

# Legislative Council

Thursday, the 15th November, 1973

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

## QUESTION WITHOUT NOTICE

### DEVELOPMENT

*Manjimup Canning Co-operative: Inquiry*

The Hon. V. J. FERRY, to the Leader of the House:

I desire to ask the Leader of the House: Is he now in a position to reply to my query raised during the adjournment debate last night when I questioned the unsatisfactory reply to a parliamentary question?

The Hon. J. DOLAN replied:

I am now in a position to give the honourable member an answer. As I promised, I approached the Minister who was responsible for both answers, and he has furnished me with the following explanation—

As pointed out by The Hon. V. J. Ferry, the first sentence to part (b) of my answer is inaccurate, and for this I apologise.

In part explanation I attach a photocopy of a question received on Thursday, the 4th October, 1973, and my reply which, as will be seen, shows my advice to the honourable member regarding the report as an answer to question 4 on the second page. In my haste to answer the question, I looked only at the answers to parts (1) to (3) on the first page, and it was in answer to part (2) that the words "a decision will be made when the report is received" were used. However, as pointed out, this part of the answer was superseded on the second page by the advice that I would forward a copy to the honourable member for his information.

To assist the situation I am attaching hereto a personal copy of the report for The Hon. V. J. Ferry and, as previously indicated, will table the report the moment it has been reviewed by Treasury. As I will be seeing members of the cannery directorate this weekend, I have asked the Treasury to attempt to give me its evaluation of the report later today.

Though the Government's decision in respect to further assistance to the cannery must be conveyed first to the directors, I will endeavour to have the information made available simultaneously to The Hon. V. J. Ferry, The Hon. F. D. Willmott, and the member for Warren, The Hon. H. D. Evans.

## MARITIME ARCHAEOLOGY BILL

### Second Reading

Debate resumed from the 14th November.

**THE HON. I. G. MEDCALF** (Metropolitan) [2.40 p.m.]: The object of this Bill is to take out of the Museum Act certain sections relating to historic wrecks, to elaborate on them and incorporate them in a new Act to be known as the Maritime Archaeology Act. The Minister has adequately described the Bill in his second reading speech and I do not think it is necessary for me to go over the same ground that he has; in fact I am certain there is no need for me to do so.

There is no doubt that generally speaking the members of the Opposition, for whom I believe I can speak on this occasion, would be in favour of this measure. As was said by the Minister during his second reading speech, it is basically a nonparty political Bill and I hope it will always remain so in an endeavour to do something to preserve the historic ships or historic wrecks around the coastline of Western Australia.

I therefore applaud the Bill and also applaud the co-operation that prevailed in another place—to which the Minister referred during the introduction of the Bill—and the fact that the members there were able to get together on the question of amendments they desired to make to the Bill and, with the assistance of Dr. Ride and his officers from the Museum, were able to devise some amendments which we now have in the Bill before this House. If ever there were a nonparty political Bill, surely this is one. I hope the spirit of co-operation which existed in another place when this Bill was considered is not yet exhausted, because I propose to make a suggestion on one or two further matters which concern clause 4 and to which I will refer again shortly.

Before doing so I will refer briefly to the situation we had a few years ago and which prompted me, in 1969, to take up the question of historic wrecks. I think many members of the community generally were concerned at the tremendous deterioration in the wrecks which had occurred over a period of years. It is not very long ago that the first of these Dutch wrecks was discovered, and although for

many years we were aware the wrecks were somewhere along the Western Australian coast, they had not been located.

Virtually it is only in the last 10 years or so that we have had any accurate knowledge of where the most significant wrecks were, but indeed we do not know that we have discovered all the wrecks. It may well be that more wrecks will be discovered. In spite of what the experts tell us it is surprising what turns up from day to day and there may well be more wrecks beneath the sea that will be located. Acting on the advice from an expert on wrecks who told me this many years ago, when I first inquired into this matter, I found that the reason wrecks have not been discovered readily is that they become encrusted with coral reef and eventually they become completely overgrown by the reef and, in fact, disappear into the living reef. The methods that are used to discover wrecks have been greatly improved in recent years with use of aircraft and the additional underwater diving facilities that now exist.

I understand from the experts that the secret of success in finding a wreck is to look for a reef that looks like a ship. That seems fairly obvious, but in the past a search was made for a ship. One now looks for a reef that looks like a ship and on closer examination it may be found that a wreck exists.

In regard to the *Gilt Dragon*; for years and years stories were circulating in Western Australia, especially in and around Yanchep and further up the coast, of pieces of eight and other coins which were said to be in existence. Stories were also circulating about survivors from the *Gilt Dragon* and of course some of these proved to have some basis and foundation when the *Gilt Dragon* was discovered along the Western Australian coast a few miles north of Perth.

Coins did begin to turn up before the wreck was officially located and certainly before it was reported. Coins were being circulated in various places and I recall asking the Minister of the day whether the police proposed to take action on the coins which were supposed to have been sold in the Yanchep Inn or the Lancelin Inn. The police denied all knowledge of them and said they had no evidence of coins being sold. Whether or not there was anything in that story, I do not know, but many stories were circulating, and, of course, many coins.

When I was in Holland two years ago I was shown a brochure related to the sale of old coins which took place some time before in Holland, and these included coins from the *Gilt Dragon*. On looking at the brochure one could clearly read the Dutch equivalent of *Gilt Dragon* and my informant told me that the particular coin in question had been sold for £120 sterling.

He said that it was a lot for that particular coin, but coins from the *Gilt Dragon* were circulating among the coin markets of the world before the *Gilt Dragon* was officially reported and known, and this went on for some time which caused a great deal of concern.

However, the *Gilt Dragon* has now literally been placed under control and all those incidents are a thing of the past, I am pleased to say.

In regard to the *Batavia*; this brought cause for concern because it did not appear that the Museum had the facilities adequately to watch over that wreck. It had been informed of the whereabouts of the *Batavia* by a young fisherman from Geraldton and I might say he received nothing by way of self-remuneration for his trouble. He was an honest man and did not take anything before reporting the *Batavia* to the Museum authorities. Although the wreck was known to exist it had not previously been reported to the Museum and had been missing for a long time. Unfortunately it appeared that the Museum did not have the facilities or the money adequately to watch over this wreck.

The result was that it became the target of piracy by the gelignite pirates of our time and was ripped apart by a series of explosions. This was discovered by a university expedition which visited the site some time after the *Batavia* had been discovered and reported to the Museum. I have seen photographs that were taken at the time and they clearly show that explosions had occurred; that some persons, evidently trying to find the, perhaps, mythical treasure chest of Felsart, had blown the reef apart and this had caused a great deal of destruction to the remains of the wreck. They had, of course, obviously recovered a lot of coins and other items from the wreck at the same time. A large number of coins were found in the sand because they had drifted from the reef into the sand.

A great number of coins have been and I think still are being recovered from the *Batavia*. Of course many of them are useless because they are completely encrusted in the reef and in some instances have completely lost their identification. On the other hand some extremely fine examples of early European coinage—particularly the coinage of German municipalities and other European countries at the time—have been discovered and are on display now in the museum; particularly in the Fremantle Maritime Museum.

I became so concerned about the *Batavia* that I made personal representations to the Government and, in 1970, it allotted \$50,000—I think that was the figure—to the task of recovering the pieces of the wreck. Surveillance was still necessary, and from that time until now the wreck has

been under constant surveillance by Museum officers stationed at a nearby island. I believe that the *Batavia* was rescued just in time or it would have been completely destroyed.

Unfortunately we cannot say the same for the oldest ship on our coast—not a Dutch ship, but an English ship—wrecked in 1622 near the Montebellos. The *Tryal* was wrecked 66 years before Dampier—the first Englishman to do so—came to Australia. It was subsequently located and reported to the Museum, but it was in a very isolated locality. In some ways it was felt this would ensure its safety, but this was not to be. The gellignite pirates made a visitation to the ship in 1971 and blew it apart. They blew into fragments the guns and the remaining relics. I do not know how many pieces would be recovered as this information is not available as yet. Those pirates made a devastating mess of the vessel which was a great tragedy not only historically, but scientifically because a great deal of scientific research could have been undertaken as a result of the discovery of the relics which have been in the sea for 300 or more years.

I had been informed by someone—I will not reveal the name of my informant—that attempts were likely to be made to blow up the *Tryal*; so I informed the police. This was approximately 12 months before it was actually blown up. The police assured me that they were doing everything possible to prevent such an occurrence. I did suggest in certain quarters that a helicopter could be used from Barrow Island to keep a daily watch on the *Tryal* and vessels which entered the area. I understand that some effort was made to obtain the use of a helicopter. The Wapet authorities were very co-operative and they had a direct radio link between St. George's Terrace and Barrow Island and could have obtained direct and immediate information. However, in 1971 the vessel was blown up. This is now a matter of history. The oldest wreck on the coast was destroyed.

This is one of the reasons I believe Parliament should give its support to the Bill. We should aim to strengthen the legislation dealing with the preservation of historic wrecks, because once they are destroyed they are gone for all time. They will not come again. Maybe more wrecks will be recovered, although I am informed by those whose opinion I respect that the likelihood of many more wrecks being found is limited. Therefore we should do all in our power to prevent vandalism by modern-day pirates with their cases of gellignite, and thus prevent any further tragedies occurring. I believe that desire is undoubtedly shared by the responsible authorities—that is, the Director and Trustees of the Museum—and hence the Minister has submitted the Bill which I am sure we will support.

I do not in any way intend to propose any amendments to the Bill. I want to make it clear to the Minister that I am personally happy with the discussions which ensued in another place and which resulted in the amendments now incorporated in the Bill. I hope that the spirit of co-operation will continue because in my opinion clause 4 requires a little more attention. That clause, which defines a maritime archaeological site, states—

4. (1) For the purposes of this Act—

(c) any structure, campsite, fortification or other location of historic interest that, in the opinion of the Director, is associated with, and was occupied or used by, persons presumed to have been in a historic ship,

shall be a maritime archaeological site.

I do not quarrel with that provision because in the case of the *Batavia* the mutineers camped on nearby islands in the Abrolhos and those sites must be historical. Campsites, fortifications, and other structures they erected are still there. Indeed, the relics of some of them have been reconstructed in the Fremantle Maritime Museum.

I would like to refer to the second portion of that paragraph, and, particularly, the words "other location of historic interest that, in the opinion of the Director, is associated with, and was occupied or used by, persons presumed to have been in a historic ship".

This of course could include a multitude of places, even the Port of London and the City of Amsterdam because they were used by persons presumed to have been in historic ships. I am sure nothing so absurd as that is contemplated, but it is a broad definition which could include a number of old ports and sites on the Western Australian coast. For example, the Port of Cossack could have been used by someone who was presumed to have been in an historic ship; and the same could be said about old Onslow and Port Gregory. When this clause is taken in conjunction with clauses 6 and 7, it has greater significance because clause 6 reads—

6. (1) The property in and right to possession of all historic ships and maritime archaeological sites is vested in the Museum on behalf of the Crown.

Automatically, under that clause, we are vesting in the Museum all those places which were occupied or used by persons presumed to have been in an historic ship. Clause 7 reads—

7. (1) Compensation is not payable to any person by reason that the

property in and the right to possession of any site, relic, or thing is vested in the Museum on behalf of the Crown by the operation of this Act.

So not only is the site which was used by persons presumed to have been in an historic ship automatically vested in the Crown, but no compensation is payable. I would be grateful if the Minister would be kind enough to take this matter up again with the Museum authorities with a view to ascertaining whether the provision can be made a little less severe than it is at present.

I would be grateful if we could receive an assurance from the Minister that there is no intention that the Museum will acquire, as a result of these powers, the legal or other titles, or the custody, of such places as Cossack, old Onslow, Port Gregory; or, for that matter, any of the other historic ports.

Historic ships and relics belong to the public; they are not private property. But we must rely upon private persons to discover and notify the Museum—which is the proper authority—of the existence of these historic ships and relics. There may be more to be discovered; I believe there may well be more historic ships and relics which will be discovered, and therefore we must do all we can to encourage private persons to come forward and notify the Museum of such discoveries.

Clause 18 in the Bill, which has been considerably amplified as a result of the discussions to which I have referred, does provide for payment of a reward to a person who first notifies the Director of the Museum of the position of an historic ship lost before 1900. The person who notifies the museum first may receive a reward under clause 18.

Such person is required to mark the position of the ship and supply certain further information to the Director of the Museum, and the Director is empowered to decide whether or not it is an historic ship which was wrecked before 1900; and where a claim for a reward is made the trustees of the Museum have 12 months within which to notify the claimant of an interim payment which they may make him; or notify him that they desire an extension of time in which to consider the claim; and in which to notify him that the claim is either payable or not.

If the claimant is not satisfied when he finally receives the decision of the trustees he may appeal to a judge in chambers to have the decision of the trustees reviewed and all parties will be heard on that occasion and the Museum trustees will have an opportunity to put forward their views.

Under subclause (8) the maximum payment which may be made by way of a reward—unless the Minister otherwise directs—will be \$5,000 in respect of any one ship. So a number of claims may be made

but in relation to any one ship there is a maximum payment of \$5,000, unless the Minister otherwise directs.

The judge may also make an award, of course, on his review of the case, but he is also limited to \$5,000. In addition where there is any metal content in the relics recovered—for example coins, etc.—the judge may add an amount not exceeding half the value. This, of course, must be read subject to the agreement between the Dutch Government and the Commonwealth Government in regard to the division of the relics found.

On the 24th October I asked the Minister a question concerning the discoveries of certain wrecks. My question was as follows—

- (1) Has a determination been made as to who were the discoverers of the wrecks of the *Tryal*, the *Batavia*, the *Gilt Dragon*, the *Zuytdorp* and the *Zeewyk*?

The answer I received was—

- (1) No determination has been made as to who were the discoverers. The Museum Act does not require the Trustees to establish the discoverers of wrecks. Services to the State (namely the reporting and/or delivery of wrecks) may be rewarded and recompensed by the Trustees, with the approval of the Minister.

Although that answer is, of course, quite correct technically; and although the Museum is the only body empowered to pay persons who notify it that they have discovered a wreck—though not necessarily the person who did discover the wreck—it is to some extent a play on words. Clearly my question was directed to the persons who notify the Museum that they have discovered wrecks. However the answer did go on to supply some information, although it was not particularly satisfactory; because it was rather equivocal and I could not quite follow its purport.

The answer indicated to me that there is some confusion, even at this stage, as to who were or are the discoverers—or who are the persons who should be rewarded as being the discoverers—of some of the wrecks. As I say the answer indicates some confusion exists; I say that because I was confused for some time after I had read it, as were one or two other people who found some problem in understanding it.

It appears obvious, however, that there should be a public inquiry by a proper authority, such as a judge, to decide who in fact did discover some of these wrecks. Admittedly this may not be a problem in some cases, because there may be no argument as to who discovered the wrecks; but there is obviously difficulty in the case of some of the wrecks; and I believe a public inquiry

by a judge as to who the discoverers were and who notified the Museum would be fair enough.

I think it should be made clear to the public as to who the discoverers are, and those persons should get a reward provided they did the right thing and notified the Museum; and provided they did not do anything to cause the wreck to deteriorate. I believe the judge, or whoever conducts the inquiry, should have the power to order that a reward be paid—any fitting sum which, no doubt, he could fix after considering all the facts—to the persons who have in fact discovered the wrecks, and notified the Museum or the public authorities at the time; and who have shown they acted in the public interest. These people should be rewarded.

There may well be some persons who have discovered wrecks and who have notified the Museum and who have not been rewarded, but who should be rewarded. I do not know this is so but I gather from the comments I have received, added to the comments made in the Press, and to the answer to my question, that it is not yet certain whether the persons have in all cases received a reward for the discovery of some of the wrecks in question.

I am well aware that this Act empowers the Museum to make the payment and I think it has acted very fairly in the case of some of the rewards which have been made. I am not querying the amounts of the rewards, because I believe the Museum has acted fairly and properly; but it is beyond the capacity of the Museum to conduct the type of inquiry to which I am referring and I believe it would be a good thing if that were done by a judge.

I commend that thought to the Minister and I trust it will commend itself to the Government.

**THE HON. W. R. WITHERS (North)**  
[3.10 p.m.]: I rise to support the second reading of this Bill. I was not in favour of the Bill as presented in its original state, but I was very pleased to have been a member of a committee of the Opposition which conferred with Dr. Ride and his colleagues and members of the Museum Advisory Committee. Although I would like to see some other changes in the legislation, I believe the compromises reached were reasonable.

I would like to offer to the Minister a suggestion which may be passed on to the Museum staff. We need better methods of restoring iron cannon. I understand the Museum staff have experienced some difficulty in trying to develop a means of preserving iron cannon, and we know that some cannon should have received treatment many years ago.

I observe that the Museum will have trouble with storage space. I believe it is building up a good team of divers, and

there will therefore be large quantities of materials to be stored, many of which will be of great interest to the public.

In reply to a question I asked in this House several weeks ago, the Minister said that 10,000 ballast bricks were kept in storage. I also asked what areas of storage space were available in the Museum buildings and what space was devoted to display and administration. In his reply the Minister gave us to understand that the Museum had the power to sell or exchange goods but it was unlikely it would do so.

I consider that to be an unrealistic attitude particularly when one appreciates there are 10,000 ballast bricks from one ship alone—the *Gilt Dragon*. Those bricks are taking up a lot of space. If the Museum has no intention of selling or exchanging them with other museums, what will it do with the bricks? I cannot imagine that 10,000 bricks could be used in one display, nor can I imagine that it would be worth while using them to build a memorial of some kind to the *Gilt Dragon* or those who owned it. So how can these bricks be put to practical use?

In my opinion, it would be well worth while for the Museum to consider selling a great number of the bricks—say 9,000 of them—to private collectors throughout the world, or exchanging them for other items. The money so collected could be used to create a special display with the remainder of the bricks. If 9,000 bricks were sold at approximately \$5 each—which I believe is a reasonable market figure—a sum of \$45,000 would be returned to the Museum, and that money could be used to dummy up the hold of the *Gilt Dragon* and display the remaining bricks in the way they were used in those days. Other items could also be displayed in the hold of the ship. This seems to be a sensible idea because it would utilise what we have and provide an interesting display for the people—who, after all, own these items.

I hope that at some time in the future the Maritime Museum will become a separate entity from the Western Australian Museum. The two museums are separated by distance and their functions are slightly different in that one covers general displays ranging from jewellery to skeletons, animals, and so on, while the Maritime Museum specialises in displays of archaeological items recovered from wrecks, for which it will need specialist staff. We have an extremely long coastline which has a rather colourful history, so I think it is important to have a museum which specialises—such as the Maritime Museum—as a separate entity from the Western Australian Museum.

I will be interested in the replies given by the Minister to the queries raised by Mr. Medcalf, and I will also look forward to his comments on the suggestions I have made.

**THE HON. J. DOLAN** (South-East Metropolitan—Leader of the House) [3.16 p.m.]: As we have another Bill which is very closely associated with this one, I think it would be desirable for me to go ahead with my reply to the second reading debate, take the Bill through the Committee stage, and answer the queries raised by Mr. Medcalf during the third reading.

I am sure we all appreciate the spirit of co-operation which has prevailed. In all the time I have been here, I have never read such "lovey-dovey" things in *Hansard*. Everybody was patting everybody else on the back. What a lovely place it would be if it were a social get-together! I can assure members that I am prepared to co-operate. In fact, I suppose I have the least trouble with Bills of which Mr. Medcalf has taken the adjournment.

I can see how it was quite easy to build up a connection between locations of historic interest and the Director of the Museum. Mr. Medcalf referred to Port Gregory, Cossack, and so on, and asked for an assurance in this matter. I will convey what was said to the Premier, who will take the matter up with the Museum authorities to ensure that nothing like that happens and that these places do not come under the control or jurisdiction of the Museum authorities.

I thank Mr. Medcalf for his other suggestions—for example, that relating to an inquiry to establish who was responsible for finding wrecks for which no reward has been given. Perhaps a judge or someone with similar qualifications and ability could delve into the truth of these matters. The matter of retrospective payments is also worthy of consideration. I was very interested in what was said, and we know that Mr. Medcalf is an authority on these matters.

Mr. Withers suggested the Museum staff might carry out an investigation to find better ways of preserving cannon. I am sure this matter has occupied the attention of museum authorities not only here but also in other parts of the world, and that it will be a continuing process until a better method is found.

I give Mr. Withers an assurance that the matters he raised will be brought to the attention of the authorities so that they may be given serious consideration. He raised the question of storage space, and also suggested that the 9,000 ballast bricks could be sold at \$5 each. I know many people who claim they have an interest in hotel bricks and who say that over the years they have paid for many such bricks, without ever getting a brick to take home. So from that point of view probably it would be better to pay \$5 for a ballast brick and at least one could take it home.

**The Hon. W. R. Withers:** Yes, but one might have a dry throat.

**The Hon. J. DOLAN:** The suggestion is that the money should be used to set up a display centre or a maritime museum. This is a good suggestion.

I ask Mr. Medcalf to indicate whether it is satisfactory to him to accept my undertaking that I will approach the Premier and endeavour to obtain an assurance from him in respect of the museum authority. If it is, I will delay the third reading until that assurance is received. If the honourable member is satisfied, I will proceed with the Committee stage.

**The Hon. I. G. Medcalf:** Yes.

**The Hon. J. DOLAN:** I think any person who has read the *Hansard* report of the debate which took place would realise this is a good Bill. We have heard two excellent presentations on it this afternoon. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## EDUCATION ACT AMENDMENT BILL (No. 2)

### *Second Reading*

Debate resumed from the 14th November.

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [3.26 p.m.]: This Chamber has been accused from time to time during the reign of the present Government of being an obstructive and long-winded Chamber; yet this afternoon we are faced with a piece of legislation which was introduced in another place on the 17th August, 1972. One would have thought—in point of fact, one was led to believe—that the Government had dropped the Bill altogether. However, in the spirit of co-operation about which the Leader of the House spoke a few minutes ago, I assure the House I will be very swift in dealing with the measure because I believe it is the greatest piece of arrant nonsense ever to be presented to Parliament. Not only is it the greatest piece of arrant nonsense, but it is the grossest insult that could be offered to the teachers of Western Australia.

In no other State of Australia have teachers been the subject of a Bill like this. To suggest that the efficiency of a teacher is to be coloured by union membership is completely fatuous. If we have two teachers with equal qualifications, and the only additional merit one has is that of being a union member—

**The Hon. A. F. Griffith:** There might be something to it if all members join a union.

The Hon. J. Dolan: I was a member of the union from the day I started to the day I finished.

The Hon. A. F. Griffith: Do you think it made you more competent?

The Hon. R. J. L. WILLIAMS: I do not want to say anything about the union as such. I, too, was a member of the State School Teachers' Union of Western Australia until I left that profession.

I can see that the Government's heart is not in this measure; it has been foisted upon the Government by the executive of the Teachers' Union. If one cares to read the debates which took place in the other House one will find my point is amply borne out. It does not require much wit or imagination to see that the hand of the Labor candidate for Karrinyup is writ heavily in this Bill; and this Bill will founder in the same way as his candidature will founder.

I have nothing more to add in regard to the measure other than to appeal to the House to dismiss the Bill with the contempt that it deserves. The teachers of this State do a magnificent job, and yet we have the member for Mirrabooka saying in public that there are inefficient teachers.

The Hon. A. F. Griffith: He ought to know.

The Hon. R. J. L. WILLIAMS: That may well be. I will not quarrel with that point. Does the Government mean to tell me that an unqualified teacher should receive preference for promotion over another unqualified teacher simply because he is a member of the union? That is what the Bill says.

I know of one person in this State who is an absolutely brilliant principal and administrator. I do not know whether he is a member of the union, although my guess is that he is. He is the only principal in Western Australia who has not a degree. However, that does not prevent his being efficient.

The Hon. S. J. Dellar: Shire clerks do not need qualifications to be efficient.

The Hon. R. J. L. WILLIAMS: I do not know how shire clerks fit into the Teachers' Union. To suggest that by taking out membership in a union a teacher becomes more efficient than his counterpart is absolute nonsense.

The Hon. L. D. Elliott: Nobody has suggested that.

The Hon. R. J. L. WILLIAMS: How does a teacher get on in the profession? That is what is stated in the Bill. Promotion is based on efficiency in the department. There is a tribunal with which teachers can lodge appeals. A teacher may lodge an appeal if he feels his efficiency is greater than that of another applicant.

I refer to proposed section 37AF (3a) on page 2 of the Bill. This states—

the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency of any applicant who is not a member of the Union.

The Hon. V. J. Ferry: I think Miss Elliott is supporting you.

The Hon. R. J. L. WILLIAMS: I hope she will. I hope the House will not impose on us the indignity of having to divide on this question. I reject the Bill out of hand.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [3.31 p.m.]: I find the attitude of the honourable member who has just resumed his seat to be extremely interesting. I wonder whether it is his view and that of his party colleagues that they do not concede to any form of compulsory unionism. Is that the case?

The Hon. R. J. L. Williams: Did I say that? I did not say that at all.

The Hon. R. F. CLAUGHTON: If the honourable member has not said that, then what did he say? He will not concede to this principle only in the case of teachers, although there are other groups in the community in respect of whom he is agreeable to allow compulsory unionism to apply.

The Hon. R. J. L. Williams: That is not so. What I have said is simple to understand. We should not determine efficiency by union membership.

The Hon. R. F. CLAUGHTON: I have not heard it suggested that should be done.

The Hon. R. J. L. Williams: May I suggest that you read the Bill, and interpret in your capacity as Deputy Chairman of Committees the provision appearing in lines 10 to 14 on page 2 of the Bill.

The Hon. R. F. CLAUGHTON: What the honourable member wants us to do is to accept his interpretation of the Bill, and not what the situation really is.

The Hon. A. F. Griffith: Give us your interpretation.

The Hon. R. F. CLAUGHTON: Mr. Williams is saying that it does not matter what is the opinion of the Teachers' Union—the opinion of the people whose livelihood is affected. He says their opinion is of no account at all, and that what counts is the opinion of members of the Opposition. We should not dictate to the Teachers' Union as to precisely how it should settle its affairs.

The Hon. R. J. L. Williams: Nonsense.

The Hon. R. F. CLAUGHTON: That is what will be done if we do not permit this legislation to go through.

The Hon. R. J. L. Williams: In other words, your Government allows the union to dictate to you.

**The Hon. R. F. CLAUGHTON:** The honourable member is saying that he wishes to dictate to the Teachers' Union. I should point out that the Teachers' Union has not dictated to the Government; what happened was that the Government agreed to the representations of the Teachers' Union, just as on other occasions it has agreed to propositions put up by other bodies. At the moment we are dealing with the proposition to which the Government has agreed. This does not mean the Government has been dictated to in accepting the proposition.

I find the views which have been expressed in this debate to be extremely interesting, and I am anxious to see what the vote on the second reading will be, because I have in mind another piece of legislation passed by Parliament which provided that members of another profession would be forced to join their association otherwise they would not be permitted to practise.

**The Hon. G. C. MacKinnon:** Are you talking about the medical profession?

**The Hon. R. F. CLAUGHTON:** This seems to be a principle to be applied to one profession, but not to another.

**The Hon. W. R. Withers:** If the honourable member reads the provision in clause 2, in particular proposed subsection (3a), he will find that everything he is saying is tantamount to a waste of time of the Chamber.

**The Hon. A. F. Griffith:** That generally applies to everything Mr. Cloughton says!

**The Hon. R. F. CLAUGHTON:** Generally whenever Mr. Withers gets onto his feet he wastes our time. The point under discussion is the teachers wish to ensure that persons entering the profession are adequately qualified. That is a protection to the people who enter the profession. Members opposite might wish to put some other interpretation on the provision in the Bill; if so, they are free to do so, but that does not mean their interpretation is correct. In fact it would be a long way from being correct.

The teaching profession is an extremely important one, and it is only right that we assist it by ensuring that its members are adequately trained and qualified. The requirement of compulsory membership of the union does not mean that a headmaster without a degree will be unable to gain promotion.

**The Hon. R. J. L. Williams:** I did not say that. You should have listened to what I was saying.

**The Hon. R. F. CLAUGHTON:** What did the honourable member say?

**The Hon. R. J. L. Williams:** You should not misinterpret my remarks.

**The Hon. R. F. CLAUGHTON:** The honourable member has had his chance to speak in the second reading debate and

to make his views clear. Obviously he is a long way from succeeding in that purpose. I fail to see the import of his remarks. If he did not imply that a headmaster who does not have a degree is not able to obtain promotion to a situation only if compulsory unionism exists, then I do not know what he meant.

The requirement is that a person wishing to enter the teaching profession has to possess the basic qualifications for teaching. Progress in the profession will depend on his efficiency, perhaps on his years of service and experience, and on the qualifications he gains after he enters the profession. There is no suggestion at all that a teacher without a degree will not be able to progress within the profession. That does not appear in the Bill at all.

**The Hon. R. J. L. Williams:** In these days can a teacher without a degree be appointed as the principal of a high school? The honourable member should answer that query, and he should read the regulations.

**The Hon. R. F. CLAUGHTON:** Surely the honourable member realises that the demands made on the people in this profession have increased continuously. What was regarded as adequate 10 years ago might not be regarded as adequate today.

**The Hon. R. J. L. Williams:** I am not disagreeing with that. Is it a fact?

**The Hon. R. F. CLAUGHTON:** Of course, it is a fact. The fact that a teacher does not possess a degree does not prevent him from having the basic qualifications of a teacher.

**The Hon. R. J. L. Williams:** Does it prevent him from being appointed as the principal of a high school?

**The Hon. R. F. CLAUGHTON:** The honourable member is talking about something completely different, and not about the basic qualifications which are expected of a trained teacher. He is talking about the qualifications that are required to gain promotion within the profession. That is an entirely different situation, and what the honourable member is saying amounts to drawing a red herring across the trail. I support the second reading.

**THE HON. L. A. LOGAN (Upper West)** [3.39 p.m.]: I understand that 99 per cent. of the teachers belong to the Teachers' Union. If that is the case why is there a need to introduce this Bill? For that reason I oppose the measure.

**THE HON. N. E. BAXTER (Central)** [3.40 p.m.]: I oppose this Bill on principle because I am not prepared to vote on a measure which requests me to join in declaring that the efficiency of a teacher who is a member of a union is greater than the efficiency of a teacher who is not a member of that union.



I consider it to be a gross insult to ask members of Parliament to declare themselves in the manner set out in this Bill, and I oppose it.

Debate adjourned, on motion by The Hon. L. D. Elliott.

## MUSEUM ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 14th November.

**THE HON. I. G. MEDCALF** (Metropolitan) [3.41 p.m.]: This Bill, in a sense, is complementary to the Maritime Archaeology Bill in that it proposes to amend the principal Act, and it deals with two specific subjects.

Whereas the Maritime Archaeology Bill provided for a new Act, and contained new sections, this measure will amend existing sections of the parent Act. The sections to be amended are, firstly, those which deal with archaeological and anthropological sites, and secondly, meteorites.

On the question of archaeological and anthropological sites, the Bill provides what might be referred to as complementary provisions to the Aboriginal Heritage Act. In other words, the Museum will have specific powers to deal with archaeological and anthropological sites, which it does not have at present. The provisions of the Aboriginal Heritage Act provide for the preservation of those sites and necessary powers will be given to the Museum through this measure.

We support the Bill. However, I think it is necessary to draw attention to one or two points which are relevant when considering the best way to deal with archaeological and anthropological sites. I want to briefly refer to a matter I raised by way of question, and which question has not yet been answered.

The question concerned Aboriginal fish traps which are situated on a reserve in Oyster Harbour between the King and Kagan Rivers in the Albany district. The fish traps were discovered in a rather unusual manner about 10 years ago by the pilot of an aeroplane from the whaling station. The pilot noticed some rather unusual formations in the tidal estuary.

The Hon. J. L. Hunt: They were stone traps?

The Hon. I. G. MEDCALF: They were half-circles of stones, ending at the shoreline. The pilot of the aeroplane took a photograph of the formations and they were identified by a Museum officer as being Aboriginal fish traps.

Strange to say, the fish traps had been sighted and reported on before white settlement in Western Australia. In about 1822 a young naval officer, I think

he was a navigator, was on board a ship under the captaincy of Captain Phillip Parker King of New South Wales. The ship was anchored near Emu Point.

*Sitting suspended from 3.45 to 4.00 p.m.*

The Hon. I. G. MEDCALF: Before the afternoon tea suspension I was referring to the Aboriginal fish traps located in Albany and to the rather curious method of their discovery which was, of course, when they were sighted by an aircraft a few years ago—at least within the last 10 years.

I referred also to the fact that they had originally been seen by a young man who was a navigator on a ship, under the captaincy of Phillip Parker King, which called at Albany in about the year 1820. This young navigator was none other than John Septimus Roe who later became Surveyor-General of Western Australia. Of course, this was in the days before Western Australia had been formally settled. It was in the days when the French knew more about this area on the south coast than did the authorities in New South Wales.

John Septimus Roe discovered the Aboriginal fish traps and reported seeing natives catch fish when he walked around the harbour. He noticed the natives catching the fish in the traps and described the method which they used. He described it so accurately that it was possible to identify the Aboriginal fish traps when they were verified by a Museum officer as a result of photographs taken over 130 years later.

I might say in passing that John Septimus Roe described the condition of the natives at the time when, as I have said, was about 10 years before the first white settlement in Western Australia. He said that they were a miserable lot and did not have much knowledge of fishing. They did not catch very many fish in their traps. John Septimus Roe would have been thoroughly disillusioned had he thought that they might be classified one day as noble savages.

Perhaps the people who talk about the grand state in which the natives lived in this country before the white man came would do well to read some of these passages written by a person who saw them in those days and saw the pitiful squalor in which they lived. They could perhaps compare that situation with the one which exists today, because undoubtedly present conditions are infinitely better so far as the material wants of Aborigines are concerned.

I realise, Mr. Deputy President, that this is a little away from the subject matter of the Bill, but I feel these comments are relevant. John Septimus Roe described the conditions of the natives as being pitiful at a time which, as I have said, was about 10 years before there was white settlement in Western Australia. The natives could not feed themselves properly

because they were unable to catch adequate fish for their needs, even in an area which was teeming with fish.

Aboriginal fish traps are very primitive. I will not deal with this further; because, strictly speaking, it is not material to the Bill, except that it is a type of anthropological site which the legislation will give the Museum the power to acquire and preserve. I hope the Museum will take its responsibilities seriously. I do not doubt for one moment that the Museum will.

I mention this specifically in connection with the Aboriginal fish traps, because I have received a pamphlet which refers to a country estate, which is said to be a wonderful retirement proposition. The pamphlet states, "Exclusively Situated with Panoramic Views of Oyster Harbour, Emu Point and King River". Inside the pamphlet is a map of the area showing a subdivision adjacent to the area to which I have referred. The subdivision was permitted by the town planning authorities, and it fronts onto the reserves on which the Aboriginal fish traps are located.

These fish traps, like most Aboriginal remains of this nature, are extremely fragile and easily destroyed. I wonder how much thought was given by the Town Planning Department to the fragility of this Aboriginal site when it gave permission for the subdivision.

I have asked a question and I will not proceed with that any further, because the Minister has not yet had the opportunity to answer my question. This is through no fault of his own but is due to the fact that the information asked for is fairly detailed. I do not wish to be discourteous to the Minister or the department but I feel I should comment on this pamphlet which says, in describing this subdivision which is immediately adjacent to the anthropological site—

Terms available.

Reducible interest.

Payments to Suit Your Budget.

Lots with wide frontages covering  $\frac{1}{2}$  to 1 acre in area.

Variation between Lots, some are heavily timbered on the slopes down to public open space on the waterfront, others level and cleared.

Shire Area realistic rates.

Of Historical Interest—

This site was once a native Tribal Fishing Ground with evidence still of the Fish Traps along the foreshore, from which fish for food were speared out of small pools surrounded by rocks jutting out from the foreshore.

Further, it says—

Safe Fishing from small boats half mile to Lots.

Boat launching facilities and safe and deep anchorage for larger craft.

I will not say more, but clearly the Aboriginal fish traps are in dire peril as a result of the activities of the subdivider and, also, of the presumed activities of the people who buy the lots. It would not take much to destroy such a site. It has now been preserved for 150 years or so since the fish traps were used. They are rare and genuinely preserved Aboriginal fish traps. It is a genuine anthropological site. I sincerely hope that when the Museum authorities acquire this site they will do more than simply put up a notice saying that it is a reserve under the Aboriginal reserve heritage Act and warning people not to touch the stones. I believe there could be a great deal of trouble and a site such as this should be adequately safeguarded in some way which will prevent molestation or deterioration as a result of human activities.

The Hon. R. Thompson: Do you think that putting up signs is a protection?

The Hon. I. G. MEDCALF: No, but I think that putting up signs is better than nothing. I do not decry putting up signs but the signs are relatively flimsy and obviously will not last more than two or three years because of the erosion caused by the salt water and the wind.

The Hon. R. Thompson: Perhaps it would be effective if the sign had a penalty marked on it.

The Hon. I. G. MEDCALF: A penalty is marked on the signs which are about 1ft. 6in. by 1ft. 3in. from memory. There are two or three signs altogether.

The Hon. R. Thompson: Do you think the signs may attract more people?

The Hon. I. G. MEDCALF: People will go there anyway, because the brochure to which I have referred can be picked up at any land agency in Albany. One of the features on the brochure is that there are fish traps right in front of the land and, also, boat launching facilities. We can imagine what will happen to the fish traps if people make use of those boat launching facilities.

I have mentioned this matter when speaking to the measure because one of its objects is to give the Museum the power to acquire sites such as this and to preserve them. If and when the Museum acquires this site I hope it will take effective action to ensure it is preserved because it is of rare anthropological and historical value.

I do not propose to say anything further on the subject matter of the measure. I support the Bill. The provisions dealing with meteorites have, I think, been quite adequately explained by the Minister and, with those comments, I indicate my general support of the measure.

**THE HON. D. J. WORDSWORTH** (South) [4.10 p.m.]: I rise to support the measure, particularly the provisions which will enable municipal museums to be set up. I think this action is long overdue.

I have never agreed that we should have one big, central Museum in the City of Perth in which are displayed all the artifacts and items of interest relative to the whole of Western Australia.

The public would be far better served by municipal museums because, in this way, people would be able to associate the items they saw with the district or region.

We are all trying to develop tourism in Western Australia. We now have more and more leisure during which we can travel. I find that people who visit country towns such as Esperance complain that they do not have enough to do. Of course, we have a wonderfully scenic coast and a magnificent bitumen road has been put in. In some ways the bitumen road has proved to be a disadvantage because people take a quick drive, see the whole of the coast in 1½ hours, and say that they have nothing more to do.

Municipal museums to which people could go would be a tremendous asset. The people would look at the items of interest in the region and this would stimulate them to go out and look for themselves for plants, stones, animals, and fish, such as the ones displayed within the museums.

The Hon. J. L. Hunt: Albany is catered for.

The Hon. D. J. WORDSWORTH: Two museums have been set up in Albany—one was set up by the Historical Society and the other by the National Trust. Undoubtedly these museums have been of great benefit to Albany.

One of the great difficulties is to find the necessary finance. It will be possible for the Museum in Perth to allow municipal museums to have the use of some of the items which are normally displayed in the main Museum. Often there are duplicated items in the main Museum. Under the present set-up the Museum is not allowed to let out specimens to any institutions which are not under its direct control. The establishment of municipal museums will overcome this problem.

The sooner we can establish more museums away from the city, the better. I have never been very enthusiastic about the tall building in Perth which occupies very valuable space. If a person wanders around that Museum he will find hundreds of specimens of one particular frog or fish. I feel that such items are of specialist interest to people undertaking research but it is not necessary to have them all located in the middle of Perth. It would be better if some were sent to the municipal museums.

With the advent of municipal museums we will see museums being used far more frequently by the public than by researchers. I think this is most important.

I was a little concerned when I read the Minister's second reading speech because he referred to provisions within the

Bill which would allow for the leasing of land for municipal museums—and the Minister included a site at Esperance. We had hoped that the site at Esperance would be granted to the shire for use as open space as well as for the use of the museum. I consider that these both go hand in hand.

The shire is particularly concerned that the railway occupies a central site which should be utilised for parks, gardens, etc. The site is not at all suitable for a railway. I was worried to hear the Minister mention that, with the passage of the measure, he will be able to lease the land to the shire.

I hope that the Minister will seriously consider granting the land to the shire rather than leasing it to the municipal museum. After all, this land is owned by the people as a whole and should not be pigeonholed for the use of the railway.

While on the subject of the railway, the same group which is advocating and promoting the museum at Esperance is acquiring a steam engine from the State. One of the original goods sheds at Esperance will be used for the museum, and what would be better to display than a steam engine? It is rather amazing to find that the group will have to purchase the steam engine at a cost of about \$2,000. At Collie there are 50 or 60 of these steam engines lying unused and gradually rusting. I believe it would be a good project for the railways to see that one of these engines goes into the goods shed before it is handed over for the museum site. After all, these engines represent a period in the history of the railways, and surely the department would be interested to preserve some of the engines used in the early days.

I did not speak during the debate on the Maritime Archaeology Bill, but reference was made to relics which had been lost overboard, and particularly the *Flinders'* anchors. Members are aware that this is a favourite subject of mine—the loss of the *Flinders'* anchors from Middle Island to Canberra and South Australia. There was no way in which we at Esperance, or the museum, could protect these anchors for Western Australia because our legislation was inadequate to do this. It is a shame that the anchors were taken away from Esperance—one to go to South Australia and one to Canberra. I cannot see why this centralist policy should be carried right through to the collection of historic relics.

Canberra has enough items displayed for the general public without going to places like Esperance to collect items of local significance. Canberra is the site for the War Museum, and this could hardly be situated anywhere else. As everyone is aware, the Australian Government is now setting up a National Art Gallery and it

is paying amazing prices for art purchases. I hardly feel it should need to collect such things as the *Flinders'* anchors from Esperance.

The Hon. I. G. Medcalf: Did you say "art" purchases?

The Hon. D. J. WORDSWORTH: That is what they are called. Members may like to call them purchases of another nature. Whilst speaking of art galleries, I hope we will see the municipal museums incorporating art galleries. We know that many hundreds of paintings are stored away in cellars and other places in Perth while the municipal shires do not have art galleries. We could utilise these paintings, and perhaps even pass them around the shires and the city. They will then be of some benefit to the community, but I fail to see their benefit at the present time. I hope the Government will consider art galleries when this legislation is being implemented. I have much pleasure in supporting the Bill.

**THE HON. L. A. LOGAN** (Upper West) [4.20 p.m.]: I had two questions to raise in regard to this measure, and Mr. Wordsworth has already referred to these. It has been said that it is impossible to vest in the local authorities land held by the Commonwealth Government or by the State Railways Department. Many private enterprise buildings are erected on land owned by the Commonwealth Government or by the State Railways Department in Western Australia. Surely if private enterprise can obtain sufficient lease of the land for this purpose, it should be possible for local authorities to do the same for special purposes.

The Government ought to look at this matter again, because in the circumstances it would be much better for the local authorities to have control of the land. The Government proposes to give the local authorities control of the museums, but then in the next breath it says, "Because the Railways Department owns the land, you cannot control the land." I believe the Minister should look at this problem to see whether or not it can be overcome.

**THE HON. J. DOLAN** (South-East Metropolitan—Leader of the House) [4.21 p.m.]: I would like to pass comment on a few of the remarks that have been made. Mr. Medcalf referred to the discovery of these fish traps by the navigator on a ship controlled by Captain King. I understand that a young lieutenant from the same ship did a little exploring while the ship was anchored there, and he found quite a large hill which is now known as Mt. Barker. Members will see that a monument to him has been erected on this site; so two men on this ship had inquiring minds.

Mr. Wordsworth referred to the fact that Esperance wanted one of the engines which is standing at Collie, but the Railways Department had asked for \$2,000. It

is a long-standing policy of the Government—not only of this Government but also of the previous Government—that engines are railway property and are available at second-hand iron prices.

The Hon. J. L. Hunt: Scrap.

The Hon. J. DOLAN: The price is quite reasonable. The Railways Department wonders why it should always be the bunny. Every time someone wants something which belongs to the railways we hear, "It belongs to the Government, so let the Government pay." The Railways Department would like to be able to chop a few noughts off its deficit.

The Hon. D. J. Wordsworth: The people are being asked to raise this sum.

The Hon. J. DOLAN: That is right—everyone wants a steam engine as a gift from the Railways Department. As the Minister for Railways, I go along with the policy of the previous Government.

Mr. Wordsworth referred to numerous municipal and shire museums. There are some excellent ones throughout the State and I am sure many members have seen these. One at Northampton, for example, contains items of interest from this district.

The Hon. L. A. Logan: Chiverton House.

The Hon. J. DOLAN: That is right, and there is an excellent museum at Coolgardie. One could spend an hour at this museum; not only at the display in the open, but also the one under cover.

The Hon. L. A. Logan: And the one at Wongan Hills.

The Hon. J. DOLAN: There is another one at the old pumping station at Cunderdin.

I dealt with the local historical society in regard to the railway property at Merredin. As members know, a new railway station was built for the standard gauge line. I offered the old railway station to the historical society and at this time the buildings were in excellent repair. They are good buildings, but some of the local vandals have broken a few windows, as they are inclined to do. When they have nothing to do they say, "Let us go and break a few windows at the old railway station".

I offered this railway station to the historical society as well as a good deal of land between the Great Eastern Highway and the station itself. However, the old railway line was between the station and the Great Eastern Highway and it had to be taken around the back of the station. The historical society did not want to do anything about it. It felt that the railways ought to do this; fix up the area between the roadway and the station, and then make a drive-in and do everything else. The Railways Department had to say that it did not have the money to do that sort of thing. We thought we would do

the society a good turn by making the station available. It was felt that the day may come when extensions would be required on that land for other installations, and, consequently, the land could not be handed over to the local governing authority.

The Hon. D. J. Wordsworth: There is not much chance of your wanting the old site at Esperance for railway purposes? It is miles away now.

The Hon. J. DOLAN: The area around Esperance is still under consideration by the railways. I do not know what the eventual position will be.

The Hon. L. A. Logan: It certainly will not want it in the near future.

The Hon. J. DOLAN: I suppose I could tell the honourable member that. However, we do not like to make commitments in advance because one day someone will say, "You said they could have something down at Esperance." My commissioner comes and says, "You were a bit hot saying they could have this and you are really in trouble." However, we are getting a little away from the Bill.

At all times I will support the extension of the museum facilities in various districts because after all, these museums rightly belong in the district with which they are associated. Any support I can give in these cases I am prepared to give.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

#### *Third Reading*

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

### **IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL**

#### *Receipt and First Reading*

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

### **QUESTIONS (11): ON NOTICE**

#### **1. TELEVISION LICENSES**

##### *Remote Areas*

The Hon. G. W. BERRY, to the Leader of the House:

- (1) Is there any reduction in television license fees for viewers served by A.B.C. regional stations where only one channel is available?
- (2) If not, is any consideration being given to bringing in a reduction?

The Hon. J. DOLAN replied:

- (1) and (2) These questions relate to Australian Government policy, and will be referred to the Minister for the Media, Senator McClelland.

#### **2.**

#### **PRISONS**

##### *Roebourne Facilities*

The Hon. V. J. Ferry for The Hon. W. R. WITHERS, to the Chief Secretary:

- (1) Are the existing gaol facilities at Roebourne considered adequate for present and future needs?
- (2) Does the Government have any intentions or proposals for the construction of a new gaol, or the upgrading of existing facilities?

The Hon. J. DOLAN replied:

- (1) No.
- (2) Yes. Extensive repairs, renovation and alteration works are proposed to the old prison. Some tenders have already been called. Dependent upon the availability of materials and no serious weather delays it is anticipated that occupation could be effected in late February next.

#### **3.**

#### **LAND**

##### *"The Forts": Ownership and Zoning*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Who owns the Forts area at Albany?
- (2) What is the total acreage?
- (3) (a) Is any of the land privately owned; and  
(b) if so,—  
(i) how much; and  
(ii) which portion?
- (4) What is the zoning classification of the various ownerships?
- (5) If any of the land is classified "residential", can it be subdivided and developed at present?
- (6) Does the State Government propose to resume such part of the Forts area which is privately owned for public purposes?
- (7) Is the Government prepared to act when a recommendation of the town council is made that the residential zoning be altered?

The Hon. J. DOLAN replied:

- (1) It is understood that Albany Forts Freehold Pty. Ltd. is the registered owner of Lot 19 of Albany Lot 869 and the Commonwealth of Australia is the registered owner of Lot 7 of Albany Lot 869. It is also believed the latter lot is being transferred to Albany Forts Freehold Pty. Ltd.

(2) 41 acres 1 rood 9 perches.

(3) (a) Yes.

(b) The whole of Lots 7 and 19.

(4) Of the 41 acres, approximately 10 acres are zoned "Residential", the balance is classified "Public Buildings Zone".

(5) There is nothing to prevent the owners submitting a subdivisional application, but it seems unlikely that any such application would receive the Town Planning Board's approval.

The Town of Albany is the authority responsible for controlling development and indications are that it would be opposed to residential buildings on the site.

(6) There has been no decision to do so.

(7) Re-zoning is a matter dealt with by the Minister for Town Planning and he cannot be expected to make a commitment before the recommendation of the responsible authority is submitted to him.

#### 4. AUSTRALIAN BROADCASTING COMMISSION

*Radio Station: Exmouth*

The Hon. S. J. DELLAR, to the Leader of the House:

(1) What is the planned power output of the A.B.C. radio station at present being built at Exmouth?

(2) What areas are expected to benefit by the installation of the station?

(3) When is it anticipated that the station will be completed and operating?

The Hon. J. DOLAN replied:

(1) 2,000 watts.

(2) The Exmouth Gulf area, including Onslow.

(3) Towards the middle of 1974.

The Hon. G. C. McKinnon: How can you answer that question and not question 1?

The Hon. J. DOLAN: In the answer I can only supply what is given to me by the appropriate Minister. I suggest to all honourable members that when they seek information relating to Commonwealth departments they should find another means by which they can obtain answers to their questions; either through a member of the House of Representatives or through a Senator.

Mr. G. C. MacKinnon: You answered one question that was asked by a member of your party, but refused to answer a question that was asked by a member of the Liberal Party.

The Hon. J. DOLAN: I did not refuse to answer the question.

5.

#### FISHERIES

*Netting Ban: Northampton*

The Hon. L. A. LOGAN, to the Leader of the House:

(1) Has the Minister for Fisheries received a strong protest from the Northampton Angling Club against the ban to be placed on amateur fishermen as regards netting?

(2) If so, will the Minister give consideration to their reasonable request?

The Hon. J. DOLAN replied:

(1) Yes.

(2) At this point a ban on amateur net fishing is being considered as a possible solution to the illegal sale of fish by amateur fishermen. The Minister has received many representations, some favouring the introduction of a ban and others opposing such introduction. All points of view will be given thorough consideration before a decision is made.

6.

#### FERTILISERS

*Blood and Bone Production*

The Hon. G. W. BERRY, to the Leader of the House:

(1) How many firms in Western Australia manufacture blood and bone fertiliser?

(2) Is there sufficient blood and bone manufactured to satisfy demand?

(3) Are users on a quota system?

(4) Are more abattoir by-products being processed as stock food instead of blood and bone?

(5) What is the difference in price between blood and bone and stock food?

The Hon. J. DOLAN replied:

(1) Inquiries indicate that only one firm is producing blood and bone fertiliser in Western Australia at this time.

(2) No.

(3) Users are being supplied on a *pro rata* basis from current production, with established clients being given preference.

(4) There are indications that some firms which could produce blood and bone fertiliser are rather processing the ingredients to meat and bone meal in view of the price differential between these products.

(5) Blood and bone fertiliser costs \$100 per ton ex works. The price of meat and bone meal ranges at present from \$120 to \$150 per ton ex various works.

7.

# HOUSING

## Three Springs

The Hon. L. A. LOGAN, to the Leader of the House:

In view of the number of applicants for State Housing Commission rental homes in Three Springs, as per the answer to question 2 of the 13th November, 1973—

(a) will the Commission build more houses in Three Springs; and

(b) if so, when?

The Hon. J. DOLAN replied:

(a) The provision of additional houses in Three Springs will be determined from year to year dependent on the demand and within the constraint of available funds.

(b) One house will be provided towards the latter part of the 1973-74 financial year.

8.

# LAND

## "The Rocks": Use

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) Who is the owner of the property known as "The Rocks" at Albany?

(2) For what purpose is the property used?

(3) How long is it anticipated that the present use will continue?

(4) (a) Does the Government have any plans for the use of this area for the same or any other purpose in the future; and

(b) if so, when?

The Hon. J. DOLAN replied:

(1) to (4) The description in this case is insufficient to identify the property concerned.

9. *This question was postponed.*

# AUSTRALIAN BROADCASTING COMMISSION

## Radio Programmes: Remote Areas

The Hon. G. W. BERRY, to the Leader of the House:

As remote areas served by A.B.C. regional radio stations have only one programme, is the commission giving any consideration to broadcasting alternative programmes?

The Hon. J. DOLAN replied:

I am advised that the A.B.C. has one regional radio programme in the remote areas. This is supplemented by a shortwave service which carries the same programme until the radio transmitters are duplicated, or more outlets become available.

It is possible that the introduction of frequency modulation some time in the future might provide an alternative programme service.

11.

# GRAIN BOARD

## Referendum

The Hon. J. HEITMAN, to the Leader of the House:

Further to the reply to question 2 on the 14th November, 1973, what was the "progressive legislation opposed in Parliament" referred to in part (iii) of the reply to questions (1) and (2)?

The Hon. J. DOLAN replied:

The Apple Industry Bill, 1972 and sections of the current Dairy Industry Bill.

# BUILDING CONTRACTORS LICENSING BILL

## Second Reading

Debate resumed from the 13th November.

**THE HON. V. J. FERRY** (South-West) [4.38 p.m.]: The Bill before the House aptly describes itself in the long title of the Bill, and I quote—

AN ACT relating to the qualifications, licensing and regulation of contractors in the building industry, to constitute a Board in relation thereto; to repeal the Builders' Registration Act, 1939-1970, and the Painters' Registration Act, 1961-1970; and for other purposes connected therewith.

That is a fairly concise description of the measure before the House. I wish to refer to the fact that the Government has appointed Mr. C. Howard-Smith, Q.C., to conduct an inquiry into the building industry. The inquiry commenced last month and I believe it is relevant to the Bill now before us that we should understand the terms of reference under which the Queen's Counsellor is conducting this inquiry.

The terms of reference of the inquiry were given in this Parliament in answer to a question asked in another place and are recorded on page 3434 of proof number 15 of the 1973 *Hansard*. I quote the answer to that question as follows—

(1) A Queen's Counsel, Mr. C. Howard-Smith, has been appointed to inquire into the building industry.

(2) (a) The terms of reference are to inquire into and report on—

(1) the present practices relating to the payment of building sub-contractors and as to whether those practices are giving rise

- to any, and, if so, what, problems and the measures that ought to be taken to afford relief against those problems, if any;
- (2) the incidence of insolvency or bankruptcy in the businesses of building contractor and building subcontractor and the measures to be taken against any such incidence;
  - (3) whether, and, if so, the extent to which, the insolvency or bankruptcy of building contractors is occasioning loss to building subcontractors;
  - (4) whether building owners and building subcontractors are sufficiently protected against loss occasioned by the insolvency or bankruptcy of building contractors and, if not, the means by which such protection or better protection might be afforded;
  - (5) whether a shortage of any particular class of tradesman exists in the building industry and, if so,—
    - (i) the reason for such shortage;
    - (ii) whether present training schemes for tradesmen are adequate;
    - (iii) whether any other, and, if so, what schemes for the training of tradesmen should be put into effect; and
    - (iv) what, if any, other steps should be taken to remedy any existing shortage of tradesmen;

and
  - (6) whether any other, and, if so, what, steps might reasonably be taken to bring about greater efficiency and stability in the building industry.
- (b) The report is to be submitted as soon as practicable after all persons desiring to make submissions have been heard.
  - (c) I was originally approached by the Master Plumbers' Association and the Plumbers' and Sheet Metal Union of

Workers. Their request was supported by the following organisations—

Master Plasterers' Association of Western Australia;

Building Industry Sub-Contractors' Organisation of Western Australia;

The Electrical Trades Union of Australia.

They are the terms of reference under which the present inquiry into the building industry is being conducted and we now have before the House a Bill dealing with relevant matters.

I would suggest that in view of the inquiry that has been set in train by this Government to inquire into a number of matters associated with the building industry the Government has, in fact, negated its own Bill. I cannot see the good sense in Parliament being asked to adjudicate on a piece of legislation which, although designed to apply only to residential building costing up to a total contract value of \$25,000, it is, nevertheless, well and truly associated with the building industry.

In the circumstances it seems reasonable to me that the person appointed by the Government to conduct this inquiry could well be expected to submit some recommendations which would affect not only contracts in excess of \$25,000, but also would have application to contracts of a lesser value. Clause 13 (1) reads—

13. (1) The provisions of this section apply only in relation to—

- (a) a building used or intended to be used for residential purposes; and
- (b) a contract the value of which at the time it was entered into did not exceed twenty-five thousand dollars.

It seems strange to me that the Government should ask Parliament to contemplate this legislation when it has engaged a Queen's Counsel to inquire into the industry involved. I believe the whole purpose of the Bill is to blur the distinction between the principal contractor and the subcontractor and to break down the whole subcontracting system in the building industry. Subcontracting is adopted not only in Western Australia but throughout Australia and, indeed, in most countries of the world, if not all of them. Under the legislation that system is in danger.

The Hon. R. Thompson: Would you tell us what clause in the Bill states that?

The Hon. V. J. FERRY: In answer to that interjection I suggest that the whole of the legislation is designed to undermine the subcontracting system.



The Hon. R. Thompson: How wrong you are.

The Hon. V. J. FERRY: That is the Minister's opinion. However, I am sure that many members in this Chamber do not share it.

I hope that the House will reject the legislation out of hand. Why should the Government instigate an inquiry and at the same time request us to consider this legislation? If we pass it, it could perhaps inhibit the inquiry.

The Hon. R. Thompson: This has nothing whatever to do with it.

The Hon. V. J. FERRY: I cannot understand the Minister's comment because in fact the legislation, amongst other things, deals with subcontracting and with quite a number of other features associated with the building industry.

The Hon. R. Thompson: The aim of the Bill—and you know it—is to protect the home builder.

The Hon. V. J. FERRY: There is no doubt that the home builder, the same as any other person in the community, needs protection; but this is not the way to provide it. The consumer protection—which the Bill aims to provide—could be achieved by updating the present Builders' Registration Act.

The Hon. R. Thompson: We have tried to do that 10 times and it has not worked yet. There is an urgent need for this at the present time.

The Hon. V. J. FERRY: I believe this Parliament is capable of updating any legislation and if the attempt has been made in the past, it has been made for a good reason, as is always the case when from time to time amendments are made to legislation in the light of experience. I cannot understand the Government's haste in regard to this legislation particularly when it has instigated a public inquiry. I might add that the Builders' Registration Act has been amended many times. I have not counted the number of amendments which have been made but such a procedure is not unusual. That Act is capable of being updated to meet the current situation in the building industry.

No doubt as a result of the inquiry being conducted, certain recommendations will be made. The Government will consider these and I venture to say that further amending legislation will be necessary in order to implement some of the recommendations. Therefore I do not believe that undue haste should be exercised at this time in order to protect those involved with contracts to a value of less than \$25,000. It would be a far better and more reasonable proposition to wait until the inquiry has been completed and the reported studied.

The Hon. R. Thompson: Can you give me any specific provision in the Bill which you consider is wrong and which does not protect the home builder? That is what it is designed to do, and nothing else.

The Hon. V. J. FERRY: I will continue to make my comments and the Minister can reply at the appropriate time as he is entitled to do. I believe that the points I will make are reasonable. I consider that the House should reject the measure out of hand for the reasons I have already stated, but to reinforce my point of view I will make some specific comments on the Bill itself.

The Hon. R. Thompson: I was hoping you would.

The Hon. V. J. FERRY: The Bill is to have State-wide application. It is recognised that the provisions of the Builders' Registration Act apply only to the metropolitan region. This again is a matter which could be left until the report of the inquiry is made available.

It is difficult for me to believe that this legislation will be workable and I am convinced, even if the Minister is not, that if the Bill were to be passed in its present form and become law, it would create far more problems than it is designed to eliminate.

The Hon. R. Thompson: In what way?

The Hon. V. J. FERRY: I understand that similar legislation has been enacted in South Australia and, according to the information provided to me, that legislation has compounded the very difficulties it was designed to eliminate. South Australia has some 39 classifications of restricted licenses and each has a varying degree of application which may encroach upon other trades. For instance, a plumber concreting around a pipe or replacing wall tiles. This type of practice is causing demarcation disputes, expensive litigation and delays, concern to trade unions, and generally is proving impossible to police. Even as a layman, I can readily understand this sort of situation. So the authorities in South Australia are running into difficulties with similar legislation; and I suggest it is not good enough for us to—

The Hon. R. Thompson: It is not identical legislation.

The Hon. V. J. FERRY: It may not be identical, but it is certainly similar, according to the information I have received.

The Hon. R. Thompson: It could be similar but have a different application altogether.

The Hon. V. J. FERRY: The legislation before us provides for an insurance fund to be established to guard against failure by contractors to complete their work to the satisfaction of the owners, and it is proposed that one-tenth of 1 per cent. of

the contract value of the building will be contributed to the fund. In principle this seems to be a reasonable proposition, but I advance the thought that the industry itself could well establish such a fund and, as a matter of fact, it is willing to do so. Consequently, the only difference is in the manner in which the fund shall be established. Again referring to the inquiry, I believe the comments of Mr. Howard-Smith, Q.C., would be pertinent in this regard.

The Hon. R. Thompson: I am pleased to hear that. You are talking about registered builders?

The Hon. V. J. FERRY: About the building industry generally.

The Hon. R. Thompson: What would be the situation of a person who was building under a registered builder's license, as at the present time, and paying 1 per cent. to do it?

The Hon. V. J. FERRY: I do not propose to discuss the ways by which this should be done. I believe the industry should be consulted by the Government.

The Hon. R. Thompson: You do not know the situation, either.

The Hon. V. J. FERRY: I do not profess to know everything about it. I am putting forward a proposition that the industry needs to examine this aspect thoroughly in a spirit of co-operation so that it will be workable and practicable. It is no good the Government submitting legislation which is not workable.

The Hon. R. Thompson: Who says it is not workable?

The Hon. V. J. FERRY: I do not believe it will be unless all sections of the industry are consulted in order that their points of view might be obtained. Such views should be thoroughly examined so that the legislation as finally proclaimed will be acceptable and workable.

A number of penalties are imposed under the legislation and to me they are rather severe for the type of offences involved. I will say no more on that aspect except that this is my opinion.

The Hon. R. Thompson: Which is not a very good one.

The Hon. V. J. FERRY: Disciplinary proceedings are dealt with under clause 56(2) which reads—

(2) Subject to this Act, before conducting any inquiry under subsection (1) of this section the Board shall either orally or by notice in writing afford the licensee an opportunity of giving an explanation to the Board either in person or in writing, within seven days or such longer period as the Board may in any particular case specify.

It seems rather strange to me that the Board shall either orally or in writing afford the licensee this opportunity.

Surely the board, if it is to take any action at all, should be expected to serve notice in writing. Oral notice would certainly be a loose arrangement indeed and such a provision is not acceptable to me.

The Hon. R. Thompson: Delete the word "orally"; I do not mind.

The Hon. V. J. FERRY: I am amazed that the Government should contemplate its inclusion because it is an extremely loose arrangement when it is trying to tidy up the industry. The drafting should not have been done in such a slipshod manner.

The Hon. G. C. MacKinnon: The idea of tidying it up is to bury it.

The Hon. V. J. FERRY: I could refer to the composition of the board because I do not consider that it is as well balanced as it should be. Those in the industry as a whole should be consulted so that an acceptable and workable board can be established.

As I said at the outset, the legislation finds no favour with me. It should be rejected out of hand and I hope the House will do this.

The Hon. R. Thompson: Can I make a suggestion to you? I would like you to take the Bill home over the week-end and study it in detail.

The Hon. V. J. FERRY: That remark is very contemptible, because I have, in fact, studied the Bill thoroughly.

The Hon. R. Thompson: It was meant to be, after the drivel you have subjected us to.

The Hon. V. J. FERRY: I understand the implications of the Bill which the Government has negated by the appointment of Mr. Howard-Smith, Q.C. to inquire into the industry. Because of the Government's action, the Bill should be defeated.

Debate adjourned, on motion by The Hon. R. T. Leeson.

## INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 14th November.

**THE HON. L. A. LOGAN** (Upper West) [5.00 p.m.]: It is not my intention to deal with this Bill in any great detail, because I believe it would be better dealt with in Committee rather than at the second reading stage.

At the outset I would like to refer to a couple of remarks made by the Minister when he introduced the Bill. Apart from this there are only a few other comments I will make at a later stage.

The Minister said that emphasis will be taken away from compulsory arbitration and placed upon mediation. He then went on to say that industrial arbitration

had failed dismally. I wonder where he gets the idea that industrial arbitration has failed dismally. To my knowledge this has been the platform of the Labor Party and the trade unions for a long time. I just do not know how the Minister can say arbitration has failed dismally, when it has stood the test of time and fulfilled its function in the community not only in this State but throughout Australia.

In his speech the Minister further said that if workers are dissatisfied with the tribunal's decision, or if they become dissatisfied during the term of the award, there is no power that can prevent their taking industrial action.

I say that exactly the same thing will happen if the workers are not satisfied with mediation; no matter what system we adopt I feel certain there will be no change in the situation or their attitude.

It is not the ordinary union worker who is not standing up to his obligations under the industrial award; it is only one or two who are causing all the trouble; and if we could place them in their true perspective we would not have the innumerable stoppages and strikes to which we are growing accustomed.

The Hon. R. Thompson: To whom are you referring?

The Hon. L. A. LOGAN: The union representatives and the shop stewards.

The Hon. R. Thompson: You said only one or two.

The Hon. L. A. LOGAN: There is not a great number.

The Hon. R. Thompson: Give me some indication so I can reply to you.

The Hon. L. A. LOGAN: The Minister should read the papers and he will see what I mean.

The Hon. R. Thompson: I am not making the statements.

The Hon. J. Heitman: You are doing a lot of talking.

The Hon. L. A. LOGAN: Does the Minister mean to tell me that by changing the system of arbitration to one of mediation he will get different or better results? No matter what system is introduced, if the union representative does not think it is satisfactory he will call a strike. If the members of the unions themselves were permitted to have a say the situation may be different.

In this context I would like to refer to what happened in the last fortnight or so at the repatriation hospital. On that occasion the union representative was talking to the employees and telling them to strike. Out of the 300 employees present, 20 were listening to the union representative; the remainder were sitting on the lawn either smoking or idling away their time. When they were asked why they were

not listening to what the union representative had to say they replied they did not wish to strike; and nor did they. It is only because such people are called scabs—particularly when they do not conform to what the union representative suggests—that they are afraid to do anything about it.

The Hon. R. Thompson: This is the only place where we hear that word mentioned—in Parliament.

The Hon. G. C. MacKinnon: You would have to be joking! You see it written in print.

The Hon. R. Thompson: I said, in Parliament.

The Hon. L. A. LOGAN: There is little doubt that the employees at the repatriation hospital were subjected to intimidation. Indeed I am surprised that Miss Elliott did not take this wonderful opportunity which was afforded her to uphold her policy of the rights of the individual and the rights of women. On that occasion 50 or 60 women stood up for their rights and, instead of being there helping them in their cause Miss Elliott was missing.

The Hon. S. J. Dellar: She was probably working.

The Hon. L. A. LOGAN: Miss Elliott had plenty of time to do something about the matter if she had wished to.

The Hon. S. J. Dellar: That is only your opinion.

The Hon. L. A. LOGAN: No matter what system we adopt, if the union representative is not satisfied with it he will call a strike.

What do we find in connection with the power strike in Victoria? The arbitration commissioner and everybody else has urged the electrical employees to return to work. The matter has gone through every phase of arbitration, conciliation, and mediation; everything has been tried and everything has been rejected.

Accordingly how far does the Minister think we are likely to get by substituting mediation for arbitration, particularly if the union representatives do not want it and are not prepared to accept it? The only reason that arbitration has possibly not fulfilled its true function in this State is that the union representatives are not prepared to accept it.

The other matter to which I wish to refer is the attitude of the industrial arm of the T.L.C. to the Bill when it was first mooted. That section set up a campaign in support of this industrial legislation; it sent out a screed and nominated members of the Labor Party to act as liaison officers in an endeavour to make other members of Parliament change their minds and thus get them to support the legislation.

Most of the members of the Labor Party are nominated in this screed to which I have referred. I daresay this is fair

enough. I notice, however, that despite the fact this section put out a newspaper and spent a lot of money, the whole thing fizzled out as, of course, it deserved to. The campaign of the industrial wing of the T.L.C. did not have any effect whatever. Neither the union representatives nor the members of Parliament did what they were supposed to do under this campaign.

What I object to in this screed, however, is the instruction given to the delegates and to members of Parliament, one of which is as follows—

It is vitally important that before anything is done we make ourselves familiar with a member as a person; what he did before he became a member, his habits, interests, etc. Any background information will be useful.

When we find an organisation trying to do that sort of thing to members of Parliament it is high time we bucked.

I will make it easier for the T.L.C. by saying that my background was printed in *The Geraldton Guardian* last December, so it is not necessary for that organisation to ferret around to find out what my background might be.

Apart from what was written in *The Geraldton Guardian* I would indicate that I have been a member of Manchester Unity for the past 49 years. I was Grand Master in Western Australia in 1952-53. I was also patron of the Victoria District Tennis Association and have presented the trophies at the Easter tournaments over the last 15 years. I think this will give all the background that is needed; and I will not mention my masonic career of which I am very proud.

As I have said, I do not propose to deal with the Bill clause by clause; this can be done in the Committee stage. Some of the clauses are satisfactory and I propose to support them but there are others which I cannot support.

Debate adjourned, on motion by The Hon. S. J. Dellar.

*House adjourned at 5.09 p.m.*

## Legislative Assembly

Thursday, the 15th November, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m. and read prayers.

### UNSOLICITED GOODS AND SERVICES BILL

#### *Introduction and First Reading*

Bill introduced, on motion by Mr. Harman (Minister for Consumer Protection), and read a first time.

### IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL

#### *Tabling of Plan*

MR. TAYLOR (Cockburn—Minister for Development and Decentralisation) [11.03 a.m.]: I seek leave to table a plan of the temporary reserves in connection with this Bill. Perhaps it would have been of greater value had it been tabled at the time the Bill was introduced but I hope it will serve a useful purpose.

*The plan was tabled (see paper No. 483).*

### HEALTH ACT AMENDMENT BILL

#### *Second Reading*

MR. DAVIES (Victoria Park—Minister for Health) [11.05 a.m.]: I move—

That the Bill be now read a second time.

I am pleased to introduce this legislation, dealing, as it does, with a number of matters bearing on the health of the community and introducing in some cases new, desirable, and far-reaching changes. The matters contained in this measure are many and varied, and I will therefore explain the clauses.

Clause 2: The Bill provides that its provisions shall take effect from a proclaimed date. This is to enable certain necessary administrative measures to be taken in advance of the Bill becoming law.

Clause 3: Section 2 of the principal Act sets out the divisions and parts into which the Act is arranged. Clause 3 alters the title to part XIII as the old title is no longer appropriate. Members will appreciate the need for this when dealing with clauses 22 and 23 of the Bill.

Clause 4: This clause seeks to amend the general definition section of the Health Act—section 3—in two places as follows—

- (a) Firstly it aims to amend the definition of "Midwife" by changing the reference to "this Act"—meaning the Health Act—to "the Nurses Act, 1968".

Prior to 1944, midwifery nurses were registered under the Health Act. From 1944 to 1968 registration was effected under the Nurses Registration Act. That Act was replaced by the Nurses Act in 1968.

The purpose of the amendment is to adjust the reference to conform to current legislation. Similar adjustments are required elsewhere in the Act, and these will be dealt with when we come to clauses 24, 25, and 26 of the Bill. To continue—

- (b) The second amendment relates to the definition of "Sewage". The amendment is linked with matters dealt with in several other clauses of the Bill, and it will no doubt assist members if I couple all these clauses in my explanation.