fuel oil available in Western Australia has a high sulphur content.
>
> Sulphur dioxide from fuel oil appears to be the cause of vegetation damage in the area surrounding the Alcoa alumina refinery. Table 24 shows the results of leaf sampling in this area for Tuart and *Banksia attenuata*, a common coastal banksia. The high aluminium levels close to Alcoa indicate the level of dust deposited on leaves but do not necessarily mean that there is aluminium in the plant tissue. In the Kwinana area it is difficult to associate atmospheric pollutants with a single industry. Sulphur dioxide could emanate from a number of other sources including the oil fired Kwinana power station.

Table 24 gives the analyses of banksia and tuart in the Kwinana area. At a site half a mile east of Alcoa the inorganic sulphur content of banksia was .36 per cent. with 7,300 p.p.m. of aluminium. One mile north-east of Alcoa the content had decreased by .06 per cent. to a reading of .30 per cent. of inorganic sulphur, and the aluminium content had decreased by 300 p.p.m.

The Hon. G. C. MacKinnon: Is it aluminium or alumina?

The Hon. R. THOMPSON: Aluminium. Thirteen miles south of Alcoa the inorganic sulphur content of banksia had decreased to .06 per cent. and aluminium to 660 p.p.m. One mile north-east of Alcoa the inorganic sulphur content of tuart was .14 per cent. with 1,400 p.p.m. of aluminium. Thirteen miles south of Alcoa those figures for tuart had decreased to .02 per cent. and 96 p.p.m., respectively. It will therefore be seen that there is a definite fallout of inorganic sulphur and aluminium in that area.

The Hon. G. C. MacKinnon: Wherever fuel is burnt that must occur. The point is: What is the danger level? You have not told us that.

The Hon. R. THOMPSON: I could not tell the honourable member that.

The Hon. G. C. MacKinnon: That is the only thing that matters, is it not?

The Hon. R. THOMPSON: My concern is not the fallout from one plant but the total build-up from a series of plants which could reach a dangerous level with the wind seesawing these gases over the city of Perth.

The Hon. G. C. MacKinnon: That depends a great deal on the climate. It would vary considerably as between Kalgoorlie and Perth.

The Hon. R. THOMPSON: Of course, because in Kalgoorlie there is no ridge of hills to seal in the gases or dust.

The Hon. G. C. MacKinnon: And there is not the same water content in the atmosphere.

The Hon. R. THOMPSON: That is true. I have taken the time to go to Gooseberry Hill, Kalamunda, and Lesmurdie to observe the drifts of smog over Perth. I call it smog and I think most people would. Some members of this House went to Pinjarra to look at the Alcoa works. On the return trip that afternoon a cloud of smog and pollution which was very low on the ground could be seen coming gradually up to Perth. By that time it had about reached Hamilton Hill, which is some 10 miles away in a direct line from the actual source of the pollution.

On that day I think the sea breeze had been in for two or three hours. If we are to have this backward and forward movement of pollutants in the atmosphere we have to make double sure that every protection is afforded to the people living in the area. Therefore all companies, including those at Kwinana, will have to face the music and bear the cost of ensuring that we do not reach the position that has been reached in other cities of the world, and that we do not face the problem faced by the Dow Corporation in America which has to spend millions of dollars to combat pollution. So much for that side of environmental protection.

My main concern is about the facilities for loading and unloading ships at Kwinana. Members of the House, if they had been listening, would have heard me speak time and again of the dust that emanates from Alcoa when ships are being loaded with alumina. Like any other company, Alcoa has no desire to lose alumina. This is the end product which is worth a lot of money, and any waste decreases the profits of the company. However the company has not been able, as yet, to perfect a loading system by which it does not lose any percentage of alumina. I have seen alumina dust deposited on shacks at Garden Island, because when there is a strong easterly breeze blowing the dust is carried into the air for miles.

I am concerned about the loading facilities that are to be established close to Rockingham, because I do not want to see the people in that area subjected to the dust nuisance which plagues the people at Naval Base and Kwinana. When there is a westerly or a northerly breeze blowing, the Kwinana residents have their houses shrouded with alumina dust. It enters every possible chink in a house, and as a result the houses in the area become very unsightly and the housewives extremely frustrated.

However I will say that whenever I have complained to the Alcoa company about the dust nuisance it has taken steps immediately to stop the ships being loaded when the wind is blowing from an unfavourable quarter. Therefore the company cannot be blamed if the nuisance persists. The company has been unable to find a satisfactory method of loading ships with alumina without creating a dust problem. It will be found that if the same loading methods are employed on a new jetty to be established at Kwinana near the boundary of Rockingham, and an easterly or a north-easterly breeze is blowing, Rockingham will become shrouded in alumina dust. This is to be decried.

Therefore we should ensure that certain safeguards are taken. The environmental protection council must satisfy itself that the loading equipment is of such a standard as to make it impossible for the alumina dust to escape from the hold of a ship, even if it requires a genius to find a solution to this problem.

The Hon. G. C. MacKinnon: I think that might come under the jurisdiction of the Clean Air Council rather than the environmental protection council.

The Hon. R. THOMPSON: I think that when the environmental protection legislation is passed, the clean air legislation will become part and parcel of it.

The Hon. G. C. MacKinnon: Not in accordance with my reading of the legislation. In listening to the Premier he said these other agencies would remain extant but he may have changed his mind.

The Hon. R. THOMPSON: I am not an authority on the subject, but I think the environmental protection legislation would be better in these circumstances.

The Hon. G. C. MacKinnon: How do you know it is any better than the old Bill? I have read the Bill three times and you are contradicting me. You have a cheek.

The Hon. R. THOMPSON: I was about to say—

The PRESIDENT: I draw the honourable member's attention to the fact that the other Bill is not under discussion.

The Hon. R. THOMPSON: I was about to say that I could not continue discussion on that legislation, but in view of the fact that the Bill has been referred to, I think it is sufficient to state that we will have to give due consideration to ensuring that the conditions applying to the loading of alumina on ships at Kwinana are sufficiently rigid in that legislation to protect the residents of Rockingham, Rockingham Park, and Kwinana; otherwise members representing that area will find that their constituents will have a taste of the trouble my constituents have been experiencing for several years. I am referring to those residing in the Naval Base, Coogee, and Munster areas.

So I say again that the facilities for loading ships at Kwinana are far from satisfactory. It is surprising to me that members representing the area have not mentioned this, because, having seen the dust nuisance and heard complaints regarding it, it must have been obvious to them. Even the simple operation of loading bulk wheat into a bulk grain carrier creates a great amount of dust, but at least it is confined to a certain area; only the adjacent wharf sheds and factories are affected by the dust. Houses are not subjected to it.

In this instance however, the industry is being established closer to a residential area and dangers could arise. I have studied the Bill word for word, and I have even found a few spelling mistakes. I would not say it is much better than any other Bill that has been brought before us. It contains some benefits in respect of resumptions and people's rights will be safeguarded. The Government will be enabled to negotiate with the company so that it can carry out certain feasibility studies, but such feasibility studies are referred to in most Bills of this nature.

At this point of time I think it is necessary that the company should get off the ground, but we cannot afford to establish a company of this nature at any price. The people of Western Australia should be considered first before the establishment of an alumina company or a refinery of any kind. Unless the public of Western Australia are sufficiently safeguarded in the environmental protection legislation, by agreeing to the proposed site for this refinery we could find ourselves in a very sticky situation.

The Hon. A. F. Griffith: Do you think it would be a good idea to follow the cue given by the Premier and consider the environmental protection measure before this one?

The Hon. R. THOMPSON: The Premier has given us his assurance that this agreement will not be signed until such time as the Environmental Protection Bill is passed by both Houses of Parliament. I know that John Tonkin will honour his promise in that respect, because he has made it so many times to so many people.

The Leader of the Opposition may not agree, but I feel sure that you, Mr. President, will agree that when that Bill is brought before us it will be up to the members of this Chamber to ensure it is strong enough to give the protection we require for the people in the metropolitan region.

THE HON. N. E. BAXTER (Central) [8.26 p.m.]: Like other members who have spoken to the measure, I have no objection to the establishment of another alumina refinery in Western Australia. In fact I rather support the proposal because I believe it will do nothing but good for the future development of the State. In speaking to the Bill generally, I think it is competent that we should take our minds back to the first alumina refinery agreement Bill which was presented to this Chamber in 1961. A study of the Bill and its short title is rather interesting. Its short title was the Alumina Refinery Agreement Act, 1961. The short titles of the Bills that followed that original alumina refinery measure were as follows:—

> Alumina Refinery (Mitchell Plateau) Agreement Act, 1969.
>
> Alumina Refinery (Pinjarra) Agreement Act, 1969.
>
> Alumina Refinery (Bunbury) Agreement Act, 1970.

The long title of the Alumina Refinery Agreement Act of 1961—the original piece of legislation—reads as follows:—

> An Act to approve and ratify an agreement entered into by the State with respect to the establishment of a refinery to produce alumina, and to provide for carrying the agreement into effect and for incidental and other purposes.

However, when one looks at the long title of the Bill now before us, it is found that it includes a good deal more than the long title I have just quoted. It reads as follows:—

> An Act to authorize the execution on behalf of the State of an Agreement with Hancock Prospecting Pty. Limited, Wright Prospecting Pty. Limited, Metals Miniere Limited and Pacminex Pty. Limited relating to the establishment at Upper Swan of a refining plant to treat bauxite to produce alumina and for other purposes.

I would point out that these two Bills have entirely different meanings or objectives. The first Bill, introduced in 1961, was what one might call an accomplished agreement. The whole agreement was set out to be ratified by Parliament as a complete document, but the Bill we have before us this evening is a document providing for a feasibility study.

On looking at the schedule which appears on page 3 of the Bill, it is found that after the first portion which states that it is an agreement between the Premier and the various companies concerned, the following appears:—

> WHEREAS:
>
> (a) the Joint Venturers and their predecessors in title at the cost to the date hereof exceeding two million dollars ($2,000,000) having established the existence of bauxite reserves within the mining area defined in Clause 1 and having already carried out certain investigations relating to the mining transport and refining of bauxite and the shipment of bauxite and alumina from the mining area wish to develop those bauxite reserves and to establish a bauxite mining operation and an alumina plant all of which is expected to cost an amount exceeding eighty million dollars ($80,000,000); and
>
> (b) the Joint Venturers agree in due course to investigate the feasibility of establishing within the said State an industry for smelting alumina produced from bauxite;

I draw members' attention to the words "certain investigations" which appear in lines five and six of paragraph (a).

The Hon. A. F. Griffith: That is purely a recital in the agreement which really does not mean a thing.

The Hon. N. E. BAXTER: What does the Leader of the Opposition mean by that?

The Hon. A. F. Griffith: The second reference you make does not deal with the smelting of alumina; it merely deals with an investigation into the feasibility of establishing an industry for the smelting of alumina. To carry out smelting is one thing, and to investigate is another.

The PRESIDENT: Order! Will the honourable member please address the Chair and not enter into a conversation with the Leader of the Opposition?

The Hon. N. E. BAXTER: I will comply with your wishes, Sir. I am pointing out that this agreement is still in the feasibility study stage.

The Hon. A. F. Griffith: It is not.

The Hon. N. E. BAXTER: It is not an accomplished final agreement.

The Hon. A. F. Griffith: Of course it is.

The Hon. N. E. BAXTER: The Leader of the Opposition and I differ in our interpretation of the wording of the schedule. Under the Bill extensions of time can be granted for financing and marketing, and the schedule is such that it could be six years before the company is bound to establish and operate its refinery.

I say this because I wonder whether it is important that the site should be stipulated in this Bill. The company is indulging in a feasibility study of the establishment of mining, of bauxite, and finally a refinery. It has been said that the company has made a full feasibility study and that it has carried out a complete investigation into the establishment of the industry in Western Australia, and that only one site would make the industry viable, and that is the site laid down in this document. From my reading of this Bill I cannot believe that is right.

As Mr. Logan pointed out, the crushing plant will be established in the ranges adjacent to the mining reserves. The ore will be shipped from the crushing plant in a south-westerly direction, if my interpretation is correct, and then shipped north again to the refinery site. This does not sound like an economic venture to me. In addition the ore must be transported over one of our main highways—that is, Great Northern Highway—creating yet another traffic hazard whether the transport be carried out by rail or road. Of course, the logical method would be by rail. This will mean another railway line over Great Northern Highway.

I do not care what anyone says, each line over a highway creates a traffic hazard. These are small points, but they are incidental to an agreement of this nature. Logically the shorter the distance necessary for transport when handling huge quantities of this type of material the more economical and viable the industry will be.

As Mr. Logan pointed out some of the huge valleys in the ranges could be used for the mud settlement ponds which would

in the long run be much more economical than bulldozing the ponds. The erection of a retaining wall across a big valley would cater for the mud for many years.

I have said these things because this is not the only site which would be economical, irrespective of what the agreement contains to the contrary. Although I intend to support the Bill, I do not agree that the site should be settled under this Bill.

Debate adjourned, on motion by The Hon. J. Dolan (Minister for Police).

TRAFFIC ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.36 p.m.]: The purpose of this Bill, which consists of only one page, is to repeal section 27A and amend section 47. The Minister said—

> The purpose of this Bill, to amend the Traffic Act, is to confer power to make regulations requiring drivers and passengers of motor vehicles to wear prescribed items of equipment. The prescribed items of equipment intended at the moment are, of course, seat belts and, in the case of motor cyclists and pillion passengers, safety helmets.

At the outset I want to say I am a firm believer in the use of safety belts which should be made compulsory. During his introductory speech the Minister gave many instances to substantiate this point of view and I therefore do not consider it necessary for me to repeat those given or to relate any further instances. We all ought to be satisfied that the use of safety belts would render people less prone to injury or death if they were involved in an accident. The Minister also stated—

> In an effort to cause a significant reduction in the road toll, the State Government had little alternative but to make the wearing of seat belts compulsory.

While I support those sentiments I believe we should be going further. We should be trying to ascertain the cause of accidents. A move such as that envisaged under the Bill indicates to me that we are resigned to the fact that accidents will occur and therefore we must ensure that when they occur there is less likelihood of injury and death than at present.

We must have strong, courageous, forthright, and definite actions and statements on this issue, and they ought to be forthcoming from the Minister for Police and the Commissioner of Police.

In Western Australia spasmodic attempts are made to overcome the problem. A stop-gap sort of action is taken. Statements are uttered today and retracted tomorrow. Somewhere along the line we must have a look at ourselves and ask the Government—and certainly the Minister—to submit definite proposals to substantially reduce the cause of accidents.

Over the last few months, particularly, Mr. Dolan has become notorious for making stop-gap statements. One day he makes a statement that certain action will be taken, but the next day, after Mr. Tonkin or Cabinet has got at him, he shifts his ground and endeavours at least partially to retract his statement. In my opinion the Minister does not have any positive thoughts on the steps which should be taken to overcome this situation.

I know that most of the steps suggested will not be popular and therefore a courageous Minister and a courageous commissioner will be necessary to provide the answer. Indeed, I can go so far as to say that Mr. Dolan reminds me of a fellow who goes duck shooting with a double-barrel shotgun. He pulls the trigger the first time and the ducks all scatter into the air; but he becomes frightened and pokes the barrel of the gun into the mud so that, when he pulls the trigger a second time, the gun backfires and he spends the rest of the week trying to extricate himself from the mess.

If Mr. Dolan believes he has a solution to the problem, he should tell us what it is and, if necessary, submit his proposals to Parliament. He should then enforce the proposals. He must be strong and constant in his approach.

I have multitudes of newspaper cuttings, if I can find them. I have been carrying them backwards and forwards during the last week waiting for an opportunity to speak. These cuttings emphasise the point I am trying to make; that is, that a stop-gap attitude exists.

The first article I have here indicates a positive approach and as yet no steps have been taken to retract it. The following appears in the *Daily News* of the 11th November:—

> Control of Cars for the Young
>
> The W.A. Police Department may press for legislation to control the sale of vehicles to juveniles.
>
> The Chief of the Police Traffic Branch, Superintendent Athol Monck, said today some form of legislation was needed to:
>
> • Prevent unlicensed juveniles buying vehicles.

- Stop the sale of unlicensed and unroadworthy vehicles to juveniles.
- Restrict the cash sales of vehicles to juveniles who did not have the consent of their parents.

And so the article goes on. That is a positive statement but we are not getting any action. I would support legislation of that nature if the provisions were satisfactory. It would be a positive step towards reducing the road toll.

The Hon. J. L. Hunt: The Bill refers to seat belts.

The Hon. CLIVE GRIFFITHS: The honourable member has clearly indicated that he has not read the Bill because it does not mention seat belts.

The Hon. R. L. Hunt: It does not mention secondhand cars, either.

The Hon. CLIVE GRIFFITHS: I said that the Minister had stated—

> In an effort to cause a significant reduction in the road toll, the State Government had little alternative but to make the wearing of seat belts compulsory.

It is the effort to make a significant reduction in the road toll with which I am concerned. The wearing of seat belts, the Minister mentioned, will be covered in a regulation; but I will refer to that in a moment and Mr. Hunt will, in due course, be able to give us his views.

The Hon. J. L. Hunt: I have already given them. I cannot speak twice.

The Hon. G. C. MacKinnon: You are not doing too badly.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: If I am getting away from the contents of the Bill I know that you, Mr. President, will point this out to me without the help of Mr. Hunt. The next headline to which I wish to refer appears in *The West Australian* of the 16th November and is entitled "Traffic chief puts a 'get tough' plan." The article states—

> The chief of the traffic branch, Superintendent A. T. Monck, wants sterner action taken in patrolling the roads.
>
> He said yesterday that he had made the recommendations to the Commissioner of Police because of the appalling road toll in the weekend.

Again, even though something tangible has been put forward no action has been taken. In the *Daily News* of the 15th November there is a headline "Top level talks after black spell." The article goes on to comment and point out that we have experienced terrible road carnage in the metropolitan area and in the State during the weekend and says that urgent discussions were held in regard to the matter. In the *Daily News* of the 17th November there appears a headline, "Heat on for killer drivers." The article points out that about six small fast unmarked cars will join the Police Traffic Branch road patrol in an attempt to hunt the killer driver on our roads. The Chief of the Traffic Branch, Superintendent Athol Monck, said that the cars would patrol the roads during Christmas.

On Thursday, the 18th November, the *Daily News* carried big headlines which stated, "Big Blitz to trap the drunk driver." We have these headlines and articles appearing in the papers day after day pointing out that there has been an increase in the number of accidents and a spate of deaths on our roads.

As I have said previously while the fixing of safety belts to a motorcar lessens the chance of an individual being killed or maimed as a result of an accident, I do not think the Traffic Act should be amended in the manner in which the Minister seeks to amend it to overcome the problem that confronts us.

We should amend the Traffic Act in an attempt to get to the seat of the trouble. The fact of the matter is that we in Western Australia are all bad drivers and we must accept this fact.

The Hon. N. E. Baxter: I hope you are speaking for yourself.

The Hon. CLIVE GRIFFITHS: I am also speaking for the honourable member.

The Hon. G. C. MacKinnon: You are talking statistically.

The Hon. CLIVE GRIFFITHS: Yes.

The Hon. N. E. Baxter: How do you make out that I am a bad driver?

The Hon. CLIVE GRIFFITHS: I know you will not permit me to answer the honourable member, Mr. President, so I will not do so. I am not convinced that the method suggested by the Police Department of having six unmarked motorcars patrolling the roads will have any significant effect at all.

In this connection I would draw the attention of the House to an aritcle which appeared in the *Daily News* on the 10th November. The article is entitled, "How to catch 23 erring motorists." The article is written by a reporter named John Horner who said that he had been out with the traffic police and had seen how they operated. The first paragraph of the article states—

> No motorist booked during a six-hour patrol in a marked police car; 23 motorists booked in a similar patrol in an unmarked car.

That seems to sum up the situation and indicates that people will not continue to break the law so long as they see a marked police motorcar on the road. Should the

motorcar be unmarked the law will continue to be broken because the people concerned will not know that it is a police car.

From that I gather that the police are more content to allow people to break the law so that they can be prosecuted. It follows, therefore, that if we had marked police motorcars nobody would break the law.

The Hon. J. Dolan: You mean nobody would get caught, which is a different thing.

The Hon. CLIVE GRIFFITHS: I do not think it is a different thing. I believe we ought to have a greater number of policemen on the roads; we ought to have double the number that we have at the moment; they should be available at all points where they can be seen and dressed conspicuously for the purpose. People do not necessarily break the law deliberately; though they do get caught for speeding as I have on occasions.

Because of an impression that has grown up amongst Western Australian drivers over the years we appear to think that every other driver of a motor vehicle is a crook driver. The man who is driving the car thinks that he is the best driver on the road and that no other driver is any good at all. He drives along at 45 miles an hour, forgetting he is breaking the law, but on seeing a policeman he immediately reduces his speed to 35 miles an hour and becomes conscious of the fact that he is breaking the law. If policemen were conspicuous in their uniforms while on duty it might help motorists to keep on the straight and narrow path.

The Hon. J. Heitman: Why not have a picture of a policeman every hundred yards or so?

The Hon. CLIVE GRIFFITHS: I propose to talk about signs in a minute. In a report in *The West Australian* of the 20th November, 1971, headed, "W.A. may try random drunk-driving tests" we find that Mr. Dolan is quoted as having stated an opinion on a television programme entitled, "This Day Tonight." The article reads—

> The Minister for Police, Mr. Dolan, said last night that random drunk-driving tests might soon be introduced in W.A. as part of the Police Department effort to reduce the road toll.
>
> Mr. Dolan said that he had seen further evidence of the value of spot checks.

The Hon. A. F. Griffith: I saw the interview.

The Hon. CLIVE GRIFFITHS: I did not, but I read it in the newspaper. I thought to myself that here was a positive statement by Mr. Dolan; that he had obviously had tests carried out and that he had the results on hand.

The Hon. G. C. MacKinnon: That was the first barrel.

The Hon. J. Dolan: You draw some funny conclusions.

The Hon. CLIVE GRIFFITHS: I read this in the newspapers.

The Hon. J. Dolan: You do not want to believe all you read in the newspapers.

The Hon. A. F. Griffith: But we believe what we see and hear on television.

The Hon. CLIVE GRIFFITHS: On the same day in the *Daily News* Mr. Tonkin said that Cabinet had not considered the plan put forward yesterday by the Police Minister (Mr. Dolan) but Mr. Tonkin would not comment further. Later in the article we find the following:—

> Mr. Tonkin said today he did not know about the "further evidence" of the value of spot checks mentioned by Mr. Dolan.
>
> "I don't want to comment at this stage," he said.

This appears to be plugging up the second barrel. On the 22nd November Mr. Dolan comes out and says that spot checks need further study; that there would have to be conclusive evidence in favour of random drunk-driving tests before they were introduced in Western Australia. The article points out that Mr. Dolan was clarifying the remarks made last Friday on the A.B.C. television programme "This Day Tonight."

The Hon. A. F. Griffith: How far is the gun down now?

The Hon. CLIVE GRIFFITHS: He is about to pull the trigger. The article continues and states—

> Mr. Dolan said that there was some evidence in favour of random tests—but not enough to justify its introduction in W.A.
>
> There was also much evidence against the tests.
>
> He had always regarded spot checks as an infringement of people's rights, and still thought that way.

We do not appear to be prepared to do anything about our tremendous road toll; we are not prepared to get out and tell the people they are not good drivers and that they must do something about it.

I feel we must develop the attitude which leads us to believe that we have not got an inherent right to obtain a driver's license to drive a car and having obtained a driver's license that we necessarily have the additional right to do as we please on the roads. We must get away from that attitude which is so evident among drivers in Western Australia, and in Australia generally.

We all seem to be under the impression —and in this I include myself—that we have some inherent right to drive vehicles

on our roads. We do not regard this as a privilege which ought to be cherished, protected, and honoured.

These problems can only be overcome, and this attitude can only be corrected, if we have a courageous Minister for Police who is prepared to do something about these matters.

The Hon. R. Thompson: You are implying that for the past 12 years we have not had a courageous Minister for Police.

The Hon. CLIVE GRIFFITHS: I am not. I hasten to add that I am not blaming Mr. Dolan for the present situation. He happens to be Minister for Police at the moment, and it is he who has made the statements I have quoted—he has made these statements and then tried to shuffle out of them. I have a great deal of respect for Mr. Dolan.

The Hon. W. F. Willesee: I think I am looking at an up-and-coming Minister for Police.

The Hon. CLIVE GRIFFITHS: I would like the job for about 15 minutes.

The Hon. J. Dolan: That is about as long as you would last.

The Hon. CLIVE GRIFFITHS: As I have said, we seem to have adopted the attitude that once we have secured our driver's license it is ours for life, and we look askance at anyone who suggests anything to the contrary. To back up that statement I would like to read what was said by Mr. Ferry when he was speaking to this Bill.

The Hon. V. J. Ferry: This should be good.

The Hon. CLIVE GRIFFITHS: Members will find his remarks recorded at page 1929 of *Hansard* of Thursday, the 7th October, 1971. He said—

> It seems to me that this legislation, commendable though it may be in principle and in what it sets out to do, is in fact interrupting and hindering the traditional right of the citizen to enjoy himself in a normal law-abiding way.

I think this emphasises the point I am trying to make—that for some reason or other we feel we have an inherent right to drive on our roads.

Mr. Ferry went on to make some extraordinary comments. I refer to page 1930 of the same volume of *Hansard* where he said—

> When one is strapped rigidly in one's seat it is difficult to reach the glovebox. A driver might suffer from hay fever and find it necessary to get some relief. If he has to reach across to the glovebox that necessitates releasing the seat belt while the car is in motion.

I stop at that point. What a strange comment!

The Hon. J. Dolan: He would not have a handkerchief on his lap.

The Hon. CLIVE GRIFFITHS: In my opinion it is a driver's obligation to stop his motorcar to get something out of the glovebox. Mr. Ferry seems to be under the impression that a person can drive along with his head in the glovebox and one hand on the steering wheel.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: I will say no more.

The Hon. V. J. Ferry: You have hay fever.

The Hon. A. F. Griffith: He was trying to reach a Coca Cola bottle.

The Hon. CLIVE GRIFFITHS: These are strange comments and emphasise the point I am making. All a person has to do is to gain his license after which he can drive along the road looking into gloveboxes, generally fumbling around, and not concentrating on the job in hand —the job of driving a motorcar.

To further emphasise my point about gaining a driver's license and maintaining it for the rest of one's life I would like to read part of an article written by Sydney J. Harris of the *Chicago Daily News*. I feel his comments sum up a position which applies equally here. The article is headed, "Our Right to Drive" and says—

> I was sitting in my car the other day, waiting for someone, and parked in front of an office building whose tenants are mostly doctors. For nearly a half-hour, I watched people leave the building and get into their cars.
>
> "Get into" is hardly the verb. They hobbled, wobbled, shuffled, fumbled and dragged their ramshackle bodies behind them. Some were too old to be out alone; some could scarcely see 50 paces ahead; some trembled so much that it took them a full minute to unlock the doors of their cars.
>
> But cars they all had, and cars they all drove, as an inalienable right in modern American society. I wouldn't have ridden with any one of them as a passenger for all the oil in Arabia, yet they are perfectly free to drive anywhere, any time, until they happen to kill or maim me.

The same situation exactly applies in Western Australia. I had a newspaper cutting from the *Daily News* which I must have dropped in the passage as I do not have it now. It emphasised the same points that were recorded in the safety campaign recently conducted through that newspaper. It said that many of our people really ought not to be driving but ought to consider handing in their drivers' licenses.

The Hon. J. Dolan: It is the young people who are being killed and who are killing themselves, not the older ones.

The Hon. F. D. Willmott: Not the tremblers.

The Hon. CLIVE GRIFFITHS: That is only part of it. I realise young people are involved and I shall come back to this point shortly when I remind the Minister what he suggested we ought to do about this.

If we, as a community, accept the fact that a car should be tested and pass safety checks we should also accept the fact that a driver should be tested and retested. Further, we should make the test and the retest so comprehensive that drivers cannot help but become aware of what constitutes safe driving and, consequently, be safer and wiser drivers. Retesting should be a condition of the renewal of a license and I think we should see some positive action from the Minister in this regard.

The driving habits of parents themselves play a vital role in the process of creating a safe young driver. Indeed I believe driver education starts when our children are still in napkins. Children spend a great deal of time in our cars. They observe and they absorb how their parents drive. Every time we go through a red light or exceed a speed limit we teach our children to drive badly.

We must change the attitude we adopt as adults and holders of drivers' licenses. We must insist on a more comprehensive training to be undertaken before licenses are issued. I understand that before a driver's license is issued in Japan an individual must participate in a minimum of 30 hours of classroom instruction and 27 hours of road instruction. Of the 27 hours of road instruction I understand the first 17 are carried out under simulated conditions and the balance on the road. I also understand that if a person in Japan fails to obtain his license on any occasion he must undertake a minimum of another five hours' practical training on the road.

The Hon. J. Dolan: Read us some of the bad road statistics from Japan.

The Hon. CLIVE GRIFFITHS: I will not read them; the Minister may read them if he wishes. However, Japan's road statistics are certainly nowhere near as bad as ours, because we have the record of being the worst in the world. This is the attitude I was talking about: Immediately it is suggested that somebody else may have a better idea, the Minister for Police jumps to the fore and says, "Our system is all right." That is what the Minister implied when he made that interjection. The implication is that anything the Japanese do could not be an improvement on what we do.

The Hon. J. Dolan: I did not say that.

The Hon. CLIVE GRIFFITHS: I believe we ought to go around the world and observe what happens in other countries. It should not matter whether we have to visit 15 countries, we should take the best points from every one of them. We should certainly adopt any system which will make us better drivers and stop us from killing each other. As sure as I am standing here I am convinced we are a dead loss so far as our driving habits are concerned.

The Hon. S. T. J. Thompson: Do you intend to hand in your license?

The Hon. CLIVE GRIFFITHS: I will hand in my license when everyone else hands in his. In any event, I understand the accident rate is much less in Japan than here.

The Hon. G. C. MacKinnon: We are a high-risk community statistically.

The Hon. CLIVE GRIFFITHS: Within a period of eight hours at the outside we, in Australia, expect to master a couple of tons of iron and steel and an engine of anything over 100 horsepower. We expect to do this and hold a driver's license for the rest of our lives. People are taught to drive by their brothers-in-law, mothers-in-law, husbands, or wives. It does not matter who teaches another to drive as long as that person holds a license. Certainly there are some schools but it is definitely not compulsory to attend them. In fact, a person need have no instruction *if he is proficient enough. I do not believe* we should allow cost or inconvenience to be the deciding factors. In fact these should not be taken into consideration at all. Over the last few days we have read in the papers of the huge cost which results from road accidents. Any cost which is involved in learning to drive is insignificant in relation to what it is costing us to put our maimed and injured citizens into hospital.

The Hon. V. J. Ferry: What is your opinion of the quality and range of seat belts on the market today?

The Hon. CLIVE GRIFFITHS: I think they are fairly poor, although there are a multitude of varieties. I am not prepared to comment on that aspect except to remind members that I prefaced my remarks by saying I am absolutely convinced we ought to wear seat belts. I believe we are going about this the wrong way. We are trying to shut the stable door after the horse has bolted. In my opinion this kind of action is too late; we ought to be starting at the other end with the driver.

The way I view the legislation is that it will provide one avenue whereby drivers will have a better chance of surviving if they are involved in an accident. The driver attitude that has evolved over the years is the main cause of our problem on the roads. I think we must change our

attitudes even if it means going right back to square one. From a certain date we should make all new applicants for licenses take a much more comprehensive test and observe much more comprehensive instructions before they are eligible for a license.

We must start somewhere and the longer we leave it the more difficult it will become. We will have to write the rest of us off. Every day we prove and prove again that we are hopeless so far as drivers are concerned.

To return to the Bill, as I have said before, I go along with what the Minister is trying to do. As a stop-gap measure it is probably all right. The Bill will repeal section 27A of the Traffic Act, which was included in the legislation by the previous Government. The section in question makes it compulsory for people to wear safety helmets when riding motor cycles. Basically I think this is the effect of section 27A. The Bill will also amend section 47 by adding after paragraph (b) the following two paragraphs:—

(ba) requiring drivers and passengers of motor vehicles to wear or use the prescribed items of equipment;

(bb) imposing on the driver of any motor cycle, including a motor cycle with a side-car attached thereto, the duty of ensuring that any passenger riding in or on the motor cycle complies with the provisions of a regulation made under paragraph (ba) of this subsection.

I think that is the wrong way to go about it. In his second reading speech the Minister listed the suggested regulations in the Road Traffic Code to implement the compulsory wearing of seat belts.

There is no guarantee the regulations will be adopted and I think we should write into the legislation what the regulations will be. Parliament should decide the regulations. We should not allow a situation in which regulations are simply laid upon the Table of the House. Parliament may not meet for three or four months and, in the meantime, regulations which may not be acceptable to Parliament become law. The penalty for breaching the regulations will be up to $100 in the first instance and up to $200 in the second.

The Hon. J Dolan: That is not right. The penalties have not been fixed.

The Hon. CLIVE GRIFFITHS: I am merely reading what is in the Act.

The Hon. J. Dolan: We are talking about seat belts, and none of those regulations would have had penalties fixed.

The Hon. A. F. Griffith: Do I understand the Minister to say there is no penalty for not wearing a seat belt?

The Hon. J. Dolan: I did not say that at all. I said that no penalty has been fixed yet.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: I am making the point that section 47 of the Traffic Act provides for the imposition of a fine not exceeding $100 for a breach of any of these regulations. The fine does not necessarily have to be $100, but it is certainly provided that a fine may be imposed. Perhaps I am misinterpreting this and the Minister could inform me about it later. However, that is not the real point at issue. The point is that the subject matter of the regulations may not be acceptable to Parliament. I believe this should be done in the manner of section 27A; that is, we should write into the legislation what is the requirement and then all members of Parliament will know exactly what is the situation.

In his second reading speech the Minister told us that the suggested regulations will provide that motorcars first registered prior to 1969 will be exempt. I do not agree with that. I believe in seat belts and I contend they should be compulsory. However, I contend the rule should apply to everybody. The Minister interjected a short time ago and said it is mainly the young drivers who are getting themselves killed. But it is the young drivers who, in the main, own motor vehicles registered prior to 1969. If the Minister talks about young people being the ones who predominantly cause accidents on the road, then we should force them to wear seat belts.

One would expect that older people would own motor vehicles built in 1969 or later. So I ask the Minister to consider that state of affairs. I cannot agree with a regulation which makes it compulsory for me to wear a seat belt at all times. Ninety-nine per cent. of the time I wear my seat belt because I believe in seat belts—and I will support the Minister to the end of the line in this matter. However, I take strong exception to the fact that, if on an odd occasion when I have something on my mind I hop into my car and forget to fasten my seat belt, I may be fined anything up to, in my interpretation, $100. Even if it is only $5, I object most strongly.

I strongly object to that situation when somebody else who, in the Minister's words, is more apt to cause an accident does not have to worry if he drives a motor vehicle of a vintage earlier than 1969.

The Hon. J. Dolan: The simple explanation is that the cars you are talking about were not constructed to take seat belts. If they were equipped with seat belts a risk would be created by giving many people a false sense of security.

The Hon. CLIVE GRIFFITHS: I do not agree with that at all.

The Hon. J. Dolan: The States that have introduced this do.

The Hon. CLIVE GRIFFITHS: Then the other States are just as bad as this State.

The Hon. A. F. Griffith: If a pre-1969 car is fitted with a seat belt the driver is liable to be fined if he does not wear it.

The Hon. J. Dolan: That is right.

The Hon. CLIVE GRIFFITHS: I do not wish to pursue the issue any further. I wish to congratulate the Minister for doing something about this matter because I firmly believe in seat belts. The Minister may rest assured that I will support this Bill. However, he may not rest assured that I will not move to disallow the regulations if they are framed in this manner because I do not believe it would be a genuine attempt to overcome the problem. I feel everybody should be obliged to wear seat belts even if it costs $50 or $100 to have them installed. We must get tough, and the lead must come from the Minister.

I hope the lead will come from the Minister and that we will see an acceptable set of regulations. I hope members will support the Bill because at least it provides the machinery whereby a decent set of regulations can be proclaimed. With those remarks, I repeat that I support the measure.

THE HON. W. R. WITHERS (North) [9.20 p.m.]: I wish to commend the Minister for endeavouring to have a Bill passed for the purpose of saving life. I commend the Minister also for the statistics he presented. I would like to point out that I wear a seat belt and that I am in favour of the wearing of seat belts because I think they do save life. I also agree that crash helmets should be worn.

However, I cannot agree with clause 4 if one of the prescribed items is to be seat belts. I find that this is an irresponsible manner in which to create a law because it will not be possible to police the legislation owing to the number of loopholes within it. I feel that by making a mockery of the law we will lower the status of our Police Force and overwork its members.

In endeavouring to find feasible ways to enforce the wearing of seat belts, I looked into a few points. I found that to enforce this law policemen must be able to see that one is not wearing a seat belt, and be able to say so in a court of law. I found that a policeman in a patrol car which is passing another vehicle cannot see whether the seat belt is fastened in that other vehicle. By that I mean that a policeman sitting in a patrol car cannot see whether the seat belt is fastened; however, he can see whether or not it is fastened if he is on a small platform approximately one foot above the roof of his patrol car and he is approximately 15 feet in front of the car he has just passed.

I then looked into the matter of policemen on patrol motor cycles and I found that a motor cycle policeman would have to get so close to a car in order to check the seat belts in that car that the situation would be positively dangerous because his left steering arm would need to be up against the right-hand fender of the car he is inspecting. That is a dangerous practice when travelling at 30 miles per hour.

I found that the policeman who is in the best position to determine whether or not the driver of a vehicle has his seat belt fastened is a policeman on foot who is standing next to the car. In that position he can observe whether or not the driver is wearing a seat belt. I think it would be rather ridiculous to expect a policeman to enter into a Keystone Cop situation, doing a rapid Charlie Chaplin step down the road alongside a vehicle travelling at 30 miles per hour.

To my way of thinking the three main methods by which policemen may convey themselves are out: the use of cars is out, the use of motor bikes is out, and foot policemen are out. Where do we go from there?

I commenced to consider possible solutions in electronics and I found that the only possible solution is to have a double microswitch system hooked on to the seat belt and making a circuit, when the seat belt is connected, with a light on the roof of the car. To provide for people who leave their seat belts undone, it would be necessary to have a second microswitch system in the seat of the car so that the circuit would be closed when the person sat on the seat. Such a system would be most costly to install and maintain, and it could be tampered with. I understand that the Americans are thinking of using this system in the future production of cars; but at this time it would be far too costly for us to consider its installation.

From there I went on to consider how a person could evade the law if we could find some way in which to police the wearing of seat belts. I found it is a simple matter. Let us assume that a policeman, either on a motor bike or in a car, drives up alongside another car, the occupant of which is not wearing a seat belt, and the policeman tells him to pull over to the side of the road. Remember I have already said—and members may check this—that the policeman cannot see whether the occupant of the car is wearing a seat belt. Therefore, he must pull up the vehicle to find out whether or not the occupant is actually wearing a seat belt.

When the policeman pulls over the car, where does he park his motor cycle or car? He cannot park alongside the vehicle he has pulled over, so he must draw in front. When the policeman draws in front the

driver can either fasten the seat belt—which takes three seconds—or the moment the policeman pulls up he can pull up, open his door, and step out of the car and say, "What is the trouble?" If the policeman says, "You were not wearing a seat belt" the person can say, "I was before you pulled me up but I cannot very well wear it while I am standing in the street." So he makes a mockery of the law.

I believe that if we create a mockery of the law we will create a loading on our already overworked Police Force, and a loading on our overworked law courts. Only one group of people will benefit from this measure if it is proclaimed and becomes law. I refer to barristers and solicitors who will do a great deal of work and earn a large amount of money successfully defending people brought before the courts for not wearing seat belts.

If we assume that proposed new paragraph (ba) does include seat belts, then I consider it is a great pity the Minister did not present proposed new paragraphs (ba) and (bb) as separate clauses in the Bill. If that were the case I would vote for the Bill at the second reading and oppose the provision in proposed new paragraph (ba) in the Committee stage; that is, of course, if I were not convinced that there are errors in my previous objections. As the Bill now stands I cannot do this, and I will have to oppose the second reading unless the Minister or any other member can convince me that there is a feasible method by which the compulsory wearing of seat belts may be policed. That is all I have to say.

THE HON. J. HEITMAN (Upper West) [9.29 p.m.]: I intend to support this measure, not because I think it is the be-all and end-all in the prevention of traffic accidents, but because I think it goes part of the way. I feel there are many matters connected with seat belts which one finds hard to believe as being correct. I feel that not all seat belts are 100 per cent. safe. I have struck one or two which are not, and I brought one down and showed it to the Minister. That seat belt would not let a person out of the car once it had been fastened. I feel that from the outset we should provide for a much better type of seat belt; one that may be pulled out from the side of the car—the inertia type—and pulled across into a holder on the left-hand side.

Sometimes when one gets into a car one finds the catch of the seat belt unfastened, and the belt on the floor of the car where there is grease and dust. On such an occasion a woman getting into the car would not be inclined to put the dirty seat belt around her clean frock. These instances occur often in the country.

I suggest that the type of seat belt in use should be improved greatly. The fact that a seat belt is marked as conforming with certain safety standards does not convince me, because in one type I found that the catch did not release.

The Hon. J. Dolan: Did they find another bad one in the boot of the car?

The Hon. J. HEITMAN: I do not know. The faulty one was replaced. It proves that seat belts are not foolproof. One has to press a small button on the seat belt to release the catch, but it is very difficult to do this when one is involved in an accident and the car is upside down. I have seen such an accident but the person inside the car eventually located the button and released the belt. He had just enough time to crawl out through the side window before the utility burst into flames. If he had been wearing a seat belt which did not function properly he would have been burnt to death. I contend that seat belts should be improved.

The next matter I wish to raise concerns the regulations. We are asked to trust those who will frame the regulations, but they will set the standards that they desire, and not the standards that Parliament desires. Too often have we been asked to pass a Bill which does not contain very much, but after it is passed we find pages of regulations promulgated. I recall the same thing occurring under the Chiropractors Act. After the regulations were promulgated a couple from Geraldton sent in an application for registration together with the registration fee. They were refused registration, but there was no provision under the regulations for the registration fee to be refunded, and I had to make a special appeal to the Minister on their behalf to obtain a refund.

In preference to having volumes of regulations, we should set out in the Bill what is actually required. If that is done members will be able to see what the legislation intends to achieve, or what is wrong with it. There are 81 members of Parliament to examine the provisions before the Bills are passed. I do not blame the Minister for introducing this Bill in the way he has, as this has very often been the practice.

Those who are responsible for promulgating regulations bring in the regulations they want, and I do not agree with that. I suggest that on this occasion the Minister withdraw the Bill and introduce another one in the next session—one which contains all the provisions that are required to attain the objective sought, so that we may discuss them in this House.

I support the remarks of Mr. Clive Griffiths in respect of drivers' licenses. Under the existing set-up a youth of 17 years of age is able to obtain a license, merely because he can drive a car, knows the one-way streets, and is able to back down a lane. Upon obtaining a license he is let loose on the road.

On many occasions in the country I have taken young lads to obtain truck drivers' licenses. A person has to be older to obtain a truck drivers' license. Sometimes after a careful test by the police constable, the applicant was told "You are covered by insurance anyway!"

When a person is granted a driver's license he should be expected to know something about cars. For instance, he should know how long it takes the vehicle to pull up to a stop, and he should be required to have a good knowledge of cars just as pilots of aircraft have to have expert knowledge of planes.

I do not think we take enough trouble to teach youths of 17 years of age to drive well. A young fellow of that age is able to obtain a license in the metropolitan area, but he might not have any knowledge of the road conditions in the country. When he travels on a country road he realises that there is less supervision of traffic and that the speed limit is 65 miles per hour. In some instances a young driver is encouraged to drive at that speed, and then finds that the bitumen road over which he is driving becomes a gravel road. He might not have had any experience of driving on gravel roads, and at that speed the car might be involved in a skid and end up against a tree on the side of the road.

Some people cannot understand why accidents occur on straight sections of road. That is one of the reasons; the fact that a person might be used to traffic in the metropolitan area, but on driving in the country finds he is permitted to travel at 65 miles an hour. After a while an inexperienced driver might relax, but it is fatal to relax when driving in the country at that speed. These are some of the facts which should be pointed out to applicants before they are granted drivers' licenses, if the road fatalities are to be reduced.

In driving along the roads and travelling around 30,000 miles a year, most of which is on country roads, I have come across all types of drivers. Some of them seem to be in too great a hurry, and toot the horn when they are behind a vehicle which they think is travelling too slowly. In my view little purpose is served by dashing from one set of lights to another, and jamming the brakes on. Some drivers do that to show how smart they are. Some people get a sense of satisfaction in doing that. I suggest that young people should be taught to drive properly at all times, so as to avoid accidents.

Another point I wish to raise has been touched on by other speakers in the debate. Under this legislation 1969 models and models before that year are to be exempted. Since I have been a member of Parliament I have had three cars, but even the first one I purchased in 1964 was fitted with seat belts. Holes had to be bored through the floor of the car to anchor the seat belts, just as is done today. Motorists could have seat belts fitted to their cars, and the fact that I did not wear my seat belt all the time was my own fault.

Even if at the start, the owners of motor vehicles are given three months to install seat belts on the front seat, it would go some way towards reducing the road toll. I do not think anyone should be exempted from wearing seat belts if this legislation is to be adopted; and certainly 1969 models and older cars should not be relieved of the need to have seat belts fitted. In my view pregnant women should not be exempted either, and this is supported by an experience of mine.

Recently I brought a woman who was in an advanced stage of pregnancy to Perth. Immediately she got into the car she fastened the safety belt around her. I inquired whether that was comfortable, and she told me there was no trouble at all in wearing it. I maintain that irrespective of their age, whether it be seven or 70 years, people should wear seat belts at all times, and there should be no exemption, unless a person happened to have been involved in an accident as a consequence of which his health is impaired and it is uncomfortable for him to wear a seat belt.

If I were the Minister I would withdraw the Bill, and introduce another one next session—one which contains all the required provisions so that we can discuss them, instead of leaving it to someone else to formulate regulations over which we have no control until the following session of Parliament.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [9.41 p.m.]: I take this opportunity to make a few brief remarks on the Bill before us. It is to the credit of the various members who have held the portfolio of Police over quite a period of years that they have continued and sustained their efforts to reduce the road toll. I think it is to the credit of the present Minister for Police that he is endeavouring to do something to improve the situation. However, I think that on occasions he could be more cautious in his remarks; perhaps he should think more slowly about the effect of his remarks and obtain the concurrence of his colleagues before he comes out with blasts in the Press as to what should and what should not happen in the community. The idea of instituting spot checks does not appeal to the average member of the motoring public.

One or two things in this small Bill are of concern to me. It seeks to repeal section 27A of the Act. This is the section which the previous Government included in the legislation, and it deals with the wearing

of safety helmets. Although that provision has reposed in the Act in a satisfactory manner, the measure before us seeks to repeal it and to include it in the regulatory part of the legislation.

I would like to refer to the power to make regulations governing the wearing of seat belts. I share the concern of some of my colleagues in respect of some facets of the wearing of seat belts, although I support the principle that motorists are better off when they wear seat belts. The statistics indicate that greater safety is not provided by the wearing of seat belts, but the wearing of them results in less injury from motor accidents.

I am concerned with the manner in which the regulations might be enforced. For instance, if one drives a car into a garage nose first and then backs out, there is no requirement on the driver to wear a seat belt; but if one backs a car in a garage and drives it out nose first then one is compelled to wear a seat belt. This is the sort of thing which tends to annoy the public.

The Hon. J. Dolan: There is no regulation to indicate that.

The Hon. A. F. GRIFFITH: The Minister has foreshadowed such regulations, and he went to the trouble of reading them out. What he said in this respect appears on page 1683 of the previous session's *Hansard*.

The Hon. J. Dolan: The exemptions.

The Hon. A. F. GRIFFITH: No, the regulations. The Minister for Transport said—

> Suggested Regulations in the Road Traffic Code to implement the compulsory wearing of seat belts are as follows:—

Surely the Minister for Police has not already forgotten this.

The Hon. J. Dolan: I just cannot place that.

The Hon. A. F. GRIFFITH: This is what the Minister for Police said. It is reported on page 1683 of *Hansard*.

The Hon. J. Dolan: What number is it?

The Hon. A. F. GRIFFITH: Good gracious me! No. 10.

I can see I have to spend a few more minutes refreshing the Minister's memory. The Minister told us the Government of New South Wales hoped to have this law in force by the 1st October, 1971. However, it experienced difficulty in framing the regulations.

The Minister enumerated the suggested regulations.

The Hon. N. E. Baxter: If you read paragraph (a), it states "upon a road."

The Hon. J. Dolan: If you are in a driveway it is not on the road.

The Hon. A. F. GRIFFITH: It is a road as soon as a driver leaves his own driveway. It is then part of the public road.

The Hon. J. Dolan: As soon as you get outside your own gate.

The Hon. A. F. GRIFFITH: I do not wish to make a big thing of this, I am merely pointing out some of the difficulties which arise. With regulations of this kind we should know where we are going. Members only need to look at the total confusion which arose over the change of regulations in regard to "Stop" and "Give Way" signs. Many drivers did not know what to do.

The Hon. V. J. Ferry: A lot of them still do not.

The Hon. A. F. GRIFFITH: This is because the motorists were not properly educated as to what they could do. If I understood the Minister correctly, the Police Department virtually has the regulations prepared.

The Hon. J. Dolan: I think it has.

The Hon. A. F. GRIFFITH: The Minister said these are the suggested regulations.

The Hon. J. Dolan: The Police Department is still modifying them. It can use the experience of other States where the regulations are already in force.

The Hon. A. F. GRIFFITH: The Minister told us in New South Wales it was hoped to make the seat belt laws compulsory on the 1st October.

The Hon. J. Dolan: That is right.

The Hon. A. F. GRIFFITH: But the draftsman ran into trouble with the regulations.

The Hon. J. Dolan: The regulations are in force now.

The Hon. A. F. GRIFFITH: There should be no trouble in copying those.

The Hon. J. Dolan: Some of the New South Wales regulations may not be applicable here.

The Hon. A. F. GRIFFITH: I would like to get to this point: bearing in mind the remarks made by my friend, The Hon. Jack Heitman, that there would be great benefit in presenting the regulations while the current session of Parliament continues, I would ask the Minister can this be done?

The Hon. J. Dolan: I can almost give a guarantee that that will be a certainty.

The Hon. A. F. GRIFFITH: I do not want the Minister to "almost" give a guarantee.

The Hon. G. C. MacKinnon: You told him earlier to be careful.

The Hon. A. F. GRIFFITH: There may be a second barrel involved.

The Hon. J. Dolan: Now you are getting like the other fellow.

The Hon. A. F. GRIFFITH: I am just trying to deal with the Minister in a satisfactory way. The Government would earn more credit and get more support if the regulations are brought here during this current session of Parliament. This is a somewhat controversial issue and we should see the regulations.

The Hon. J. Dolan: I cannot table them until the Bill has gone through the other House.

The Hon. A. F. GRIFFITH: I do not mean this very minute.

The Hon. J. Dolan: As soon as the Bill passes the other House we will have them here; within a day or two.

The Hon. A. F. GRIFFITH: Let us have them before the session is finished, otherwise we will have no chance to do anything until next March.

The Hon. J. Dolan: Yes.

The Hon. A. F. GRIFFITH: That is a piece of information we have obtained.

The Hon. J. Dolan: I will "almost" guarantee it.

The Hon. A. F. GRIFFITH: We will then see if the fear expressed by The Hon. Clive Griffiths is justified. I think it is. Any person who commits a breach under the road traffic regulations can be fined $100. That is a maximum fine; not a minimum fine. I am not suggesting a magistrate would fine a man $100 for a first offence, but it could happen. May we also take it the driver would earn a demerit on his driving license? These are important considerations.

The Hon. J. Dolan: As soon as the Bill is passed in both Houses I will table the regulations within a day or two. The regulations can be inspected before the session ends.

The Hon. A. F. GRIFFITH: That is very good. I am prepared to support the Bill.

THE HON. G. C. MacKINNON (Lower West) [9. 51 p.m.]: My sympathy goes out to the Minister for Police. One or two things have been said tonight which reflect on his credit and that of past Ministers for Police. Some of these things are a little unfair. All the Ministers for Police in Australia have endeavoured to do something about road safety and they have frequently been blocked. I sometimes wonder whether the public is really behind the safety drives.

I remember when the .15 blood alcohol content issue was first raised. There were screams about this; it was supposed to be infringing human liberties. The same thing happened with the .08 legislation; the same arguments were repeated time after time. We have a subjective attitude towards driving a motorcar. We treat it as our inalienable right to own and drive a car. Mr. Clive Griffiths talked about this. In our minds this has become an extra liberty we are entitled to and one from which we must not be divorced.

All the palliatives that have been put forward to ease the road toll have been objected to and obstructions have been put in the way of authority. We always look at driving subjectively because we all own and drive motorcars.

To the best of my knowledge, the only objective survey of motorcar accidents ever carried out was undertaken by the Californian Institute of Technology—Caltech. This institution took car accidents apart as the Department of Civil Aviation takes air accidents apart.

Some startling results were obtained but the knowledge gained has never really been applied. The surveys show a relationship between criminal activities and road accidents. Most accidents are caused by the 6 or 7 per cent. of people classed as antisocial—people who commit other antisocial acts. Statistics have also proved that these people have a chip on the shoulder. The conforming citizen has to pay the price.

There is always talk about the driving age. Seventeen is the age at which one can obtain a license in Western Australia. There is good evidence to indicate that we would be extremely wise to lower the driving age to 15; and not as is so often thought, to increase it to 21. The reason behind this is that at 15 the average child is still subject to discipline. He understands discipline and accepts it. If a child learns to drive in that frame of mind he generally learns more thoroughly—he is still part of a learning environment.

However, we wait until he reaches the age of 17. This is the age of rebellion. The average male and female of this age feel they can look after themselves. They are adults physiologically, and presume they are adults psychologically, too. They do not have a ready acceptance of discipline. One can imagine the outcome when a youth in this period of rebellion gets behind the wheel of a powerful motorcar.

Mr. Clive Griffiths said that Western Australian drivers are different. Certainly our drivers are a high risk statistically. Are we psychologically different from other people? England is a low-risk country. Is the difference caused by bad laws or is it our interpretation in the local courts? Certainly the present Minister for Police has made the situation worse. There is more confusion now because of the change in the "stop" and "give way" rules. The give way to the right rule is a good rule. This rule allows Sydney traffic to flow reasonably. Why did it not work in Western Australia? Are we different creatures from the people from New South Wales? I do not believe so. Is our law different? If

we look at it maybe we can find out. I believe, more importantly, the laws are being interpreted differently in the courts.

If a motorist fails to give way to the right in Sydney he is hit with everything. He is automatically practically 100 per cent. to blame. This does not apply in Western Australia. If a motorist gives way to the right and does everything correctly he still runs the chance of being held partly responsible.

The Hon. A. F. Griffith: It might be contributory negligence.

The Hon. G. C. MacKINNON: This could be so. However, in New South Wales if a motorist does not give way to the right, he is automatically in the wrong.

Why should we not support the Bill? I believe the best analysis of this was written in 1951 by Dr. D. J. R. Snow. Dr. Snow was Deputy Director of Public Health and he attempted to assess the relative importance of one form of death in the community as against another.

Death is generally assessed at so many per thousand. On this basis myocarditis and cancer come out on top. They are the greatest causes of death but in terms of economic value—he admits this is a brutal way of assessing it—road accidents cause the greatest loss. I would like to read from the report of the Commissioner of Public Health. The passage reads as follows:—

> Thus, the number of deaths attributed to some particular condition would be less important than the aggregate years of life lost. Clearly, a single preventable death at age twenty is no less important than forty-five deaths at age sixty-five. The loss of a man in a prime of life is more important than a dozen who die of senility.

If a man dies in his productive years, with dependent children, it is more important. The paragraph concludes—

> We must all die sometime, but it is preventable premature death which is of the greatest importance.

Dr. Snow worked out a principle to assess the importance of death, purely as a guideline to discover which causes of death should be studied by the Department of Public Health, and which should be prevented as being the most costly to the nation. The result is expressed in number of deaths for all ages per thousand of population. Myocarditis accounts for 2.4 deaths per thousand. This is the main killer—the heart has to stop before death—that is fair enough. Cancer is the second highest, and it accounts for 1.65 per thousand. Coronary disease accounts for 1.50 per thousand. Automobile accidents are tenth on the list and at that time were responsible for .43 of the total number of deaths per thousand.

The Hon. J. Dolan: When were these figures compiled?

The Hon. G. C. MacKINNON: In 1951, they would be much higher now. However, in useful years lost—in units of 500 years—automobile accidents accounted for 21.40 years lost.

Myocarditis and cancer combined—the two greatest killers—only accounted for 22 per cent. of years lost. Therefore, the most important and most costly cause of death in the community in 1951—and, I have no doubt, today—is motorcar accidents. If they are combined with other accidents, which resulted in 22.16 per cent. of all years of work lost, it can be seen that accidents resulted in nearly 44 per cent. of the lost working time.

Speaking of years of work, to build the present Royal Perth Hospital would take five men their entire working life, and it would have taken the working life of about three men to build the Narrows Bridge.

Motorcar accidents are tremendously expensive—more expensive, in terms of lost time, than any other form of death. But that is not the end of the story. For years successive Governments have been battling to provide more hospital beds to cope with sickness. When the Bevan scheme originated in England it was thought, with modern medicines, sickness would taper off and many hospitals would not be needed, but, apart from the prolonging of life, there are more people in hospital than ever before because of accidents. As soon as the number of beds in hospitals is increased, they are taken up by the victims of motorcar and other accidents. No Government has yet worked out how to overcome this problem of complete inability to cope with ordinary sickness. People will make themselves sick by the way in which they drive motorcars.

Once before I made a statement for which I was hauled over the coals, but since then the Melbourne University has made a study and come to the same conclusion as I have. The problem of Governments in this sphere is that they finish up being given, by default, the full responsibility. I believe the person responsible for accidents is the driver. You and I are the people responsible, and until this responsibilty is fairly and squarely accepted we will continue to have accidents.

Mr. Withers said we should not pass laws unless we can police them. Mr. Ron Thompson chided me tonight about consistency but, to be consistent, I must say to Mr. Withers—as I said to Mr. Ron Thompson—that the average person is law-abiding. When laws are passed the large majority of people will endeavour to abide by them. The regular and flamboyant transgressor will break them. We do not want to pass laws which mean we will have policemen looking over our

shoulders all the time. If we took that attitude, I suggest 90 per cent. of the laws would not be on the Statute book.

The method of assessing the importance of a public health measure in terms of loss of life as enunciated by Dr. Snow in 1951 is an excellent yardstick, and on that yardstick anything at all that can be done to reduce death by accident is obviously of prime importance. Accidents are the most important cause of death in any community because they cause the greatest economic loss and, almost invariably, the greatest emotional effect because the victims are at an age when they are needed by their wives and children. In the main, accidents create the need for casualty centres, hospital beds, ambulance services, and the like.

I do not like certain aspects of this Bill. I do not like compulsion in the wearing of seat belts. If there were any alternative, I would vote against the Bill, but under the circumstances I have no option but to support the measure.

THE HON. N. E. BAXTER (Central) [10.06 p.m.]: I am not enamoured of this Bill. The main part of the Bill dealing with the wearing of seat belts is contained in clause 4, which prescribes items of equipment to be worn by the drivers of motor vehicles. Under legislation of this nature we will eventually need to be equipped like astronauts in order to drive motorcars.

I was interested to hear Mr. Clive Griffiths say we in this State were all bad drivers. If the honourable member is of the opinion that he is such a bad driver, I suggest he sell his Mercedes Benz and buy a horse and sulky or a horse and cart. There are many good and careful drivers in this State—people who have many years of driving experience. There are many good drivers in this Chamber alone, and I have seen many good drivers on the road after 44 years of holding a driver's license, driving a motorcar, and having had five very minor accidents in the whole of that period. That indicates there are not many bad drivers in this State.

There is a percentage of bad drivers who are too careless, too negligent, and too impatient to think of the other man's life, let alone their own lives. Every day we see them driving cars and, in my opinion, looking for an accident. They are the people we must reach and about whom we must do something.

How do we go about it? Do we make them wear seat belts? No. I feel sure the wearing of a seat belt will give this type of driver an additional feeling of security and cause him to think he can drive fast and dangerously without risking any injury to himself. That is the attitude that prevails among drivers in this State.

To go back a few years, Mr. Logan and I combined in this Chamber to move for the disallowance of "Stop" signs at road crossings. As a result of that move, during the month that those "Stop" signs were disallowed in the regulations there were fewer accidents than in any other month for several years because people knew they must drive carefully.

The Hon. Clive Griffiths: Why did you put them back?

The Hon. N. E. BAXTER: We did not put them back; they were put back by the Minister. The present Minister for Police now proposes to make "Stop" signs more or less "Give Way" signs. I believe all "Stop" signs should be abolished and replaced by "Give Way" signs.

The Hon. Clive Griffiths: You have not been reading the paper. The "Give Way" signs will be changed to "Stop" signs.

The Hon. N. E. BAXTER: Many years ago Mr. Logan and I moved for the disallowance of "Stop" signs.

The Hon. Clive Griffiths: "Stop" signs have also had good results.

The Hon. N. E. BAXTER: I will now refer to the statistics on traffic accidents. How good are these statistics? Are they as good as the Police Traffic Department suggests they are? We see statistics regarding the number of people killed who were not wearing seat belts and the number of people not killed who were wearing seat belts; and statistics regarding the number of people injured who were not wearing seat belts and the number of people not injured who were wearing seat belts. When all is said and done, I ask the Minister: How good are these statistics? When an accident occurs, is there a policeman on the spot to see whether the victims were wearing seat belts, or does he take it from hearsay? We will not make good drivers out of bad drivers by using statistics.

When he introduced this Bill the Minister made a statement that the statistics also revealed that less than half the seat belts fitted in cars were being worn. How could he ever make such a statement? I have a seat belt in my car and my wife has a seat belt in her car, but nobody has ever approached us and asked us whether we wore our seat belts. The same applies to many other people, yet the Minister makes a statement like that.

The Hon. J. Dolan: These are people involved in accidents

The Hon. N. E. BAXTER: It is pure supposition that half of the seat belts are not worn.

The Hon. Clive Griffiths: What is the point you are making?

The Hon. N. E. BAXTER: To come to the causes of accidents, I think we all know what causes accidents—not the nut on the wheel but the nut behind the wheel

The Hon. A. F. Griffith: Do you not think the department would have made some form of statistical check before the Minister made a statement like that?

The Hon. N. E. BAXTER: The department makes spot checks. They are not statistics.

The PRESIDENT: Order! Will the honourable member please address the Chair so that we might make some progress with the Bill before the House.

The Hon. N. E. BAXTER: I apologise, Mr. President, I was carried away. I was about to deal with the causes of accidents. We all know the major cause of accidents is the careless driver who speeds and drives negligently and dangerously, and, more importantly, the impatient driver. The impatient driver is not prepared to give way, be courteous, or consider his fellow drivers or even pedestrians on the road. This is the fellow we must reach in order to reduce the toll of injuries and deaths—the person who is so impatient he has not time to spare to drive his car in a reasonable and correct manner. These impatient people have no regard whatever for consequences. At an intersection where there is heavy traffic going both ways and it is impossible to move, he is tooting a horn behind one because he is so impatient he would force one into traffic regardless of what would happen as a result. He would then drive through and probably cause another person to have an accident.

The Minister said it was mostly young people who were killed. That is the result of the freedom of expression in education that has existed for some years, and the taking out of schools of that major item of discipline—the cane. Mr. MacKinnon mentioned giving drivers' licenses to 15-year-olds because, he said, at that age they were subject to discipline. That makes me smile. I was speaking to a school teacher at a meeting recently. He said, "I have no control over these boys of 15 years of age because I am not allowed to touch them, reprimand them, cane them, or anything like that. They completely ride over you."

I think the Minister, who was a school teacher for many years, would agree with me that to maintain complete discipline it is necessary to have some method of punishment—not merely the writing of a few hundred words, or something like that.

I think during his early days as a teacher the Minister found the cane to be a most useful method of discipline. I think that the fact that the use of the cane has now been discarded has been the cause of discipline flying out the window so far as our young people are concerned, and this lack of discipline is reflected in their attitude towards driving a motor vehicle. They are not prepared to be subjected to discipline. They are not prepared to recognise the traffic laws of the State. In fact, they are not amenable to any discipline.

In his introductory speech the Minister for Police outlined the exemptions that will be made under these proposed regulations. These appear on pages 1683 and 1684 of the 1971 *Hansard*. Some of these exemptions are as follows:—

> The provisions of subregulation (2) of this regulation do not apply to any person—
>
> (b) who is in possession of a current certificate signed by a Medical Practitioner and certifying that that person is unable for medical reasons to wear a seat belt; or
>
> (c) who is driving a motor vehicle and who is in possession of a current certificate signed by a medical practitioner and certifying that, because of that person's size, build or other physical characteristic, he is unable to drive a motor vehicle with safety while wearing a seat belt; or
>
> (d) who is travelling as a passenger in a motor vehicle and who is in possession of a current certificate signed by a medical practitioner and certifying that, because of that person's size, build or other physical characteristic, it would be unreasonable to require him to wear a seat belt while so travelling; or
>
> (e) who is actually engaged on work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while so engaged, does not drive or is not travelling in that vehicle at the speed of, or at a speed exceeding, 15 miles per hour; or
>
> (f) who is under the age of eight years; or
>
> (g) who is travelling as a passenger in a motor vehicle and who is of or over the age of seventy years; or
>
> (h) who is in possession of a written authority from the Commissioner of Police exempting him from the provisions of this regulation.

The Hon. J. L. Hunt: The exemptions do not include mothers-in-law, do they?

The Hon. N. E. BAXTER: How is a regulation such as the last one quoted to be policed when there are so many other exemptions provided? The police officers have enough trouble now enforcing the traffic regulations without ensuring that

certain people are exempt from the wearing of seat belts. Do more accidents occur with cars fitted with seat belts or with those that do not have any seat belts? In my opinion the old model cars driven by young people are responsible, in the main, for the high death toll on the road. Does not the position become a little farcical when an attempt is made to associate all these problems with the wearing of seat belts?

Many drivers do not wear seat belts because the vehicles they are driving are not equipped with them, and these include many people who have had years of careful driving. I am a careful driver myself and yet, because I have seat belts fitted in my car I will be obliged to wear them. However, the careless driver who does not have seat belts fitted to his car does not have to wear them, but he is the person who is more likely to kill someone on the roads.

The Hon. J. Heitman: That is why so many accidents occur. Everyone says, "It can't happen to me."

The Hon. N. E. BAXTER: If a driver is careful he makes sure it does not happen to him. He is watching the other vehicle on the road all the time. I have often been chided by my wife because I will not talk to her when I am driving my car. This is because I am concentrating on watching pedestrians crossing the road and other vehicles, because I learned to drive that way when I was young. If more people drove in a similar manner there would not be so many deaths on the roads or so many injuries as a result of accidents.

The wearing of seat belts is another form of compulsion imposed on the people. Over the years we go from one compulsion to another. Some years ago we were compelled to drink fluoride because it was placed in our water supply.

The Hon. J. Heitman: That did not hurt you.

The Hon. N. E. BAXTER: I am not sure whether it has or not; I think it has put many wrinkles on my face. I will blame the fluoride for them, anyway. I am rather like the gentleman who, when he read about the suggestion that this Bill should be introduced said, "Why should I be forced to wear a seat belt? After all is said and done whose hide is it?" In other words, he felt free to risk his own hide provided he did not subject the hide of anyone else to any risk by not wearing a seat belt.

We find that persons over the age of 70 years must subject themselves to an eyesight test before their licenses can be renewed. On the subject of ensuring that a driver has good eyesight, I wonder if the Minister or the Road Safety Council has ever thought about some of these young people with long scraggy hair hanging over their eyes which obscures their vision when they are driving a motor vehicle. Has any police officer ever stopped one of these young chaps and said to him, "Your vision is obscured with your hair hanging over your eyes; you had better tie it back with a ribbon." I am sure that no police officer has ever done that, but let any motorist have hanging from the roof of his car something which obscures his view through the windscreen or the rear window and a police officer will smartly pull him up for committing a breach of the traffic regulations. If any of these young chaps with long greasy hair hanging over their eyes can see the road clearly whilst they are driving their vehicles, you can call me Joe Blow.

The Hon. Clive Griffiths: How are you Joe?

The Hon. N. E. BAXTER: I think it would be appropriate if the Minister for Police were to introduce a regulation to ensure that these young people tie their hair back so that it does not obscure their vision whilst driving. This would be just as important as many of the other regulations already in force. It would enable them to see clearly a pedestrian on a crosswalk or another motorist approaching from another direction because I am sure, with their hair hanging over their eyes whilst driving a vehicle, they cannot have a clear view of the road ahead.

I want to make another point relating to the wearing of seat belts in country areas where many vehicles are driven over gravel roads. On many farms it is the practice for utilities to be used when a car is unavailable and they become very dusty. This cannot be avoided. In fact, when any vehicle fitted with seat belts is driven along a gravel road the belts become covered with dust. The result is that if one gets dressed up in a good suit to attend a function and uses the seat belt in such a condition the suit becomes soiled.

Does a person living in the country have to have his suit dry cleaned every day because he is obliged to wear a seat belt everywhere he goes? Not only is the driver inconvenienced in this manner, but also his wife. If she is travelling as a passenger and is dressed in a good frock, she will find herself covered with dust after fitting a seat belt. Does the Minister have any suggestion to solve this problem, because it constitutes a problem when country people are obliged to wear dusty seat belts that soil their clothing? I have heard quite a few country people express this opinion. I have been told of instances where the

husband has been using the car and his wife who wishes to attend some function is obliged to use the utility. After dressing herself in a good frock she finds it is covered with dust marks after fitting the seat belt. As a result she is a nice old mess when she arrives at her destination.

This is what will happen in many instances if regulations such as these are introduced to force people to wear seat belts. I have an amendment on the notice paper seeking to give people the right to opt out of the wearing of seat belts if they so desire. This is a fair proposition. If a person believes he can drive a vehicle carefully and steadily without taking any risks himself, why should he be forced to wear a seat belt? Will a person who has had long experience of driving with few accidents be saved by wearing a seat belt if somebody runs into the side of his vehicle? I feel sure that a seat belt will not save him from death or serious injury in those circumstances.

Such a person, if he so desires, should be exempt from the wearing of a seat belt. An exemption should be granted to him in the same manner as exemptions are now granted in the existing legislation to other persons for various reasons. Therefore, in this day and age I cannot see myself supporting this measure.

THE HON. S. T. J. THOMPSON (Lower Central) [10.27 p.m.]: My comments on this measure will be brief. I wish to refer to the provision contained in suggested regulation (2) (b) (i) which reads—

> No person travelling upon a road as a passenger in a motor vehicle fitted with one or more seat belts shall occupy a seat position not fitted with a seat belt unless each seat position for which a seat belt is fitted is occupied by another person.

I point out that my car is fitted with three seat belts in the front seat. Quite frankly, I would not have you, Sir, Mr. Heitman, and myself sitting in the front seat whilst leaving the backseat unoccupied. Therefore, I think the Minister should have another look at this regulation with a view to amending it.

Apart from that the Minister has my sympathy, and the officers of the Police Department certainly have my sympathy, especially after listening to the comments made by the last speaker. After the regulations have been gazetted police officers will be in a position to keep the traffic under review and to say, "That man is obviously over 70 and we do not need to stop him because he will be exempt." The next vehicle they sight could be a pre-1969 model and they will let that go, too. The driver of the next vehicle that comes into view could be a man who looks sick and a police officer could say, "He must have a medical certificate so I will not stop him." We have now reached the stage where the last speaker wants the driver of a vehicle who feels he is not obliged to wear a seat belt to opt out.

Quite frankly, I do not like wearing seat belts but the reports of accidents from the ambulance drivers in my area indicate that injuries incurred in an accident are less serious to any person who is wearing a seat belt. Mr. Clive Griffiths, at great length, suggested all sorts of ways to reduce the death toll on our roads. I think the main one he suggested was that a learner-driver should have greater instruction in the driving of a vehicle before he is granted a license. However, I think the greatest problem today is that no matter how skilled a person is in the driving of a vehicle, most accidents occur after the driver has consumed a few beers. I think the Minister for Police was on the right track when he made an announcement the other evening concerning spot checks. I am sure it will not be long before spot checks are introduced in this State.

The Hon. A. F. Griffith: Are you a teetotaller?

The Hon. S. T. J. THOMPSON: No, I am not.

Unless one is involved in a motor accident, one finds that the breathalyser is of little use in reducing the road toll. In my view if spot checks were introduced many of us would go home much earlier than we do. It is the over-confident driver who seems to be causing the majority of the accidents.

A fortnight ago an accident occurred at the intersection of Havelock Street and Hay Street at 1.00 a.m. There is no reason in the world for an accident to occur at that time of the morning, and perhaps the driver was over-confident. I offer the suggestion that alcohol has been a contributing factor in many of the accidents that have occurred.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [10.31 p.m.]: I thank all members who have made contributions to this debate. I have not known an occasion previously where I was forced to make a decision which gave me greater cause for thought because of the possibility that the decision might prove to be incorrect.

Some mention has been made of statistics relating to accidents. I do not wish to go through the whole gamut of what has been said in the debate, but I would point out that ever since I have been appointed Minister for Police I have, with the co-operation of the Press, caused a report on the wearing of seat belts to be published every month. Anyone who has read such reports will realise that the

wearing of seat belts does not reduce the number of accidents, but it does reduce the consequences of the accidents.

I will repeat the figures for the benefit of members, so that they can get this fact impressed in their minds. These reports are published at the end of the month and they refer to the accidents which have occurred in the metropolitan area. Whether the accidents involved fatalities or injuries, they are all checked by the Police Department.

Let us take into account the number of people who have been killed on the roads in the metropolitan area. During the first 10 months of this year, 136 people were killed; of those only one was wearing a seat belt while the other 135 were not wearing seat belts. The odds were therefore 135 to 1, and the same trend has been experienced month after month. Surely no member of this House can say that the wearing of seat belts does not have a great effect on the road toll.

With regard to accidents in the metropolitan area, in those 10 months 3,647 people were injured. Of those, 3,359 were not wearing seat belts.

The Hon. R. Thompson: Does that figure include those who were not in motor cars?

The Hon. J. DOLAN: If there were three or four people in a car and it was involved in an accident and they were all injured, they would be included in the statistics. Of the 3,647 people injured only 266 were wearing seat belts at the time they sustained their injuries.

Let us take into account the economic loss arising from those accidents. I am sure that members realise there is not only the question of injury or the loss of life to be considered but, as Mr. Williams mentioned in this debate there is also the question of the economic cost to the nation. Before I deal with the question of the regulations, I would point out that the number of people injured in motor accidents rose from 5,077 in 1962 to 7,373 in 1970. It is estimated that the cost to the nation is equivalent to $38 a day for hospitalisation; that means in Western Australia the total expenditure for hospitalisation amounted to $2,196,324, and that figure excludes the cost of out-patient treatment, X-rays, drugs, dressings, doctors' fees, ambulance services, blood transfusions, rehabilitation, chemists, and physiotherapists.

If anyone has doubts about the consequences of accidents, which can be prevented by the wearing of seat belts, he should go to the Shenton Park Annexe. I could refer him to Dr. Bedbrook or Dr. Stokes, both of whom are executive members of the Royal Australian College of Surgeons. I am sure they will be glad to conduct him over the annexe, and be able to convince him of the advantage of wearing seat belts. They have told me that they do not know of anyone who was not convinced after being shown over the annexe.

Regarding the regulations, the officers of the department have been working on them continuously, and I will have them tabled in the House. It is all very well for some members to say that everything should appear in the Bill so that everyone knows exactly what is proposed. We would be well advised to follow the other States which have introduced the compulsory wearing of seat belts. Victoria was the first State to introduce the requirement, and the immediate and dramatic result was a reduction in the death toll. This so impressed New South Wales that it followed suit; then South Australia, Tasmania, Queensland, and now Western Australia have followed the move. New Zealand which has a lower road toll than any of the Australian States will adopt the compulsory wearing of seat belts as a result of the example set by the Eastern States to which States New Zealand sent experts to examine the position.

I am sure the regulations will cover every aspect of this matter. The compulsory wearing of seat belts has been found to be the most successful method of reducing the road toll in all places where such legislation has been introduced; consequently we in Western Australia should adopt it. I give a solemn undertaking to the House that if any of the matters associated with the regulations prove to be of little value when they are on trial, I will bring them before the House so that they can be improved.

The Hon. Clive Griffiths: What about the penalties?

The Hon. J. DOLAN: In Victoria the penalty for not wearing seat belts is $20; and the example has been followed in all the other States with the exception of South Australia where it is $10, but protests have been raised in that State by members of the Opposition that the penalty should be increased.

I do not treat seriously some of the minor matters which have been raised, although every member is entitled to his own opinion. In my view this measure seeks to introduce one of the most progressive moves that has ever been made in this State to reduce the road toll.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. Dolan (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 47 amended—

The Hon. N. E. BAXTER: I move an amendment—

Page 2, line 12—Insert after the passage "equipment;" the following proviso:—

> Provided that any person, who objects to wearing a motor vehicle seat belt, may advise the Commissoner of Police in writing who shall issue such person with a certificate of exemption, excepting that when the applicant has an unsatisfactory driving history in the Police Traffic Department records, the Commissioner may refuse to issue a certificate of exemption.

The Minister, in his second reading speech, listed proposed exemptions, and I believe the exemption in my amendment is equally justified. A person who is a careful driver and who does not believe it necessary to wear a seat belt should not be forced to do so, when the wearing of it will be of absolutely no use to him.

The other reason for my amendment concerns the people in the country. As I said in my second reading speech, the wife of a farmer may be driving a utility to a function and, if it were compulsory for her to wear a seat belt, by the time she arrived at her destination her clothes would be crushed. We must also remember that many drivers will not be wearing seat belts, anyway, because their vehicles are not equipped with them.

Point of Order

The Hon. A. F. GRIFFITH: I think you should, Mr. Deputy Chairman (The Hon. F. D. Willmott), rule whether this amendment is in order. This clause amends subsection (2) of section 47, which, without limiting the generality of subsection (1), gives the Governor power to do certain things. Clause 4 intends to give him extra power under proposed new paragraphs (ba) and (bb) as follows:—

> (ba) requiring drivers and passengers of motor vehicles to wear or use the prescribed items of equipment;
>
> (bb) imposing on the driver of any motor cycle, including a motor cycle with a side-car attached thereto, the duty of ensuring that any passenger riding in or on the motor cycle complies with the provisions of a regulation made under paragraph (ba) of this subsection.

The amendment in the Bill contains no mention of seat belts. Therefore I do not believe that we can insert a proviso to allow a person to opt out, and that is what it means. Such an exemption should be given under regulation. The honourable member has not moved his amendment in the correct position. How can we have a proviso in a proposed new paragraph of this nature?

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I would rule the amendment is not in order because it does not fit in with the wording of the Bill. Proposed new paragraph (ba) contains no reference whatever to seat belts. I would suggest that if the Minister is in agreement with the intention of the amendment, he should consider including it when the regulations are drafted. That would be the correct way for the amendment to be covered.

Committee Resumed

The Hon. J. DOLAN: As you have ruled in favour of the point of order, Sir, I do not think that this matter need be raised until the regulations have been tabled.

The Hon. A. F. GRIFFITH: The Deputy Chairman has now ruled the amendment out of order, but the Minister could give an indication whether he would be prepared to include it in his regulations.

The Hon. G. C. MacKinnon: Or have a look at it.

The Hon. J. DOLAN: I and my officers will have a look at the amendment to see if it can be included in the regulations. I could not go beyond that.

The Hon. A. F. GRIFFITH: I think if the Minister thought for a moment or two he would realise that such a provision would nullify the whole effect of the legislation, because it would mean that this was the law, but it was not the law because if a person wanted to contract himself out of it, he could. That would not be desirable.

The Hon. J. DOLAN: I give a categorical "No."

The Hon. L. A. LOGAN: The Minister referred to the penalties and said that they had not been stipulated under the regulations. I would remind him that the penalties are already provided in the Act. The penalties must be a figure not exceeding $100 maximum for the first offence and $200 for the second offence. The penalties must be amounts within those two figures.

The Hon. A. F. GRIFFITH: I think Mr. Logan is not correct. The penalty provided for the first offence is a figure not exceeding $100, and for any subsequent offence the penalty must be between $20 and $200. Therefore they must be prescribed.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (3): RECEIPT AND FIRST READING

1. Supreme Court Act Amendment Bill.
2. Administration Act Amendment Bill (No. 2).
3. Evidence Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. W. F. Willesee (Leader of the House), read a first time.

House adjourned at 10.54 p.m.

Legislative Assembly

Wednesday, the 24th November, 1971

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (46): ON NOTICE

1. TRAFFIC LIGHTS

Alexander Drive-Woodrow Avenue Intersection

Mr. A. R. TONKIN, to the Minister representing the Minister for Police:

In view of the continued bad record of the intersection and because of the problems associated with the new stop sign law which requires that vehicles give way in both directions, will the Minister give serious consideration to either—

(a) installing traffic control lights at the intersection of Alexander Drive and Woodrow Avenue Dianella; or

(b) personally inspecting the intersection during the peak hour traffic period with a view to taking similar action?

Mr. MAY replied:

(a) and (b) Some adjustments to the channelisation treatment are being carried out by the Stirling City Council. These adjustments will allow traffic lights to be installed when justified. Consideration will be given to the installation of traffic lights in the next financial year. In the meantime, observations will be made periodically by officers of the Main Roads Department.

2. EDUCATION

Non-Government School Students

Mr. A. R. TONKIN, to the Minister for Education:

(1) As the attendance of non-Government school students at Government schools must be accomplished either by the increase in class numbers or by the decrease of teachers' preparation time, does he believe that the Education Department should be aware of local arrangements so that the interests of Government school students will be protected?

(2) Do any Government school students attend non-Government schools where it is possible to do so without disruption to the school concerned, and where class sizes are below those generally applying in Government schools?

Mr. JAMIESON (for Mr. T. D. Evans) replied:

(1) It is understood by principals and headmasters that students from non-Government schools will only be admitted for instruction in specialised subjects in Government schools if staff is available and existing classes are not disrupted. It is not agreed that such admissions must inevitably lead to increased classes or decreased teacher preparation time. Principals will use discretion to protect the interests of students and staff members.

(2) The department is not aware of any such cases.

3. SPEEDBOATS AND HYDROPLANES

Silencers

Mr. GRAYDEN, to the Minister for Works:

(1) Is he aware—

(a) that Regulation 51 appertaining to motor and speedboats reads as follows:—

"Every motor boat shall be properly fitted with an efficient silencer.";

(b) that although the W.A. Speedboat Club held a three hour marathon at the Coode Street, South Perth racing circuit on Sunday, 14th November, all boats with the possible exception of two, were equipped with efficient silencers;

(c) that the marathon event referred to proved conclusively that racing speedboats can be effectively silenced;

(d) that on Sunday last when the W.A. Speedboat Club held State hydroplane championship events on the South Perth circuit the noise nuisance was preposterous in the extreme and could be heard two miles from the source?