

dealing with this clause, the Minister said some doubt existed with regard to section 525A of the Act. He said, in effect, that it was badly phrased. It concerns the right of a council to borrow, to establish parking facilities, and to recoup itself from the revenue of the undertaking instead of from loans raised.

Section 525A (4) (g) is quite a lengthy provision and I would have thought it covered all the requirements. It reads—

for the repayment of any loan or loans raised by, and any advance or advances of money made to, the council for the setting in motion and the promotion of any work necessary to give effect to the objects of the by-laws and for the payment of interest on any such loan or money;

I do not propose to argue with the proposal. If it has been found, in practice, that there is some doubt, the obvious thing to do is to take legislative steps to eliminate the doubt and this Bill seeks to do just that.

An alternative to the unimproved value of rating is proposed for some shires, subject to the approval of the Minister. I notice that the opportunity is taken, not only to introduce this method of rating but also to lift the maximum rate that can be charged on such unimproved values. I have not had the opportunity to find out how the local authorities value this suggestion, but I take some solace from the thought that the matter has to be submitted to the Minister before the rating can be established. I have no doubt the Minister will look into that aspect before allowing any serious increase in the rates.

The rest of the Bill does not have any material effect as those amendments are concerned with bringing about a better working machinery in the day-to-day administration of the Act. As I read the measure, I support it.

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

*House adjourned at 9.24 p.m.*

## Legislative Assembly

Wednesday, the 4th September, 1968

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

### QUESTIONS (30): ON NOTICE STATE SHIPPING SERVICE

#### *Losses*

1. Mr. BURT asked the Minister for Transport:

- (1) What losses were incurred by the State Shipping Service during the years 1965-66, 1966-67, and 1967-68?

- (2) Were these losses absorbed by the Grants Commission?
- (3) Now that Western Australia is no longer a claimant State, how will these losses be met in future?

Mr. O'CONNOR replied:

- (1) The financial statements and annual reports of the service are based to a calendar year.

Losses for year—

1965—\$2,730,732.

1966—\$2,393,967.

1967—\$2,372,565.

- (2) Losses were met from the Consolidated Revenue Fund of which the special grant was only part of the funds available.

However, from 1965 the Grants Commission set a ceiling of \$2,400,000 on the loss which it was prepared to support by the special grant. Any loss in excess of this amount had to be met entirely from the State's own resources.

- (3) From the Consolidated Revenue Fund as before. In fact the position is now precisely as it was under the Grants Commission because any increase in losses will have to be met from the State's own resources.

The grant received from the Commonwealth in lieu of the special grant is fixed and there can therefore be no increase in this amount to cover increased losses by the State Shipping Service.

### GOLDFIELDS WATER SUPPLY

#### *Adequacy*

2. Mr. BURT asked the Minister for Water Supplies:

- (1) In view of the likelihood of further mineral finds in the goldfields, which could lead to the establishment of more producing mines, what steps has the Government taken to ensure that adequate fresh water supplies are available to meet the needs of—

(a) mining and treatment operations; and

(b) domestic uses?

- (2) Has the Government investigated the underground fresh water potential in the north-eastern and east Murchison goldfields?
- (3) If so, what relevant information has been obtained from these investigations?

Mr. ROSS HUTCHINSON replied:

- (1) Action will be dependent upon the location and magnitude of mining developments in the area. The Government is maintaining close

liaison with the numerous exploration companies as well as the company which is actually producing nickel concentrates. For further detail the honourable member is referred to the answer given to question 18 asked on Wednesday, the 21st August.

- (2) Both the north-eastern and east Murchison goldfields have been partly investigated by the Government.

- (3) In the north-eastern goldfields only limited quantities of stock quality water are available in the area investigated to date.

In the east Murchison goldfields appreciable quantities of potable water are available from calcrete aquifers. Currently a Mines Department geologist is in the area furthering investigations.

### DISEASE-CARRYING INSECTS

#### Control

3. Mr. CASH asked the Minister representing the Minister for Health:

What preventive measures are provided by any State or Commonwealth authority to control the spreading of disease-carrying insects or insect pests through the operation of aircraft, light or heavy, passenger or transport, private or service, travelling interstate or intrastate, or arriving from overseas?

Mr. ROSS HUTCHINSON replied:

Overseas aircraft are inspected and fumigated by Commonwealth quarantine authorities.

The only control at interstate and intrastate levels is applied by the Department of Agriculture for the prevention of spread of agricultural pests.

### VEHICULAR TRAFFIC

#### *Left and Right Hand Driving: Accidents and Deaths*

4. Mr. CASH asked the Minister for Police:

- (1) Has his department any information on the degree of variation in the accident and death occurrence ratios per 100 million vehicle miles and per 10,000 motor vehicles between countries driving on the left hand side of the road and those countries driving on the right hand side?

- (2) If so, what statistics can be supplied to support his answer?

Mr. O'CONNOR (for Mr. Craig) replied:

- (1) No.  
(2) Answered by (1).

### *Driving on Right Hand Side of Road*

5. Mr. CASH asked the Minister for Transport:

- (1) Is he aware that the South Australian Minister for Transport is seeking a national inquiry into right hand side driving by the Australian Transport Advisory Council?
- (2) With Western Australia, like South Australia, now involved in the development of a major freeway system for the metropolitan area, would it not be advantageous from a planning point of view to have the question of driving on the left or the right discussed on a national level?
- (3) When the matter is brought before a meeting of the Australian Advisory Council of State Transport Ministers, what attitude will he take as representative of this Government if other States are in favour of an inquiry?

Mr. O'CONNOR replied:

- (1) Yes.  
(2) Possibly.  
(3) I would not oppose such an inquiry if it was shown it would have advantages.

### TOWN PLANNING

#### *Statutory Plan*

6. Mr. CASH asked the Minister representing the Minister for Town Planning:

- (1) Is the town planning section of the Perth City Council preparing a statutory plan for the Perth City Council area?
- (2) When will it be completed?
- (3) What zoning change recommendations can be expected?
- (4) If major zoning changes are proposed, is he able to ensure that they include provisions for extensive high-density flat and home unit building within three miles of the city centre as suggested in my speech on the Address-in-Reply on the 7th August?

Mr. LEWIS replied:

- (1) Yes.  
(2) to (4) These are matters primarily to be resolved by the Perth City Council before submitting the scheme for approval.

### MOUNT NEWMAN IRON ORE COMPANY

#### *Rating*

7. Mr. BICKERTON asked the Minister for the North-West:

Is the Mount Newman Iron Ore Company subject to normal council rating; if so, when is it expected that the payment of rates will commence?

Mr. COURT replied:

The schedule to the Iron Ore (Mount Newman) Agreement Act, 1964, provides that the lands held under lease by the Mount Newman company shall not be subject to any discriminatory rate. For purposes of assessing rates, they are ratable on the unimproved capital value—except as to any part upon which a permanent residence shall be erected or which is occupied in connection therewith.

The dates for commencement of rating have yet to be determined, and are currently under study.

### TRANSPORT COSTS

#### *Perth-Port Hedland*

8. Mr. BICKERTON asked the Minister for Transport:

For haulage, Perth-Port Hedland—

- (1) What is the cost per ton-mile for—
  - (a) road;
  - (b) rail-road?
- (2) What are the respective handling charges involved?
- (3) What is the cost of the permit fee where applicable?
- (4) Will he give details of the advantages, if any, to the users of rail-road freight?

Mr. O'CONNOR replied:

- (1) Freight rates vary widely with the nature and quantity of the commodity being carried. Indicative figures for general cargo per dead weight ton mile are 6 to 6.8c for direct road and 5 to 5.8c for rail-road. These rates are ex works Perth to on site Port Hedland area and include all handling, license, permit, and road maintenance charges.
- (2) Handling charges also vary widely depending on the commodity and the nature of the movement. Indicative figures are \$1.50 to \$2.50 per ton for direct road and \$4.50 to \$6.50 per ton for rail-road.
- (3) For direct road ex Perth a fee of \$6.50 per dead weight ton applies but many road carriers, particularly out of Meekatharra and Geraldton, operate on an annual license basis. The annual license fee is variable, dependent upon vehicle tare and permissible pay load but an average

figure for a 22 ton semi-trailer would be \$250 per annum.

- (4) The advantage of rail-road is a freight saving of up to \$10 per ton in respect of certain commodities and journeys and there are a number of consignors who choose to exploit this. There are two basic disadvantages. These are additional time in that the rail-road operation takes from four to seven days as against two to four days for direct road, and additional opportunity for damage due to the two extra handlings involved.

The Director-General of Transport has done quite a lot of study in connection with this matter and if the honourable member wishes to see him and discuss it further, this could be arranged.

### PRIMARY SCHOOL

#### *Armadale-Kelmscott*

9. Mr. RUSHTON asked the Minister for Education:

- (1) Is the proposed new primary school between Armadale and Kelmscott to be ready for occupancy at the beginning of the 1969 school year?
- (2) What is the building programme for the initial start of this school?
- (3) When is building to commence?
- (4) Has the name of this school been decided?

Mr. LEWIS replied:

- (1) Yes.
- (2) Six classrooms plus ancillaries.
- (3) Approximately early October.
- (4) No.

### LAND AT BYFORD

#### *Sale*

10. Mr. RUSHTON asked the Minister for Lands:

- (1) Does the department intend to auction land at Byford in the near future?
- (2) If "Yes"—
  - (a) will lots be sold individually or as a broad acreage lot;
  - (b) what is the description of the land;
  - (c) when is it estimated the auction will be held?

Mr. BOVELL replied:

- (1) and (2) No. Byford is in two sections: a townsite under the Land Act and a privately subdivided freehold area adjoining.

There are few inquirers listed with the department and there are many undeveloped lots in the private section, in which the existing townsite development has taken place.

### RENTAL HOMES

#### Byford

11. Mr. RUSHTON asked the Minister for Housing:

- (1) Has the commission evidence of the demand for State Housing Commission rental homes at Byford as a result of expansion in employment in the area?
- (2) If "Yes," how many—
  - (a) rental homes will be built; and
  - (b) when will they be built?
- (3) If "No," on proof of demand will the State Housing Commission consider building additional rental homes at Byford?
- (4) How many lots or what acreage does the commission own at Byford?

Mr. O'NEIL replied:

- (1) No.
- (2) to (4) The commission has no holdings in Byford but has been endeavouring to acquire suitable land. In the meantime only one applicant, a pensioner, has particularly requested Byford, the four other applicants request Armadale-Byford and, it is considered, could be satisfactorily housed in Armadale.

### WATER CHARGES

#### Payment by Pensioners

12. Mr. T. D. EVANS asked the Minister for Water Supplies:

Would he please furnish me with a copy of each of two notices recently sent out to pensioners notifying them that whilst they are exempt from payment of rates—having made application for such exemption pursuant to the Pensioners (Rates Exemption) Act—such exemption does not extend to the payment of water charges?

Mr. ROSS HUTCHINSON replied: Copies of the required notices are provided.

The SPEAKER: Are they tabled?

Mr. ROSS HUTCHINSON: I do not mind which way it is done. There is a copy of the notice on each copy I have supplied. If you wish, I will ask that a copy be tabled instead.

The SPEAKER: Copy tabled.

The notices were tabled.

### HIGH SCHOOL HOSTEL AT GERALDTON

#### Commencement

13. Mr. SEWELL asked the Minister for Education:

Can he say when work will commence on the construction of the hostel for boys at Geraldton as proposed under the Country High School Hostels Authority Act?

Mr. LEWIS replied:

Tenders for the construction of the hostel will close on the 16th September, 1968, and it is expected that work will commence soon afterwards.

### GERALDTON PORT AUTHORITY

#### Industrial Awards

14. Mr. SEWELL asked the Minister for Works:

- (1) Under what industrial conditions or awards made by the Industrial Commission will the staff to be employed by the proposed port authority at Geraldton be working?
- (2) Will the conditions be the same as before the authority took over with regard to sick leave, annual, and long service leave?

Mr. ROSS HUTCHINSON replied:

- (1) The staff of the proposed port authority at Geraldton will be employed under similar conditions to other State port authorities, and wages employees will work under an agreement between both parties based on similar lines to those existing.
- (2) Yes.

### FISHING BOAT HARBOURS

#### License Fees

15. Mr. SEWELL asked the Minister for Works:

- (1) Do licensed fishermen operating from ports which have fishing boat harbours pay their license fee in those ports and have berthing and anchorage rights in any other recognised fishing harbour in the State?
- (2) If so, what will their position be in relation to the Geraldton Fishing Boat Harbour and facilities when the proposed port authority is in operation?
- (3) Will it be necessary for them to pay an additional fee in Geraldton?

Mr. ROSS HUTCHINSON replied:

- (1) License fees are paid to the Fisheries Department and do not relate to the use of harbour facilities. Harbour dues are payable

to the Harbour and Light Department by established fishing boats for specific fishing boat anchorages at Fremantle and Geraldton only.

- (2) On the formation of the Geraldton port authority these dues will be paid to the authority under regulations to be made.
- (3) This is dependent on regulations made by the Geraldton port authority.

However, it is expected that there will be no changes from the existing procedures for quite some time, and then only if the local situation merits changes.

### TAXIS

#### Licenses

16. Mr. MITCHELL asked the Minister for Transport:

- (1) Are the police responsible for the issue of a license for a person to drive a taxi?
- (2) What examination, if any, is made to ascertain an applicant's knowledge of the city and suburbs?
- (3) If such an examination is carried out, will he table a copy of the questions to be answered?
- (4) Is he aware if such an examination is carried out in Eastern States?
- (5) What action can be taken by a person who is subject to an obvious overcharge by a taxi operator?

Mr. O'CONNOR replied:

- (1) Yes.
- (2) To test the applicant's knowledge of the metropolitan area he is questioned on the location of hospitals and hotels and must know the location and how to arrive by the shortest possible route.
- (3) Yes. A location test list for hospitals is available to the honourable member as an example. Location tests are given verbally by the examiner.
- (4) Yes.
- (5) Details of the journey, including waiting time, if any, together with the taxi plate number, driver's identity number, and any other available particulars should be reported to the Taxi Control Board when the matter will be investigated and action taken.

*The location test list was tabled.*

### HIGH SCHOOL ENROLMENTS

#### Canning Electorate

17. Mr. BATEMAN asked the Minister for Education:

- (1) What effect will the new migrant hostel at Bull Creek have on the Rossmoyne High School intake for 1969?
- (2) What high school will the children from Brentwood, Rossmoyne, Riverton, Lynwood, and Canning Vale primary schools enter after 7th grade?

Mr. LEWIS replied:

- (1) The number of students will depend upon the migrant population in the hostel in 1969. It is possible that up to 30 students may be enrolled in the Rossmoyne High School.

- (2) Students ex grade seven from Brentwood, Rossmoyne, Riverton, and Kinlock (Lynwood) will attend Rossmoyne High School in 1969.

Students from the Canning Vale Primary School will attend the Cannington High School.

#### "ROCKS" HOSTEL, ALBANY

##### Future Use

18. Mr. HALL asked the Minister for Education:

What use does his department intend to make of the "Rocks" Hostel, previously conducted by the Country Women's Association at Albany?

Mr. LEWIS replied:

Provided sufficient boarders are available, the Country High Schools Hostels Authority expects to open it as a hostel for boys and girls from the beginning of 1969.

### SEWERAGE

#### Star Street, Carlisle

19. Mr. DAVIES asked the Minister for Water Supplies:

- (1) Has any application been received to join lots 862 and 863 Star Street, Carlisle to the deep sewerage?
- (2) Who made any such application?
- (3) What was the result?
- (4) What is the estimated cost of such work?
- (5) Who will be responsible for carrying out the work?
- (6) Who will be responsible for payment?

Mr. ROSS HUTCHINSON replied:

- (1) and (2). No formal application has been made. Discussions between the builder and a board engineer were held this morning.

- (3) It was established that a connection is practicable.
- (4) Because of limited time it has not been possible to provide a firm estimate, but cost could be in excess of \$10,000.
- (5) Metropolitan Water Supply, Sewerage and Drainage Board.
- (6) The applicant—subject to any adjustment that might be made if the work can be used for board reticulation.

### WOOD CHIP INDUSTRY

#### *Establishment in South-West*

20. Mr. H. D. EVANS asked the Minister for Industrial Development:

On the 30th July, in reply to a question, he stated "that a decision as to which company shall be given the right to export wood chips is expected to be made during August." Is he now able to give this information; if so, would he do so?

Mr. COURT replied:

A number of matters made it impracticable to reach a decision by the 31st August.

These matters are mainly related to the need to be able to ensure the initial phase of the new Bunbury Harbour development.

Present indications are that it should be possible for the Minister for Forests and myself to make an early recommendation to Cabinet, after which it is hoped that there will be no delay in reaching finality with the successful company.

### APPEALS TO PRIVY COUNCIL

#### *Determination*

21. Mr. BERTRAM asked the Minister representing the Minister for Justice:

- (1) When is it expected that the standing committee of Attorneys-General will next meet?
- (2) Will he place the question of determination of the right of appeal in last resort to the Privy Council on the agenda for the next meeting so that Western Australia may be permitted to act either unilaterally or jointly with other States in respect to it?

Mr. COURT replied:

- (1) The meeting is scheduled for the 31st October and the 1st November.
- (2) Yes.

### INDUSTRIAL MANAGEMENT

#### *Worker Participation*

22. Mr. TAYLOR asked the Minister for Labour:

- (1) Does his department record any industries in Western Australia

which encourage and promote worker participation in management?

- (2) Would he undertake to conduct a survey as to the number and type of industries in Western Australia which encourage or promote some form of worker participation in management?
- (3) In the light of recent publicity of this type of joint venture in Western Europe, particularly France and West Germany, would he be prepared to allocate the time of an officer to accumulate information and begin research into this particular activity?

Mr. O'NEIL replied:

- (1) No.
- (2) and (3) Apart from the fact that the commitments of the Department of Labour are such that it would be difficult to allocate an officer to undertake the research suggested, it is considered that worker participation in management in private industry is outside the responsibility of Government.

### SCHOOLS

#### *Enrolments*

23. Mr. JAMIESON asked the Minister for Education:

- (1) What are the 20 lowest enrolment schools in Western Australia and what is the respective enrolment in each?
- (2) What are the future prospects for the next three years in respect of enrolments at these schools?

Mr. LEWIS replied:

- (1) and (2) Government schools only, not including special schools; i.e. occupation centres, etc.:—

School	Enrolment at the 1st August, 1968	Future Enrolment Prospects
Aldersyde .....	6	Closed August, 1968
Payne's Find .....	7	Numbers will increase
Argyle Downs .....	10	Numbers will be maintained
Benger .....	10	" "
Duranillin .....	10	" "
Hopelands .....	10	" "
Konnongoring .....	10	" "
Kweda .....	10	" "
Tardun Agricultural .....	11	Numbers will increase
Doodarding .....	12	Numbers will be maintained
Widgiemooltha .....	12	" "
Camballin .....	13	" "
Coonana .....	13	" "
Dale West .....	13	" "
Marvel Loch .....	13	" "
Ogilvie .....	13	" "
Tingledale .....	13	Numbers will decline
Albion Downs .....	14	Numbers will be maintained
Carinyah .....	14	" "
Jardee .....	14	" "
Wandering .....	14	" "
Wellington Mills .....	14	" "

## ROAD SAFETY

*Commonwealth Co-operation*

24. Mr. FLETCHER asked the Minister for Police:

With a view to having the Commonwealth assume a greater national responsibility for road safety—

Will he seek the co-operation of the National Safety Council and/or the Federal Treasurer with a view to achieving a taxation reduction incentive proportionate to the safety features incorporated in imported vehicles?

Mr. O'CONNOR (for Mr. Craig) replied:

For years the National Safety Council tried to obtain tax concessions on the sale of safety belts, without success. There is little hope that an approach for concessions on other safety features would be any more successful.

In any event, a more positive approach to this subject is being taken through the work of the Australian Motor Vehicle Design Advisory Panel, which will lead to compulsion to incorporate safety features by legislation. This will be a requirement applicable to all vehicles, imported or locally manufactured.

## "C"-CLASS HOSPITAL

*Star Street, Carlisle*

25. Mr. DAVIES asked the Minister representing the Minister for Health:

- (1) When did Mr. N. O. Andrews apply for a license to build and conduct a "C"-class hospital on lots 862 and 863 Star Street, Carlisle?
- (2) Who considered the application?
- (3) What was the result?
- (4) Did a representative of Carlisle Hospital Pty. Ltd. later make a personal application to conduct such a hospital on the same site?
- (5) If so, who was that person and to whom was the application made?
- (6) What was the result?
- (7) Has a license been granted to Carlisle Hospital Pty. Ltd. to build and conduct a "C"-class hospital on that site?
- (8) If so, when was the license granted?
- (9) At that time, had the Perth City Council approved plans for a hospital for the site?

- (10) Do the plans meet local government and town planning by-laws regarding plot ratio?
- (11) If, as expected, part of the land is resumed for roads, will the required plot ratios still be met?

Mr. ROSS HUTCHINSON replied:

- (1) to (3) No application for a license was received from Mr. N. O. Andrews.
- (4) An application was received.
- (5) D. Sagers applied to the Commissioner of Public Health for a permit to build.
- (6) to (8) A permit to build, subject to certain conditions, was granted on the 8th July, 1968.
- (9) No. Approval obtained subsequently.
- (10) Yes.
- (11) Yes.

## COLLIE RIVER

*Dredging*

26. Mr. I. W. MANNING asked the Minister for Works:

- (1) Is it the intention of his department to undertake dredging work in the Collie River in the vicinity of Australind Bridge?
- (2) If "Yes," will he advise the House of the details of the work proposed and when it will commence?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) It is proposed to dredge a channel 50 feet wide to a depth five feet below low water on the southern side of Eaton Island, connecting to deep water to each end.  
The dredged material will be used to elevate parklands under the control of the Shire of Dardanup. It is planned to commence the work during the second half of 1969.

## RAILWAYS INVESTIGATORS

*Duties and Number Employed*

27. Mr. BRADY asked the Minister for Railways:

- (1) How many railway investigators are engaged by the Railways Department in the metropolitan area?
- (2) What are the main duties of these investigators?
- (3) Are the breakages of railway property caused by vandalism on the increase or decrease?
- (4) What court action has been taken to reduce damage caused by vandalism?

Mr. O'CONNOR replied:

- (1) Eight.
- (2) The main duties of these officers are to investigate offences against the Government Railways Act and by-laws; conduct inquiries into cases of theft, missing goods, level crossing accidents, and persons injured on the railways; check rowdiness on trains; assist on special ticket checks; perform special patrols in the suburban area and other special assignments, metropolitan and country, as required.
- (3) Vandalism, which is usually of a minor nature, continues at a steady level.
- (4) Instances of vandalism are reported to the police and two convictions have been recorded in the past year.

In four cases, railway investigators secured restitution out of court where underage children were responsible for damage.

#### SEWERAGE AND DRAINAGE

##### *Gosnells*

28. Mr. BATEMAN asked the Minister representing the Minister for Local Government:

In view of the decision made by the Canning Shire Council to withhold building development in its area until the sewerage and drainage problem has been solved, does he know whether the Gosnells Shire Council intends to do the same in view of drainage problems similar to those of the Canning Shire Council?

Mr. NALDER replied:

The matter is receiving the consideration of the council of the Shire of Gosnells.

#### CROWN LAND

##### *Port Kennedy*

29. Mr. RUSHTON asked the Minister for Lands:

- (1) How much Crown land is held at Port Kennedy (Long Point, Warnbro)?
- (2) What is the zoning of this land?
- (3) Has a use for this land been decided?
- (4) Have any plans or tentative plans been or are being prepared for this area?

Mr. BOVELL replied:

- (1) The area of Crown land set apart as Port Kennedy townsite is 1,700 acres. A further 100 acres

has been acquired by exchange but is not yet included in the townsite.

- (2) The land is shown reserved for regional recreation and special use purposes on the metropolitan region scheme map.
- (3) Port Kennedy is a declared townsite under section 10 of the Land Act. No allocations of land within the townsite have been made.
- (4) The land within the Port Kennedy townsite is under examination for possible public purposes, and is shortly to be examined by the committee established to investigate illegal occupation of Crown land.

#### VIOLENT CRIME

##### *Compensation for Victims*

30. Mr. FLETCHER asked the Premier:

- (1) Is legislation intended this session to compensate victims of violent crime?
- (2) If so, will consideration be given to extending similar entitlement to those who may have come to the assistance of a victim of violent crime?
- (3) Is a policeman covered in respect of the above by workers' compensation or any other form of insurance, other than of a personal nature?
- (4) If not, who will pay the hospital and medical expenses of Police Sergeant Thomas Riley Miller who apparently suffered injury from violence in the performance of his duty in Fremantle on Tuesday, the 20th August?
- (5) If benefit is not available, does the department pay the indebtedness?
- (6) If the department pays, is departmental insurance carried against such a contingency?

Mr. BRAND replied:

- (1) Yes.
- (2) The legislation is being formulated.
- (3) Only in the case of death.
- (4) Members of the force suffering injury whilst in the execution of their duty receive free medical attention.
- (5) Answered by (4).
- (6) No.



## QUESTIONS (2): WITHOUT NOTICE

### STATE SHIPPING SERVICE

#### Losses

1. Mr. TONKIN asked the Minister for Transport:

My question relates to the answer given by the Minister to question 1 on today's notice paper. Am I right in assuming that in the grant agreed upon by the Commonwealth consequent upon the State's withdrawal from the Grants Commission, provision is made to meet the losses sustained by the State Shipping Service to the extent of \$2,372,565, and that only where losses, by the State Shipping Service in future years, exceed that amount Consolidated Revenue will be called upon to make a contribution?

Mr. O'CONNOR replied:

I believe this would depend on any variation of the grant at the present time. If the honourable member wishes to place the question on the notice paper I will obtain a complete answer for him.

### HOUSING AT KAMBALDA

#### Construction

2. Mr. COURT (Minister for Industrial Development): At a previous sitting I undertook to get some information for the member for Warren, regarding the imported component in houses constructed at Kambalda.

I have been in touch with the company and it has prepared some analyses of the figures. I find that 240 houses have been built up to the present time and only 42 contain components imported from South Australia. The approximate cost of each house has been \$10,000, and the imported component, from another State, amounts to approximately \$2,000 for each house.

By the end of 1968, 300 houses will have been completed, of which 52 will contain components imported from South Australia—again to the extent of \$2,000 approximately for each house, compared with the total cost of \$10,000 for each house.

The company further advised that the total costs for housing and community facilities at Kambalda will be of the order of \$5,000,000, of which the imported component will be approximately, only \$100,000.

## NICKEL REFINERY (WESTERN MINING CORPORATION LIMITED) AGREEMENT BILL

#### Tabling of Figures

MR. COURT (Nedlands—Minister for Industrial Development) [4.55 p.m.]: When speaking to the second reading of the Nickel Refinery (Western Mining Corporation Limited) Agreement Bill, I promised to table a sheet showing the flow of materials between the BP Refinery, K.N.C., C.S.B.P. Fertilisers, Western Mining Corporation Nickel Refinery, C.I.G., and the Fremantle Port Authority wharf which serves C.S.B.P. With your permission, Mr. Speaker, I shall table this sheet for the rest of the period that the Bill is before the House; that is, until the third reading is passed.

*The papers were tabled.*

### BILLS (6): THIRD READING

1. Esperance Port Authority Bill.

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and transmitted to the Council.

2. Artificial Breeding Board Act Amendment Bill.

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

3. Commonwealth and State Housing Agreement Act Amendment Bill.

Bill read a third time, on motion by Mr. O'Neill (Minister for Housing), and transmitted to the Council.

4. State Trading Concerns Act Amendment Bill.

5. Liquid Petroleum Gas Act Amendment Bill.

Bills read a third time, on motions by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

6. Cremation Act Amendment Bill.

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

### MUTTON AND LAMB PRICES

#### Inquiry by Select Committee: Motion

MR. JONES (Collie) [4.58 p.m.]: I move—

That a Select Committee be appointed to inquire into, and report on, the high price paid for mutton and lamb by the public in comparison with the price received by farmers for sheep and lambs at auctions.

The decision to call for a Select Committee was not a hasty one, but was arrived at after a lot of consideration by the Parliamentary Labor Party. The decision stems

from the numerous letters and requests received from farmers, particularly, in the south-west of this State, drawing to the notice of politicians the state of the dairying industry and the agricultural industry generally.

I, as the member for Collie, and the member for Warren, have been receiving numerous letters pressing the Labor Party to call for an inquiry into the position of the dairying industry and the meat industry in Western Australia. There has also been activity by the farmers themselves and, in all, six meetings have been held in an attempt to deal with the depressed state of agriculture, dairying, and the meat industry. I understand that additional meetings are contemplated.

One of the biggest meetings held since the depression days took place last Saturday in the Boyup Brook hall. Some 700 farmers gathered to discuss the question, and the general position of the industry. I will refer to the report of the meeting that appeared in last Monday's paper; and I intend to read the report so that it will be placed on record as a clear indication of the feelings of the farmers who attended that special meeting.

The meeting reminded me of a miners' meeting. The atmosphere was similar to that at the meetings I attended when I was secretary of the miner's union. It was apparent, following the numerous addresses made at the meeting, that there was a lot of agitation for some organisation or authority to look into the dairying industry and the agricultural industry generally.

The report which appeared in Monday's edition of *The West Australian* reads as follows:—

About 700 farmers heard speakers say that hundreds of farmers were facing ruin unless their economic position improved quickly.

Most of the farmers at the meeting have been hit hard by the recent sharp drops in farm profits. Some came from as far as Geraldton.

Some interjected and yelled criticisms when Federal and State politicians were speaking.

Federal Air Minister Freeth was the target of frequent criticism when he defended the Government's position.

State Agriculture Minister Nalder was attacked by several speakers because he did not attend the meeting.

It was said that he had been invited but had replied that he was unable to attend because of a previous engagement to open the Corrigin show.

Mr. Nalder: That is quite correct.

Mr. JONES: The report continues—

The meeting, which lasted three hours, carried only two motions but there were many expressions of grave concern about the position of W.A.'s rural industries.

Speakers blamed the Federal Government for much of their trouble saying that it had failed to foresee present difficulties and had done little that was concrete to help distressed sectors of the industry.

They resented Government support for secondary industry through tariffs and subsidies while the position of agricultural industries continued to decline without comparative help.

#### Stabilisation

The meeting decided to ask the Federal Government to take steps to stabilise the prices of all agricultural products, with prices to be based on a cost-of-production figure plus a profit margin.

It also agreed to a motion that the State Government should stop new land allocations till existing farms were more stable.

Most of the farmers at the meeting were from South-West areas which rely mainly on stock production.

Other points criticised at the meeting were State Government freight charges on farmers, State Electricity Commission charges (said to be 42 per cent. higher in the Boyup Brook district than in Perth), the road maintenance tax and the disparity between farm and butcher shop prices for mutton and lamb.

Mr. H. S. Rogers, president of the Upper Blackwood Shire Council and secretary of the Upper Blackwood Stock Owners' Association—which arranged the meeting—said that the relationship of returns and costs had reached the stage where many farmers could no longer carry on.

Young men, and even some older ones in the district, were leaving their farms to take jobs. Other farmers could not afford to buy superphosphate. This was a shameful situation.

In the past four years, average wool prices had fallen 27 per cent., the price of trade wethers 150 per cent. and sucker lambs 34 per cent. Wheat prices had also dropped.

Mr. Rogers told the farmers' meeting that the average male wage had gone up 42 per cent. in the past ten years, shearing costs had risen 40 per cent. and interest rates 20 per cent. since 1956. Freight on stock from Boyup Brook to Perth had risen between 37 and 45 per cent. since 1956.

Mr. Nalder: Is that for road transport or rail transport?

Mr. JONES: It is the freight on stock. I understand it applies to both forms of transport. To continue with the report—

Mr. J. Ripley, farm management consultant of the Bridgetown Farm Management Club, said information from an accountant showed that in 1965-66, 80 per cent. of his clients paid income tax. Last year 50 per cent. paid it and this year it was likely that only 20 per cent. would pay.

Mr. A. Scott, of Bridgetown, said the farming situation was critical. Hundreds of farmers would have to leave their properties unless things changed.

Mr. Freeth said that the Federal Government was doing a tremendous amount of work on farming problems. But if the farmers wanted to maintain their freedom, the best the Commonwealth could do was cushion against violent market fluctuations.

He did not believe a guarantee of cost-of-production return was the answer unless a socialised system was wanted in which farmers would be told how much to produce and how much they would get for it.

The meeting also agreed to ask the State Government to stop new land allocations.

Mr. Bovell: I hope you will remember this when you want forestry land converted to agricultural.

Mr. JONES: If the Minister for Lands will bear with me, I will deal with that aspect in a few minutes. I intended to deal with it during the course of my speech.

Mr. Bovell: I wanted to remind you of your representations to have forestry land converted to agricultural.

Mr. JONES: One point in regard to the meeting about which I notice the Minister did not comment was the reference to socialism. This is a very good thing and it was interesting to note that a man in Mr. Freeth's position referred to it. However, to carry on with the newspaper extract—

Mr. Rogers said afterwards that the meeting was arranged to see if something could be worked out to help farmers and to make the governments aware of the bad situation.

He hoped it would lead to similar meetings in other districts.

[A Labor member of the Legislative Assembly, Mr. H. D. Evans (Warren), has called for a royal commission into the plight of rural industries in the South-West and Great Southern.]

That was the newspaper report of the meeting, which I attended, together with members of my party and members of the Opposition.

Mr. Lewis: What Opposition?

Mr. JONES: I should have said, "together with members of the Government."

It was quite obvious at the meeting that a good deal of concern was felt about the plight of the farmers. Farmers were concerned about rising costs and, as an indication of the plight of those in the farming industry, a survey covering 220 farms in the south-west was taken. This survey revealed that 41 farmers were working full-time in other occupations and 17 were working part-time; a total of 58 farmers who could not depend on their farming interests to give them a satisfactory living. The survey also indicated that a number of farmers were doing fencing work to supplement their general income.

At the meeting the question of increased costs, generally, was considered, and in this regard the matters of transport costs, superphosphate costs, a limit on production, and no increased prices for their commodities, were discussed. A number of farmers suggested that perhaps buyers were acting in collusion in the buying of stock from south-west farmers.

Mr. O'Neill: Was there not also a reference to a 42 per cent. increase in the wage?

Mr. JONES: I read the Press report of the meeting and no doubt the Minister for Housing heard what I had to say. Would he like me to read it again?

Mr. O'Neill: I have read it.

Mr. JONES: Then there should have been no need for the Minister to ask a question about it. Now that the interjections have stopped I can continue with my speech, but it is obvious the courtesy extended to me during my maiden speech has not lasted very long. However, I would remind the Government members that I do not mind interjections. I was an advocate in the industrial court for some 17 years and I cannot be put off very easily.

Mr. Brady: They are more polite in the industrial court.

Mr. JONES: It is obvious from the concern felt by Government members that the Government is in the hot seat over this question. I would not doubt that either, judging from the interjections which have been made so far.

In putting this case forward I am indicating not the feelings of members of industrial unions but the feelings of members of the farming community. One farmer, in ventilating his thoughts at the meeting, said he thought it was a crying shame that the farmers had to organise themselves as they were to get Governments of the day to take some notice of the plight of those engaged in the farming industries. No doubt the member for Blackwood, who was present at the meeting, will recall this particular farmer saying it was a crying shame to have to draw attention to the industry at meetings such as the one held at Boyup Brook, and at other meetings that were contemplated.

What are the problems associated with the industry from the time meat is sold by the farmer to the time it is purchased in the shops? Perhaps we could have a look at the marketing system for a moment, and if we do we will see that the farmer produces his commodity, then the auctioneer comes on the scene, then the wholesaler, and, finally, the retailer.

Later on I will be able to show quite clearly that farmers are receiving reduced prices for their cattle—while their costs are increasing the prices they are receiving for their stock are rapidly declining. Because of this perhaps we should look at the marketing or disposal system to see whether some investigation into this aspect is warranted.

Are there too many people handling cattle? Could we reduce this number as a means of reducing the cost of the farmers' product?

Mr. W. A. Manning: Your motion is concerned with mutton and lamb.

Mr. JONES: I shall deal with them in a moment. As I said, could we reduce the number of people handling cattle in the general marketing system? Then there is the question of backyard killing. Is this form of slaughter having an effect on the market, generally? We know that in the south-west some of the smaller farmers are adopting the system of backyard killing because of the requirements in regard to export meat. Because of the new standards adopted by the Commonwealth Government in regard to exports, new procedures have been introduced at works which kill for export, but I understand the same procedures are not required in backyard killing operations.

I have a photograph with me but, unfortunately, not everyone in the Chamber will be able to see it. It is a photograph of a building which to me is only a shed, but it is being used as a killing works in this State. While this sort of thing is being permitted, we have the spectacle of innovations being adopted at the Midland Junction Abattoir to comply with Commonwealth requirements. These requirements are increasing costs and these, in turn, are affecting the returns which farmers receive for their product.

As a matter of fact, a new scalping system has been introduced at the Midland Junction Abattoir which has required the employment of two extra men. This procedure is to comply with the provisions of the Commonwealth Act. In addition, clean overalls have to be worn daily by both men and women employed at the abattoir. This means that 500 sets of clean overalls, or working attire, are required daily; and in order that these can be provided I understand five more people have been employed at the works. In the final analysis all these innovations must decrease the return to the farmer.

In addition, there is a rigid system of inspection at the abattoir at Midland. With the chain system one inspector watches the carcasses moving along the chain, and if he sees something wrong with a carcass he immediately rejects it. Another inspector handles the sundries which are taken from the stock and if he sees any sign of T.B. or other disease, not only is the liver, or whatever item is affected, condemned, but the whole carcass is condemned. The same system of inspection is certainly not employed at backyard killing works.

Maybe there is a need for a centralised system of killing, and no doubt the Minister for Agriculture will know that some three years ago the Tasmanian Government introduced a system of centralised killing and did away with backyard abattoirs.

Mr. Nalder: That would work in Tasmania but not in Western Australia.

Mr. JONES: That will be a matter for the Select Committee to investigate. I am suggesting that this may be one aspect—

The SPEAKER: Order! The honourable member will please address the Chair.

Mr. JONES: I understand this is a national problem and I have some information from the Bureau of Agricultural Economics, Canberra, dated July, 1968, regarding the mutton and lamb industry. This information shows that the trend in the other States is similar to that being experienced in Western Australia. I will not weary the House by quoting all the figures, but this document clearly discloses that it is a national problem and there is a need for somebody to have a look at the situation of this industry.

Mr. Lewis: Do you suggest backyard killing would give a lower return to the producer?

Mr. JONES: I am not suggesting that at all. When a producer sends his stock to the abattoir, which operates under the new Commonwealth regulations, he is not getting the same return as he would get from the other quarter to which I have referred.

I might add that my views regarding the general position in the industry are supported from a number of different quarters, and I now turn to the question of meat itself. I have taken out a number of figures, some of which I have obtained from the Government Statistician and some from other quarters, to indicate to the House the trend in meat prices, particularly mutton and lamb, over the past 12 months, and also the situation so far as the purchaser in the metropolitan area is concerned.

If we have a close look at the figures supplied for the Wesfarmers Co-operative sales at Midland we will see that over a period, particularly the past 12 months,

there has been a rapid decline in the prices for wethers, ewes, and lambs. As an example, let us take the 30th March, 1967—I am going back a little to show the trend and to indicate that the farmer is receiving a lower return while facing increased costs. I will give certain figures to compare the position 12 months ago with that which exists today. That will clearly indicate the position in relation to the general public.

No doubt members will realise there is a necessity to have a look at the situation, especially in regard to this facet of the industry. In studying the *Wesfarmers* Co-operative sales at Midland for the 30th March, 1967, we find that good quality wethers were priced at 8c to 9c per lb. and in the previous year they were 11c to 12c per lb. Best quality trade weight wethers fetched 10c to 11c per lb. and the previous year 12c to 13c per lb. Fair quality trade weight wethers fetched 10c to 11c per lb. compared with 12c to 13c per lb. in the previous year.

At the same sales, best quality heavy-weight ewes fetched 7c to 8c per lb. and in the previous year they fetched 10c per lb. Best quality trade weight ewes were sold at 9c to 10c per lb. and in the previous year from 11c to 13c per lb. The same trend follows right down the list according to the document I have here.

From the figures it will be seen that there has been a general decline in the prices received by the farmer, but, conversely, the consumer has not been enjoying the benefit of lower prices when purchasing meat. If we review the position on a 12-monthly basis the position is clearly illustrated, and one can see the need for some investigation to be made into what is really going on. There is no doubt that these figures clearly tell the tale and paint the picture of the meat industry as it is today.

The last report on prices published in the *Wesfarmers News* of the 22nd August, 1968, gives a clear illustration of the current situation. I will deal, firstly, with wethers. During the period covered by the report, prime heavyweight wethers were priced at 5c to 6c per lb., whereas, for the same period during last year, they were fetching 8c to 9c per lb. Good quality heavyweight wethers were priced at 5c to 6c per lb., whereas last year the price was 9c to 11c per lb. Best quality trade weight wethers fetched 5c to 6c per lb., and last year they fetched 9c to 11c per lb.

Turning now to the prices for ewes, best quality heavyweight ewes were priced at 5c to 6c per lb., and last year they fetched 7c to 9c per lb. Best quality trade weight ewes were priced at 5c to 6c per lb., and last year they were selling at 9c to 10c per lb. Fair quality trade weight ewes were priced at 5c to 6c per lb., and last year 9c to 10c per lb.

I shall now deal with the prices received by farmers at sucker sales. Best quality heavyweight suckers were priced at 15c to 16c per lb., and in the same period last year they were fetching 18c to 20c per lb. Fair quality heavyweight suckers were priced at 15c to 16c per lb., but no price is given for this grade in last year's sales. Best quality trade weight suckers fetched 17c to 18c per lb., and last year they were priced at 20c to 22c per lb. Fair quality trade weight suckers were priced at 17c to 18c per lb., and last year they were priced at 20c to 22c per lb.

By quoting those figures I have endeavoured to substantiate my motion calling for the appointment of a Select Committee to inquire into this industry. The figures clearly indicate that over that 12-month period there has been a decline in prices.

I shall now make a review of the situation in accordance with the figures that have been supplied by the Commonwealth Bureau of Census and Statistics. From these figures also it will be clearly seen that the person buying meat has not enjoyed any benefit from the lower meat prices that have been obtained by farmers in this State.

The statistician's figures show that for the March quarter of 1967 the Perth price for mutton leg was 32.6c per lb.; for the June quarter, the price was 34.6c per lb.; for the September quarter, 33.5c per lb.; for the December quarter, 32.3c per lb., and for the March quarter of 1968, the price was 33.2c per lb. So it can be seen that the price of mutton leg in the March quarter of 1967 was 32.6c per lb. but in the March quarter of this year it was 33.2c per lb.

If we have a look at the prices for mutton forequarter—

Mr. Nalder: Why not quote the figures for August?

Mr. JONES: These are the figures supplied for each quarter by the Commonwealth Statistician.

Mr. Nalder: Give the figures for mutton.

Mr. JONES: I am coming to mutton now. I would point out that the figures I have quoted from the *Wesfarmers News* cover weekly periods whereas the figures I am now quoting have been supplied by the Commonwealth Statistician for each quarter, and therefore I cannot directly relate them to the monthly figures. What I am trying to prove is that there has been a sharp decline in the price of meat, but this is not reflected in the figures that have been supplied by the Commonwealth Statistician.

Mr. Nalder: But you—

Mr. Tonkin: The Minister should address the Speaker.

Mr. Nalder: The Leader of the Opposition should observe that injunction, too. The position is—

Mr. Tonkin: The Minister should address the Speaker.

Mr. JONES: If the Minister will only bear with me for a moment I will clearly illustrate the position.

Mr. Nalder: If you give one price you should give the other.

Mr. JONES: No doubt the Minister is very concerned on account of his inability to attend a board meeting. He was not very concerned last Saturday when he did not attend a meeting of farmers at Boyup Brook.

The figure given by the Commonwealth Statistician for forequarter mutton in March, 1967, was 20.8c per lb.; in June, 1967, it was 22.9c per lb.; in September, 1967, it was 22.1c per lb.; and in December, 1967, it was 19.8c per lb. In March, 1968, the price was 20.6c per lb., compared to 20.8c per lb. for March, 1967.

In dealing with mutton chops, loin, the price in March, 1967, was 29.9c per lb.; in June, the price was 31.7c per lb.; in September, the price was 31.7c per lb.; in December, the price was 29.6c per lb.; that is, a drop of .5c per lb. on the price for the March quarter of 1967.

The prices given for mutton chops, leg, for the four quarters in 1967 were—March, 30.7c per lb.; June, 32.7c per lb.; September, 32.4c. per lb., and December, 30.5c per lb. For the March quarter, 1968, the price was 30.5c per lb.

The prices for legs of lamb, as shown by the Commonwealth Statistician's figures for the four quarters of 1967, were—March, 49.3c per lb.; June, 53.9c per lb.; September, 51c per lb., and December, 46.4c per lb. For the March quarter, 1968, the price was 50.3c per lb.

The statistician's figures for lamb fore-quarter for the four quarters of 1967, were—March, 33.1c per lb.; June, 37.4c per lb.; September, 34.3c per lb.; and December, 29.6c per lb. The figure for March, 1968, was 32.5c per lb. During 1967, the figures for lamb chops, loin, were—March, 50.3c per lb.; June, 55.9c per lb.; September, 52.5c per lb.; and December, 46.3 per lb. In March, 1968, the price was 50.5c per lb.

Finally, I will quote the prices for lamb chops, leg. For the four quarters of 1967, the figures were—March, 50.5c per lb.; June, 56.1c per lb.; September, 52.7c per lb.; and December, 46.5c per lb. In the March quarter of 1968 the price was 50.9c per lb.

In reviewing the situation from March, 1967, to March, 1968, it will be seen that mutton, leg, decreased in price by 4c per lb.; mutton, forequarter, by .2c per lb.; chops, loin, by .5c per lb.; and chops, leg, by .2c per lb.; lamb, leg, increased by 1c

per lb.; and lamb, forequarter, decreased by .6c per lb.; chops, loin, increased by .2c per lb.; and chops, leg, increased by .4c per lb. This clearly indicates that the consumer of meat has obtained very little benefit from decreased prices; and this is borne out by the figures I quoted from the *Wesfarmers News* relating to the stock sales at Midland.

I can go a step further and quote from the figures given in the weekly reports by one, M. McLennan, which appear in the Press. I will review the position only from the 28th March, 1968, and the figures clearly show that there has been a downward trend in prices. Further, if we take the figures given for the different periods by *The West Australian*, and compare them with the prices charged in the Perth shops, we will realise that there is certainly a need for an inquiry into the prices for mutton and lamb that are paid by the consumer, because there is no doubt he has not been getting the benefit of the cheap meat that has been available.

According to the report appearing in *The West Australian* on the 28th March, 1968, medium wethers were fetching 7½c per lb. and ewes, medium, 6½c per lb. On the 4th April, 1968, an increase was shown, because the prices were wethers, medium, 8c per lb.; ewes, medium, 6½c per lb.; and lambs, 2½c per lb. These figures are not reflecting the retail prices, because at one of the wholesale supermarkets in Perth the price of sucker lamb was 28c per lb.

On the 4th July, 1968, wethers, medium, increased in price to 8½c per lb.; ewes, medium, fetched 6½c per lb.; lambs, medium, were priced at 12½c per lb.; and suckers, good, 13½c per lb. On the 11th July, 1968, the prices were wethers, medium, 8½c per lb.; ewes, medium, 5½c per lb.; lamb, medium, 11½c per lb.; and suckers, good, 17c per lb. On the 18th July, 1968, a fluctuation in prices occurred. The prices for wethers, medium, dropped to 6½c per lb.; ewes, medium, fetched 7½c per lb.; and lambs, medium, 9½c per lb. If a comparison is made between those prices and the prices which people pay for meat in the retail shops, it will be clearly seen why I have put this motion before the House.

I will now quote the figures which appeared in *The West Australian* on the 25th July, 1968. Wethers, medium, dropped in price to 6c per lb.; lambs, medium, were 10½c per lb.; and suckers, good, 19½c per lb. However, on the 31st July, 1968, baby lamb outlets were selling in retail shops at 34c per lb. and baby lamb chops were selling at 36c per lb. It will be clearly noted that the prices for mutton and lamb at the Midland Junction Abattoir and the prices charged to the consumer in retail shops bear no comparison.

There was a further decline in the prices quoted in *The West Australian* on the 1st August. The figures show that wethers, medium, dropped to 5½c per lb.; ewes, medium, were quoted at 5½c per lb.; lambs, medium, were priced at 15½c per lb.; and suckers, good at 20c per lb. At the same time Blue Ribbon Meats were selling sides of lamb for 22c per lb., and it is interesting to note that mutton chops were selling at 16c per lb. If members will check those prices they will notice a big difference in the prices of meat at the Midland stock sales and the prices charged to the Perth housewife in the shops. Those shops, incidentally, are in the main, supermarkets, which buy large quantities of meat at cheap prices.

At the end of the same period, another Victoria Park Foodland retail store was offering full carcasses of mutton at 10c per lb., for which, apparently, the store paid 5½c or 5¾c per lb. This means the prices charged for mutton to the consumer were nearly double those offering in the saleyards.

On the 15th August, 1968, the report published in *The West Australian* showed a slight increase in the prices offering for mutton and lamb. The figures were wethers, medium, 8c per lb.; ewes, medium, 6¾c per lb.; lambs, medium, 11c per lb.—that is a drop in price from 15½c per lb. quoted on the 1st August, 1968—and suckers, good, 16½c per lb. That is a drop in the price of suckers of 3½c per lb. when compared with the price quoted on the 1st August, 1968.

However, I repeat, if one checks the prices of meat that are charged in the butcher shops it will be noted they bear no comparison with the prices offering in the saleyards. For example, Stammers Super Mart—which is a large business organisation—was offering sides of lamb at 25c per lb., and one of the Tip Top meat stores, for the same period, was offering legs of spring lamb at 42c per lb. and lamb chops, loin, and lamb cutlets, at 34c per lb.

The next figures I want to mention concern another meat special at Morley. The prices were: baby lamb fores 25c per lb.; and sides of mutton 14c per lb.; and at the Midland sales, baby lamb was 16½c and mutton from 6½c to 8c per lb. The last period I wish to refer to is the week ending the 29th August, 1968, when one of the largest drops in the price of meat for many years occurred, and it is very interesting to note the decline in the period since the 28th March, 1968. On the 29th August, wethers were reduced to 4½c per lb.; ewes medium were down to 3½c per lb.; lambs medium to 8½c per lb., and suckers, good, were down to 16c per lb.

I would like to refer back to the figures I have quoted and draw a comparison between the prices on the 28th March, 1968, and those on the 29th August, 1968.

Wethers medium were 7½c per lb. on the 28th March, 1968, and were reduced to 4½c per lb. on the 29th August, 1968; ewes medium 6½c and 3½c per lb.; lambs medium 19c and 8½c per lb.; and sucker lamb fluctuated and was down to 16c per lb on the 29th August, 1968.

If we look at the meat specials in the various supermarkets we find that here again the public has not received the benefit of the reduced meat prices, because we see meat specials such as baby lamb at 23c per lb. and legs of lamb at 42c per lb. The figures I have quoted clearly indicate the trend in the price of meat at the Midland Junction sales, but the reduced prices are not being passed on to the general public in Western Australia.

Mr. Dunn: Are the prices you are quoting for fully-dressed meat in both instances?

Mr. JONES: Yes.

Mr. Toms: Legs are about one-third of the carcass.

Mr. JONES: Is it any wonder that there is concern when we have this position existing in Western Australia? I think there is room for an inquiry. I do not know who is getting the rake-off; possibly meat is being handled in too many quarters. However, it is obvious to me, from the figures I have quoted from the stock saleyard reports and from the Government Statistician, and also from the price at which meat has been available, that the need for an inquiry into this facet of the agricultural and dairying industries is clearly indicated.

So, bearing this in mind, and remembering the call from many farmers throughout Western Australia; the decision at last Saturday's meeting at Boyup Brook; and the general agitation and unrest in the industry, I have pleasure in submitting my motion.

Debate adjourned, on motion by Mr. Nalder (Minister for Agriculture).

## PARLIAMENTARY COMMISSIONER (OMBUDSMAN)

### Appointment: Motion

Debate resumed, from the 28th August, on the following motion by Mr. Tonkin (Leader of the Opposition):—

That the effectiveness and undoubted success of Parliamentary Commissioners (Ombudsmen) having been clearly established in all countries where they have been appointed, it is recommended to the Government that steps be taken, as early as possible, to establish the office in this State so that our citizens may not continue to be denied the benefits which the existence of an ombudsman confers.

**MR. COURT** (Nedlands—Minister for Industrial Development) [5.35 p.m.] : In order that the Leader of the Opposition can relax, I think I should start my remarks by saying I intend to oppose this motion.

**Mr. Tonkin:** Why?

**Mr. COURT:** The Leader of the Opposition has introduced a similar motion on a number of occasions. He made this clear in his presentation of the motion to the House. I must confess that I think he did not plough a new furrow on this occasion, and I cannot promise that I will do anything different, because I am afraid this is one of those issues that becomes largely emotional. Many people say it is a cure-all for everything, just as some people regard certain medicines as cure-alls. Others look at it in a much more objective and dispassionate way and realise it is not a cure-all for some of the problems that beset the community.

I do not disguise the fact that in any administration, whether it be a football club, a church, a government, or anything else, there is always something that can be improved and there is always somebody who has a grievance or thinks he has not been fairly treated. What is more, there is a large section of the community who, no matter how many appeals they are allowed, will never be satisfied.

As members of Parliament, we know these people only too well. They come to us and get us to take up their cause, and in all conscientiousness we pursue it and find what we think is the answer, but if it does not agree with their point of view then we are the worst men in the world and they go somewhere else.

**Mr. Lapham:** You can always send them to the ombudsman.

**Mr. COURT:** People with ailments often go from one doctor to another. In fact, it is a part of the practice of medicine for a doctor to receive patients passed on from another doctor because he tells them they have no ailment; and so they seek another doctor, and then another, until they find one who tells them they are ill, and he is a good fellow.

**Mr. Hall:** The political ailments always seem to come to the Labor Party.

**Mr. COURT:** It depends on one's point of view. I think we get our fair share of people wanting something redressed; some have imaginary troubles, some are genuine.

**Mr. Jamieson:** You might tell us what the Liberal Party conference thought of this proposition while you are about it.

**Mr. COURT:** Well, there are people supporting my party who, like the Leader of the Opposition, believe that an ombudsman would be a cure-all. However,

I personally do not. I feel that some of us have to state the other side of the story, because if we are not careful we will find ourselves setting up an organisation, such as is proposed by the Leader of the Opposition, or creating a body with a power above that of Parliament. I know this is not the intention of the Leader of the Opposition, because he frequently stands here telling us about the rights and privileges of Parliament; the position of Parliament in our community; and the attitude of certain Ministers towards Parliament and the community; and he would be the last to want to set up somebody or some organisation with a power above the power of Parliament. If we carry this ombudsman—parliamentary commissioner—concept to the logical conclusion that some people hold, we will find that he could in fact have a power above that of Parliament.

The Leader of the Opposition quoted at some length the comments of Mr. Burt, Q.C. Whilst I respect Mr. Burt as a lawyer, I do not have the same regard for his understanding of parliamentary procedure, or of what Parliament stands for. The Leader of the Opposition referred to the assumption being false that Parliament was wise and just. I think I am right in saying the Leader of the Opposition went all the way in accepting Mr. Burt's views.

We have to look at Parliament as it is; it is not the most perfect machine, but it is the best we have been able to devise. The members who make up Parliament are, in the main, a wide cross-section of the community. Some are men of high education and some of less education; some are men of reasonable business experience and some with none. Doctors, lawyers, school teachers, and a host of others pass through this Parliament throughout its life. In fact, it is part of the democratic machine, as we, being a British country, know it, for Parliament to be made up of people of varied experience; in other words, people who represent a large cross-section of the public.

I do not think it has ever been claimed that Parliament is infallible, but we do know that under our system of Government, if a Parliament makes mistakes it has the chance to correct them; and no Parliament can bind the next. That, in itself, is a tremendous strength in our democratic structure. It may be that the wheels grind slowly on occasions, but no-one has invented a better system. The totalitarian system may be better for a time, but the price paid for it is a great one. So, under our system, we are prepared to accept that we are a group of ordinary human beings governing the country for the time being.



The most important factor under our system is that we have to account to those who are, in effect, our shareholders; namely, the public, when we face elections at regular intervals.

Mr. Jamieson: So far you are, amazingly enough, talking sense. How about dealing with the administration?

Mr. COURT: I am coming to that. If the honourable member had been listening intently to what I have been saying he would know I have been referring to the administration as well as to the instrument of Parliament itself, because the system of administration is a product of the Parliament. It has grown out of the type of Statutes and administration that Parliament has, itself, positively constructed over the years. We have the system of the Civil Service; the system of Ministers; and the system of members of Parliament.

I return to the point that neither Ministers nor the Civil Service, nor members, are infallible; but I do emphasise again that under our system there is ample room for redress. If members did not have ample machinery to air their grievances, and those of their electors, the position would be different. I know of no other Parliament in the world where private members have such an opportunity to express, in Parliament, freely and publicly their views on any matter. It has ever been the right of the members of this Parliament to bring forward their genuine grievances. The members of our Parliament are directly responsible to their own constituents, and they represent all parties and are composed of people in almost every walk of life.

The members of this Parliament, under our system, are in very close contact with their constituents. In some parts of the world a member of Parliament has 50,000 constituents, or even 100,000. Some members of this Parliament have between 10,000 and 15,000 constituents, and other members represent 5,000 to 7,000 constituents; and that is part of our way of life.

Parliamentary members in this State are on fairly close terms with their constituents and with the whole of their electorates. The members of the community at large in this State—and may it long continue—have never shown reluctance to front up to their parliamentary representatives. For some of us this becomes rather tedious because they front up too easily; but we have developed this system in our State more than it has been developed in other countries where people openly admit that they have never seen their member.

I recall being in the United Kingdom on one occasion, and I happened to be with a Labor member of Parliament and one of his constituents.

Mr. Jamieson: Do not name him whatever you do!

Mr. COURT: They do not mind mixing with the Opposition over there. One of his constituents happened to be a distant relation of mine and she said she would like to meet her member. To put the mind of the member for Belmont at rest, I might add that my relation happens to be a very ardent supporter of the Labor Party cause.

Mr. Jamieson: No wonder she is a distant relation!

Mr. COURT: I introduced her to her member, and this was quite a moment in her life. This is, of course, quite a different situation from that in our own country.

Mr. Jamieson: They only change by generations here. You know that.

Mr. COURT: I should imagine that under our system, fathers and sons could differ diametrically, having been through that in my—

Mr. Jamieson: I am thinking of endorsing one of your sons against you next time, so be careful.

Mr. COURT: I want to continue this story of the situation which exists in our own State under which members have such freedom and an opportunity to air the grievances of people.

On top of this communication between constituent and member, we have opportunities in this House, through questions with and without notice, through motions on private members' day, and now through our grievance day, and during at least two debates each year—the Address-in-Reply debate and the debate on the Estimates—when members can air anything from elephants to mice. If members are not getting their message across, there is something wrong with them.

I personally do not favour doing anything to make it easier for members to serve their constituents. I want to be quite frank. If a parliamentary commissioner were appointed I know many members who, under pressure of business, or for other reasons, would be very pleased to pass the too-hard ones on to him. The more easy problems the commissioner would never hear about. For instance, any problems concerning the Housing Commission or the water board in regard to which the members could gain satisfaction, would never be referred to the commissioner. The members would hog all those themselves and would write nice letters to their constituents saying, "Look what I have done for you, boy!" However, all the toughies would be passed on to the poor old ombudsman. If he could not get the answers, what then?

I much prefer to leave the responsibility where it belongs, which is in the hands of the member of Parliament. If the member has the energy, initiative, and imagination, he can air these matters, and I

know no better way of obtaining redress for anomalies than to make those anomalies public.

We pass on from Parliament to the Press. The Press has no restriction whatever on it. It is free to express its views. It does not always agree with us, and perhaps that is just as well. It often deliberately takes the controversial line. As the Leader of the Opposition would have discovered from his experience in office, the Press is always very quick to take up the case of some person a long way down the line who appears to have been harshly treated. It makes good news to talk about someone who is alleged to have had a raw deal. Often the explanation given is legitimate, but the explanation does not receive the same prominence. However, at least the person concerned has the satisfaction of having his case aired whether he is proved right or wrong. Again, in our community, this procedure carries right down the line.

Another point I wish to make is that we have some very powerful organisations in our community such as the C.W.A., the Farmers' Union, the various political parties, and the lay organisations of those parties, churches, parents and citizens' associations, parents and friends' associations, and, goodness only knows, I could carry on and on. Because of the very system under which we work—the British democratic system which we encourage—the people associated with these organisations have no hesitation in airing the grievances of their members or their causes, if they feel some anomaly has developed or someone has been badly treated.

Mr. Davies: They usually go back to the member of Parliament.

Mr. COURT: The member for Victoria Park is making my point. These people often go back to their member of Parliament. They also convene public meetings if the matter is serious enough. In fact, they will go to anyone including their Federal member of Parliament and their State member of Parliament.

Yet another group of people which has a responsibility in our community is that concerning local government. These people are very close to the scene in respect of matters concerning local government and they have a never-ending list of people approaching them on this matter and that matter. Again they have avenues through which to air their grievances and anomalies. Ratepayers' meetings are held, meetings which attract far more attention today than they have ever done, as far as I can remember. This is again a good thing, because just as members of Parliament when under fire are on their toes, so the councillors are at their best when they are under some spotlight and are being subjected to searching criticism.

Mr. Burke interjected.

Mr. COURT: I do not think so. It might appear to be on the surface, and this is the emotional reaction. Everyone suggests that an ombudsman should be appointed, but no-one ever stops to think of the end result. For instance, the effect on ministerial responsibility is quite serious. In this regard I invite members to read some of the comments made by some of the British Ministers in the present Wilson Government—a Labor Government—when referring to statements made by the parliamentary commissioner. They are very sobering because they make one stop to think whether there should be an ombudsman superior to take care of the ombudsman lower.

Mr. Davies: That is utterly ridiculous!

Mr. COURT: We would get to the stage where we would be asking for a court of appeal for ombudsman from ombudsman! This is human nature. The law of Parkinson will ride in the ombudsman as in any other organisation, unless someone nips it in the bud.

I read with considerable interest the comments of the British Ministers as they appeared in *Hansard*. One, in particular, when commenting on a tabled report of the parliamentary commissioner, took a very strong stand on this intrusion into the responsibilities of a Minister—this erosion of the responsibility of a Minister. Despite this aspect, some people just blindly accept that because this man is called a parliamentary commissioner he is omnipotent; that he has some sense of judgment which other people have not inherited.

I sound this warning to members who might, on the surface, feel as some of us did when we first heard of the idea of an ombudsman, that it is not quite as simple or as clear-cut as it might at first appear.

The Leader of the Opposition referred to the fact that the Scandinavian countries had progressively adopted the ombudsman system. Maybe they have, but it took them a mighty long time to do so. The Swedish Ombudsman was appointed, I think, in 1809, and the next one was not appointed until 1919, after World War I. The last one, in Norway, was not appointed until 1962. Those countries did not embrace the idea very willingly. I think the appointment in Norway was made under a certain amount of political pressure to get someone off someone else's back. The comments of the Minister handling the Bill on behalf of the Government in that country are quite interesting. They showed no enthusiasm for the measure. He put up many of the same arguments I am submitting today.

Mr. Davies: What country was that?

Mr. COURT: Norway.

Mr. Bovell: How many ombudsmen are there in Australia?

Mr. COURT: None that I know of.

Mr. Tonkin: Yet!

Mr. COURT: I invite the attention of the newer members to some of my earlier speeches on this matter, during which I gave some of the background of the circumstances under which the ombudsman was appointed back in 1809 in Sweden. This was not done to protect the poor downtrodden man, but to protect the rich against a monarch who was insane. No wonder it took from 1809 to 1919 for the next Scandinavian country to appoint an ombudsman!

From time to time we have heard, as we did from the Leader of the Opposition, that these ombudsmen make reports concerning the success of their work. This is only natural. I cannot imagine anyone holding the job of parliamentary commissioner submitting a report to Parliament saying there was no need for him. Every person I have seen in a job, whether he is in the Civil Service, or in private enterprise, always spends his time explaining why he is the most important person and how he is overworked, underpaid, and underfed, and that he should be promoted and put into some higher classification. Therefore, I must admit that I do not place any great reliance on what the ombudsmen themselves say beyond the statistical data which they give to which I invite the attention of members. This data is certainly not very impressive or exciting.

Mr. Burke: Do you think the appointment of an ombudsman might work as a deterrent? What value do you place on that aspect?

Mr. COURT: I would not like to think that our civil servants—who were the main people under fire—would need something of this nature to give them an incentive to do of their best. This is another point on which I wish to comment, and I will do so now. Just as the appointment of an ombudsman could be the means of eroding ministerial responsibilities, so it could be the means of undermining the self-reliance, judgment, and initiative of civil servants.

Just consider the situation of one of these civil servants who is working under an ombudsman system. What is the way out for him? If he does nothing and makes no decisions, he cannot be wrong. The file is always going to be perfect when the ombudsman looks at it. Such a civil servant will wait for his immediate superior to sign and deliver the next document before he will make the decision. Actually, in fact, he will not be making the decision; he will merely be rubber-stamping it.

Immediately we take the initiative from individuals—whether they be Ministers, civil servants, or employees in private

enterprise—we take away a very important part of our whole structure; the very basis of the initiative, drive, and decision which makes for good judgment. If we are not careful we introduce a system under which people do not want to take any risk.

I come back to the point that people will make mistakes, but for goodness sake do not let us get into the situation where people are discouraged from exercising some judgment, because the difference between a virile project and virile department and a stagnant one, is reflected in the amount of judgment and decision which is shown by the people running it and working in it.

Mr. Graham: Sweden would be one of the most advanced countries in the world.

Mr. COURT: I will not accept that.

Mr. O'Neil: No.

Mr. COURT: I will not accept that. That is a myth. I wish the Deputy Leader of the Opposition could have been in Rotterdam in September, 1966, and heard the professor of economics who gave a commentary on my paper. If he had done so he would not think that Sweden was the most advanced country.

Mr. Graham: You are talking in riddles, of course.

Mr. COURT: This is why the Swedes are moving very rapidly towards a complete change in Government.

Mr. Jamieson: Was he nasty about your paper? We would be too.

Mr. COURT: He just expressed the wish that he could have an economy in his country which was practising the same principles as ours. I do not want to disappoint the member for Belmont.

Mr. Jamieson: It must have been a one-sided paper.

Mr. Graham: Sweden is about the top country in the world.

Mr. COURT: I would very much like the Deputy Leader of the Opposition to read the commentary by a professor of economics from Poland. That was quite an interesting document.

Mr. Rushton: Do you know what the Swedish housing position is like?

Mr. Graham: The position in Western Australia is the worst in the world.

Mr. Rushton: Sweden's housing problem is far worse than Western Australia's.

The SPEAKER: Order!

Mr. COURT: Another aspect of the appointment of an ombudsman to which I take exception is that in a young, virile community such as ours, an ombudsman would, before very long, become substantially a wailing wall. My reason for saying this stems from the fact that when something becomes too hard it is lovely to be

able to push it on to some other poor fellow. Because of this, an ombudsman would become a wailing wall. This does not intrigue me at all. If a question was too tough, we would give it to him and let those concerned cry on his shoulder; and we would hope they would keep crying and would not come back to us.

Mr. Graham: Do you think the *Daily News Ombudsman* has done any damage?

Mr. COURT: I would not like to think that the so-called *Daily News Ombudsman* is what the Leader of the Opposition has in mind.

Mr. Graham: With all the limitations that he has to face, I think he has done a pretty good job.

Mr. COURT: It all depends on how one looks at it.

Mr. Graham: He has given a lot of justice to a lot of people.

Mr. COURT: It all depends on how one looks at it.

Mr. O'Neil: A parliamentary commissioner would not be in the same position as the *Daily News Ombudsman*.

Mr. Graham: No; he would have far greater powers to go into problems at greater depth.

The SPEAKER: Order! The Deputy Leader of the Opposition will remain silent.

Mr. COURT: I wish to be fairly brief, and I will now conclude my remarks. I freely admit, as I have before, that no Minister, no civil servant, no employee in private enterprise, and no member of Parliament is infallible. They will all make mistakes. However, the important thing is to have a system whereby the mistakes can be redressed and researched. With all the facilities at our disposal, frankly I cannot see why we want to experiment with something which, I feel, could be distinctly dangerous in our system.

In an old country, I suppose, where there are huge electorates, a huge economy, and things are so far removed from the individual, it may be necessary to superimpose such organisations. However, in a young, virile economy and in a young, developing country such as ours, where members represent very small constituencies so far as numbers are concerned, frankly I cannot see why we should go past the present system and introduce something which might very seriously impair the judgment, the power of decision, and even the desire to make decisions, of some of our very best public servants, as well as employees in private industry for that matter.

In other words, we do not want to put them in a straitjacket of ineptitude and a straitjacket of fear, because if we were not very careful this system could become

a blackmail system in itself. There are plenty of people in this community who would be quite prepared to come to any member, including myself, and say, "If you don't do this, I will tell the ombudsman." Some would retort and say, "What of it? Who has anything to fear if you do tell the ombudsman?" I just submit to the House that this is no way in which to administer departments or to run a country.

I also would like to refer again to the comments made by Mr. Burt, Q.C. which were referred to by the Leader of the Opposition. Whilst Mr. Burt might have some good intentions in trying to set up some organisation which would virtually discipline or police—in any event, supervise in some way or other—the administration of the law, Ministers, civil servants, and anyone else for that matter, I really believe he has missed the whole point of the structure of our parliamentary system. It is a system that has never claimed to be infallible. It is a system, the very strength of which lies in the fact that it is made up of very ordinary human beings who are all trying to exercise their judgment in a sensible way. I oppose the motion.

MR. T. D. EVANS (Kalgoorlie) [6.3 p.m.]: Whilst I very much dislike the foreign-sounding name which has been used to label or earmark the name of the system, the introduction of which has been advocated by the Leader of the Opposition, I wish to indicate that I strongly endorse the principle itself. I would prefer to call the officer a parliamentary investigator or a parliamentary commissioner, rather than the foreign-sounding term which I aim not to use.

The Leader of the Opposition, when introducing his motion, was able to call to his aid the very powerful and effective words of Mr. Burt, Q.C. When replying, the Minister for Industrial Development made reference to those words and criticised Mr. Burt. However, I feel quite sure that the Minister for Industrial Development did not answer the points made by that learned and erudite gentleman.

I prefer to have a look at some of the points which Mr. Burt made. I quote from *The West Australian* of Tuesday, the 20th August, 1968. The article reads, in part, as follows:—

The lack of control of executive power is an urgent problem, according to Mr. F. T. P. Burt Q.C.

The report goes on—

Another assumption was that the executive was responsible to Parliament and that powers conferred on the executive would be conditioned by fact.

Today, most laws were not made by Parliament but by delegates such as shire councils.

As often as not, conferred power was not conditioned by objective fact but by opinion—a Minister thought a certain state of affairs existed and had the power to act on this opinion.

I intend to refer to a very famous case which was ventilated before the House of Lords in 1941 in order to show this very point; namely, where legislation is interpreted by the courts, by those institutions which are intended to be the last bulwark of British justice and the mediator between the Executive and the subject. I shall do this in order to show that at the time even the House of Lords was prepared to construe words in legislation against the liberty of the subject. This, of course, was a high-water case and I refer to the case of *Liversidge versus Sir John Anderson*.

I would like to quote briefly from the judgment of one of the judges—the only dissenting judge—namely, lawlord Lord Atkin. He said—

The material words of the regulation are as follows: "If the Secretary of State has reasonable cause to believe any person to be of hostile origin or associations and that by reason thereof it is necessary to exercise control over him he may make an order against that person directing that he be detained."

I interpolate here, Sir, to say that as you yourself would know the order means the person could be detained without trial and kept in custody indefinitely. The judgment continues—

They are simple words and as it appears to me obviously give only a conditional authority to the Minister to detain any person without trial, the condition being that he has reasonable cause for the belief which leads to the detention order. The meaning, however, which appears to have found favour with some of your Lordships is that there is no condition, for the words "if the Secretary of State has reasonable cause" merely mean "if the Secretary of State thinks that he has reasonable cause." The result is that the only implied condition is that the Secretary of State acts in good faith. If he does that—and who could dispute it or disputing it prove the opposite?—the Minister has been given complete discretion whether he should detain a subject or not.

This is very much to the point. This is the type of legislation where a Minister is given power so to act by exercising a discretion based on his own opinion. In this instance, the subject was not given the right of remedy by appealing to the highest court in the land. This shows the very point which Mr. Burt, Q.C., is trying to make; namely, where executive

power should be curbed. The lack of control of executive power is an urgent problem indeed.

I found in the law reports a quotation which answers the plea of the Minister for Industrial Development that there is no need for a parliamentary commissioner, because we can rely on the initiative and the good faith of our public servants. I do not think those things were ever in doubt. However, good faith is not sufficient by itself. Lord Justice Scrutton in a case before the English Court of Appeal stated the following:—

Some of the most honest people are the most unreasonable and some excesses may be sincerely believed in, but yet act beyond the limits of reasonableness.

As we all know, a subject can get a remedy from the courts. In the previous case I quoted, that remedy was lacking. Even where the remedy is available, the onus of establishing the fact of acting unreasonably rests upon the party challenging the validity of the Minister's, or some delegated authority's, discretion. We find in many instances that Parliament itself is powerless to intervene. We find many instances, too, where members of Parliament themselves are powerless to intervene.

The Minister has rightly said that a member has freedom and opportunity to speak and to question Ministers. But does this guarantee he will get the answers? I can think of no better example than that of the member for Collie in asking for information relating to the price of oil being used at Kwinana. He has all the opportunities in the world to ask for this information and he has used those opportunities, but he has not received an answer and he does not look like receiving one, either.

Mr. Rushton: You certainly would not overrule policy.

Mr. Graham: That is not policy; it is secrecy.

Mr. T. D. EVANS: The Minister for Industrial Development stated that a parliamentary commissioner would erode the responsibility of Cabinet, and ministerial responsibility, generally. However, the Minister does not seem concerned that executive power used wrongly and wielded by men with that power is, in fact, eroding the liberty of the subject. This institution is sought in order to remedy this evil.

I do not wish to delay the House any longer, but I feel that the legislation of this State will one day—and very soon—embrace the institution of a parliamentary commissioner. I consider it will take honourable part in indicating the social emancipation of the people of Western Australia. I would hope that the thought

and aspirations expressed by the Leader of the Opposition when he undertook this cause and the good faith he exercised in pleading it will weigh upon the thoughts of members of this Chamber when deciding the question.

The Minister for Industrial Development also mentioned grievance day as an indication of a further opportunity for members to exercise their full rights of inquiry and their rights to probe into the Executive and its actions. It was very interesting to experience the first grievance day in this Chamber last week and I was very impressed with the speeches made by the members concerned, but I was very disappointed on two counts. Firstly, I was disappointed by the fact that the motion following the speeches was, purely and simply, that the grievances be noted. It seemed to me to be a lot of noise on the landing and nobody coming down the stairs. Secondly I was greatly disappointed on that occasion to find that no Minister replied. This, I think, is an answer to the Minister for Industrial Development's argument that a member of Parliament is always much more superior to the system of a parliamentary commissioner. I support the motion.

*Sitting suspended from 6.15 to 7.30 p.m.*

**MR. MENSAROS (Floreat) [7.30 p.m.]:** When introducing his motion, the Leader of the Opposition said that the question, as he termed it—citing Mr. F. T. P. Burt, Q.C.—was the problem of legal control over the exercise of executive powers. However, as I would term it, it is a problem of achieving the fullest administrative justice; in any form it is a very noteworthy, interesting, and timely question.

My interest in the question has been proved by the fact that—as members may recall—I devoted part of my maiden speech to this problem. I agree that there are, and there will be, grievances—sometimes even justified—against administrative actions, and I also agree that these grievances should be remedied. Few would dispute that the expanding field of administrative activities has produced problems of control which have not yet found an adequate solution. Few would readily accept that creating an appeal here and there, in relation to discretionary decisions, Western Australia would—administratively speaking—enjoy the best of possible worlds. On the other hand, few would deny that the ombudsman institution has, in its various forms, achieved some good in those countries where it exists.

These more or less accepted facts are included in the introductory passages of the motion which read—

That the effectiveness and undoubted success of Parliamentary

Commissioners (Ombudsmen) having been clearly established in all countries where they have been appointed—and I do not necessarily quarrel with this statement in total. What I am concerned with is the central part—the backbone of the motion—which reads—

—it is recommended to the Government that steps be taken, as early as possible, to establish the office in this State.

My argument, therefore, will not, essentially, be concerned with whether any other country would be, or has been, right to appoint an ombudsman. My argument will be concerned only with the question of whether Western Australia particularly would be right in so doing—according to the motion as it stands—at this point of time, and without other substantial changes.

This element of particularity in my argument is necessary, partly to emphasise the population of a country and the relevant number of its parliamentary representatives; partly to understand that Government machinery is the product of, and adjusts itself to, local conditions, and can easily reject the transplantation of a new and specific institution which may conflict with the old. The danger of rejection is far less if the institution is of a known, general type, having its own strength.

What I termed the backbone of the motion calls for the establishment of an ombudsman in this State. However, neither in the motion nor in the very interesting introductory speech of the Leader of the Opposition—to which I listened most attentively—was any mention made of the powers and jurisdiction, the tenure of office and the remuneration of the ombudsman.

This most important part of the whole suggestion is left to members' imagination. Consequently I can only speculate on the intentions of the Leader of the Opposition in this regard. For the purpose of my argument, I take it—partly from the preamble of the motion, and partly from the speech made by the Leader of the Opposition—that he intends legislation for the parliamentary commissioner on the lines contained in the legislation of some, or all, of the countries where this institution already exists. He must have specifically borne in mind the legislation of the United Kingdom—the Parliamentary Commissioner Act, 1967—as this is the only new Statute establishing an ombudsman since the Leader of the Opposition last moved a similar motion unsuccessfully in 1965.

Let us have a quick look, then, at the historical background and at the characteristics and results of the office in various countries where an ombudsman has been

established, taking into account the specific Government machinery of those countries.

The origin and name of the ombudsman comes, of course, from Sweden. It goes almost a century further back than the establishment of the parliamentary commissioner. King Charles XII appointed an ombudsman, not to satisfy the complaints of his subjects, the individual citizens, but simply to scrutinise the conduct of his tax gatherers, judges, and other law administrators, who deputed for him and apparently misrepresented him, to say the least.

This ombudsman—later known as the Chancellor of Justice, being the King's supervisory officer—was matched by a parliamentary ombudsman in the Constitution of 1809 when the importance and influence of Parliament became stronger. The office has prevailed until the present day, but even now it is quite different from the ombudsman we imagine and generally talk about. This is only natural if we consider the structure of the Swedish governmental system. Although the administrative power, in principle, is not separated from the legislative one, as in the United States of America, Ministers need not be members of Parliament, though they are entitled to address it.

They do not have administrative responsibility as we know it, and, more importantly, do not head large administrative departments. The ministries are small bodies for planning Bills and budgetary proposals and their purpose is more to guide than to direct the numerous administrative bodies headed and manned by permanent civil servants who do the administrative work. Briefly, therefore, in the Swedish system the ombudsman's function is to bridge and supplement this lack of ministerial responsibility of administrative bodies to Parliament.

Finland was ruled by Sweden for many centuries before the greatest part of it was ceded to the Russian Empire as a grand duchy. As a defence against czarist rule, it adopted the Swedish office of Chancellor of Justice, and from this office, after independence in 1919, the Finnish parliamentary Ombudsman eventuated. The appointment was originally for one year only, but its tenure was later extended to two, and then to four years. Despite this extension of time the Finnish Ombudsman never attained the status and respect this office demands if it is to have any hope of success. The Finnish Ombudsman was always suspected as a party political appointee and his low salary prompted him personally to use the appointment as a springboard for a better job, which was usually the equivalent of a lectureship at the law faculty.

Before I turn to the other Scandinavian countries and Denmark, I wish to emphasise the very pertinent fact that both

Sweden and Finland have administrative courts to remedy injustices of administrative actions.

The Danish Ombudsman established in 1955 is of more value and importance than either his Swedish or Finnish counterpart. The selection of the office bearer himself, Professor Stephan Hurwitz, and his written, broadcast, and televised salesmanship talks of the institution itself, attracted suddenly more attention all over the world than did his 146-year old and 36-year old Swedish and Finnish versions.

But here again we have to examine the specific structure of administration. Denmark's administration is complicated because, apart from the mainland peninsula of Jutland, its territory is scattered over 500 islands having approximately 1,400 local governing bodies, all of which tie in, in some way or other, with the highly centralised governmental control. This was the main reason for creating the ombudsman in Denmark. His powers of investigation and of ordering the prosecutor to initiate criminal action against civil and military administrative officers—including Ministers—are the widest; but they could hardly be reconciled with the British system of Government and ministerial responsibility. It is interesting to note from his reports, though, that the Danish Ombudsman seldom uses his wide powers.

Norway, in a somewhat similar way to Sweden, has a Cabinet whose Ministers are not members of Parliament; they are only subject to interpellation by members. Norway introduced the institution of ombudsman following the Scandinavian example, and yielding to the pressure by Professor Hurwitz, the Danish commissioner I mentioned a few moments ago. The Norwegian Ombudsman is more of a window-dressing institution in a country where administrative justice is on the highest level. My reason for saying this is illustrated by the opinion of a high official in the Norwegian Ministry of Justice quoted by Professor Walter Gellhorn in his book *Ombudsman and Others*, edited by the Harvard University Press, 1967, which reads as follows:—

For myself, I am convinced there was no real need for the ombudsman. Administrative judgments in this country are moderate and responsible, mistakes are not so frequent that we have to have a super-watchdog to guard against them. Still, I have to admit that the public is glad to have the ombudsman in the background. Rightly or wrongly—wrongly in my estimation—the people think that administrators are going to become fairer and quicker and all that. Things haven't been bad in the past and they won't be much different in the future. If the people think they are different, though, then the ombudsman may

make government more acceptable and more popular even though there may be no real change.

The New Zealand legislation—Statute No. 10 of 1962—appears to be the only one where my initial arguments about the danger of transplantation of an institution into a different soil of governmental machinery might be challenged. Since the New Zealand Act is best known by members and has been widely discussed during the debates on this question in 1963 and 1965, I shall restrict myself to quote the words of the Speaker of the New Zealand House of Representatives (Sir Ronald Algie), a former lawyer and law teacher. He states—

The ombudsman system probably would not work well everywhere. It works well in New Zealand because we have a fine public service. Corruption is so rare as to be deemed virtually non-existent. Officials generally seek to serve rather than to defeat citizens. They give cases careful consideration though, of course, that doesn't mean they invariably reach the best possible result. Our Ombudsman may stimulate officials to be even a little bit better than they have been, but the Ombudsman system is succeeding here precisely because, really, there is not a staggering lot to do.

There is another citation in the book to which I have referred where a high New Zealand official said this about the ombudsman—

The Ombudsman had military experience, you know. He has enough sense to try to pick favourable terrain for a fight. You can call it manoeuvring if you like, or running away from a wrestling match if you don't like it. I call it, simply, recognition of the old saying about discretion being the better part of valor.

Finally, there is the United Kingdom Parliamentary Commissioner Act of 1967. Studying this Act one cannot help but come to the conclusion that the British version is nothing but an aid to members of Parliament in coping with their duty of representation, which is increasingly difficult, if not impossible sometimes.

With the Standing Orders, customs, and working of our Parliament we are in a fortunate position indeed as compared with members of the House of Commons. As the Minister for Industrial Development has said, we have the opportunity to speak on general matters in the Address-in-Reply debate, on grievance day, and in the debates on Bills dealing with Estimates; and we also have the opportunity of asking practically as many questions as we wish.

In the House of Commons a member is lucky if he can persuade the Chief Whips to place one or two questions on

the notice paper during a much longer session than ours; and even then he will have to wait three months to get a reply. The United Kingdom version of parliamentary commissioner is only an attempt to remedy to some extent this state of affairs of parliamentarians. His powers are watered down to a very great extent indeed, and to my mind they do not add anything to the solution of the original problem; that is, the furthering of administrative justice.

Let us have a look at a few sections of that Act. Under section 1 he is appointed for the purpose of conducting investigations. Under section 5 he can only deal with complaints directed to a member of the House of Commons, if that member refers the complaints to him. I would like to observe here that having heard, and quite frankly admired, the ability of the Leader of the Opposition to present cases to this Assembly, I would doubt very much that he would refer a good political plum to an ombudsman, instead of using it himself.

Subsection (2) of section 5 of the United Kingdom legislation severely curtails the field of investigation by the ombudsman. For members in this Chamber who complain about certain documents not being tabled but only being sighted in confidence, and who place their hopes in this regard in the ombudsman, it will be interesting to learn that subsection (3) of section 11 says, among other things—

A Minister of the crown may... give notice... to the Commissioner with respect to any document or information... that in the opinion of the Minister the disclosure of that document or information... would be... contrary to public interest.

This, of course, means that the British Ombudsman is prevented by Statute from enjoying what a member of Parliament in Western Australia enjoys through the courtesy of the Minister. Furthermore, subsection (3) of section 12 states—

It is hereby declared that nothing in this Act authorises or requires the Commissioner to question the merits of a decision taken without maladministration by a government department, or other authority in the exercise of a discretion vested in that department or authority.

Therefore he cannot question the discretionary decisions, such as—referring to the example mentioned by the Leader of the Opposition—giving or not giving emergency treatment to a Housing Commission applicant. This is a very interesting contrast to the complaint of the member for Kalgoorlie that discretionary decisions cannot be appealed against. He also implied that the appointment of an ombudsman in Western Australia could be of help in this situation. We can



see from the British Act that it would be of no help if we adopted that Act, but it would in some cases exclude even the investigation of complaints.

There are similar institutions at present in Yugoslavia, Poland, and the Soviet Union; but considering the utterly strange political structure of these countries, as compared with the political structure of our State, and considering that no reference has been made to them in this debate, I do not propose to deal with those institutions.

Having tried to illustrate the parliamentary commissioner's function in each country where this institution exists, I would like now to show how many cases would, in fact, be dealt with on merit; that is to say, how many cases would be investigated during a year in Western Australia by an ombudsman. I compiled the following figures from the reports between 1960 and 1964, I could find of various ombudsmen appointed in different countries, and I related those figures to Western Australia by proportioning our population to the populations of the relevant countries. I would like to say, though, that I stand to be corrected if some of my calculations are wrong.

In Denmark, between 1960 and 1964, a total of 856 cases was investigated. This is an average of 214 cases per year, and related to Western Australia it would mean a total of 39 cases per year. In Finland in the year 1964 action was taken in 76 cases; that would mean 19 cases in Western Australia. In Sweden the related figure to Western Australia is 23 cases; and in New Zealand the related figure is 53 cases.

The highest figure is derived from a comparison with New Zealand, but here I only had the first six-monthly report, and I understand that after the initial novelty receded, cases investigated became fewer. These figures reinforce the argument of the Minister for Industrial Development and show that, having 100 State and Federal members of Parliament in Western Australia, at the very most there would be only one case to investigate for every two members of Parliament.

It could be, and probably it will be, said that the *Daily News* Ombudsman deals with 1,500 cases a year. This may be true, but it is also true that these cases represent the total cases of inquiry, as opposed to what I have shown; that is, the cases in fact investigated. Furthermore, an overwhelming majority of the cases investigated by the *Daily News* Ombudsman would be outside the jurisdiction of any ombudsman appointed in any country so far.

It is time now to take up my initial question: What kind of ombudsman does the motion before the House seek to have? Having shown the power of the existing

ombudsmen and the types of administrative institutions in the relevant countries, one can go through the possible alternatives and judge them in relation to our State.

Firstly, were the ombudsmen to change administrative decisions—and I doubt this is proposed by the mover of the motion—he would undermine our system of ministerial responsibility, and defeat his own purpose as a parliamentary commissioner.

Secondly, were he to recommend legislation, he would only do what any member has the right and opportunity to do, and his recommended legislation could just as well be rejected by the majority, as any private member's Bill could. In this case, therefore, he would be superfluous, unless somebody suggested the ridiculous proposition that the parliamentary commissioner should enact legislation.

Thirdly, were he simply to investigate and report—as most of them do—his only doubtful merit would lie in publicity; he would not remedy any administrative injustice, which is the most important problem. Let me here refer to the thoughts of a learned lawyer in our State, Mr. G. D. Clarkson. In a paper commenting on the Ombudsman in New Zealand, he had this to say—

There are no underlying principles (in W.A.) determining whether in any given cases there should be a right of appeal. This situation calls for a systematic review of the whole of the field of administrative law and the danger is that the appointment of an Ombudsman at this stage would act merely as a palliative and postpone or even prevent this review (for a right of appeal).

My research into this subject and my study of it, and the arguments which have been built upon it, command me to oppose this motion. However, for those members who are not convinced, and still think that an ombudsman is necessary, may I refer to the same learned gentleman to whom reference was made at the very beginning of this debate?

The following is a quote of a quote from *Hansard* of the debate on the motion for the appointment of an ombudsman in 1963, and it relates to the words of Mr. F. T. P. Burt, Q.C.—and this was mentioned in your speech, Mr. Speaker—

The success of the idea will depend upon the man.

He must be wise, humane, understanding, knowledgeable, diplomatic, humble and of the highest integrity.

The wrong man in the position could be a disaster.

Hence, paradoxically, he should be the finest man in the land and have no legal security of tenure in his office.

These words of Mr. Burt's were also quoted in a paper at a legal convention in Western Australia in 1963. The learned gentleman who quoted them concluded his address by adding the following question to the quote:—

Do you believe we could always find such a man in W.A.?

I oppose the motion.

**MR. FLETCHER** (Fremantle) [7.58 p.m.]: I congratulate the speaker who has just resumed his seat for the amount of research he has undertaken into this subject. It is obvious from his comments this evening and also from the comments in his maiden speech that he does support some type of authority to be appointed as an umpire, as it were, between executive decision and the community at large.

I listened attentively to his comments, but now I would like to quote from what appeared in *The West Australian* of the 7th August—

The establishment of an administrative court, with the same powers as a law court, could help to resolve cases in which the rights of the individual clashed with State administration, the Legislative Assembly was told last night.

Mr. Mensaros (Lib., Floreat) suggested . . .

I am gratified to find that the honourable member is at least, to some extent, in support of the motion moved by the Leader of the Opposition.

Mr. Mensaros: Would you be kind enough to compare what is stated in that Press report with what I said as recorded in *Hansard*?

**MR. FLETCHER**: I have endeavoured to relate that Press comment to the comments made by the honourable member this evening. I find there is some affinity. To my mind he is not unsympathetic to the objective that we are attempting to attain from this side of the House.

I support this motion which has been moved by the Leader of the Opposition. In the past when he introduced similar motions I also supported them. I think that the appointment of an ombudsman in Western Australia is necessary; such an officer is necessary irrespective of the Government in office—whether it be Labor or Liberal. Such an officer is necessary to help the people of this State.

Whilst I accept such an appointment would be necessary under a Labor Government, I believe it would be even more necessary under a conservative Government. I have been here nine years and have witnessed a progressive need for such an appointment as a consequence of the administration of the present Government. I do not say this to be critical, but merely to be factual.

I support the motion. I have noticed that sometimes members overlook the nature of the motion which is being discussed. I find it very difficult not to support this one, which reads—

That the effectiveness and undoubted success of Parliamentary Commissioners (Ombudsmen) having been clearly established in all countries where they have been appointed, it is recommended to the Government that steps be taken, as early as possible, to establish the office in this State so that our citizens may not continue to be denied the benefits which the existence of an ombudsman confers.

Let me briefly allude again to a country in which an ombudsman exists. The honourable member who has just resumed his seat took us on a world tour of those countries which have an ombudsman. However, I will not go further than Britain, because I do not wish to weary the House. In *The West Australian* of the 4th April, 1967, appeared the following:—

Tasks for Britain's First Ombudsman (From a special correspondent in London).

The article is accompanied by a photograph of Sir Edmund Compton, the first Ombudsman there. The article reads in part—

His wife says he has all the right qualities for the job.

"He is kind and just, but his most outstanding characteristic is brains," she says.

Mr. Cash: Who said that?

Mr. Court: Was that his wife who said that?

Mr. Bertram: You cannot get a better authority!

Mr. Hall: That would not be too reliable!

**MR. FLETCHER**: I do not deny the honourable member who made that interjection his brains, but I do say he would be lacking in the other qualities necessary in the administration of such an office. I do not say that to be unkind.

Mr. Court: Not much! Poor old Drummer feels the bash now!

**MR. FLETCHER**: Let me put it this way: Not everyone would be suitable, from the point of view of his characteristics, for such an appointment. The Minister for Industrial Development does not come within the category. However, I have been side-tracked as usual! I was referring to Sir Edmund Compton. The article continues—

What sort of complaint has Sir Edmund the power to investigate?

Broadly, he will deal with hardship or wrong treatment caused by maladministration in a government department. These cover such complaints as:

An income-tax collector is delaying paying back those who have paid too much tax.

The Housing Minister is wrongfully refusing planning permission.

Ministers are wrongfully refusing grants or subsidies they should give.

But he will not have power to question decisions by ministers that are matters of discretion. And he will not be able to investigate complaints against the police, the courts, the services where personnel are concerned, local councils or the health service.

Mr. Sewell: What is the use of it?

Mr. FLETCHER: I did read to the House what he was competent to investigate. The article continues—

Sir Edmund said he expected to receive up to 7,000 complaints a year.

Mr. Dunn: I thought you were going to say \$7,000 a year.

Mr. FLETCHER: To continue—

An important provision is that all complaints must come to him through members of parliament who will be given a report on his investigations.

That is just what the Minister says; and our ombudsman could be clothed with the same authority. The article continues—

Every year the commissioner will report directly to parliament on his work and on maladministration.

The reports will be automatically published.

Sir Edmund comes to his new \$21,500 a-year job from the post of Auditor-General.

So he is an extremely capable man and receives a salary commensurate with his ability. For the information of those who laughed at what is considered to be his limited powers, I would like to quote from the Press of the 17th August. The heading is, "Powers Sought for Ombudsman." This is referring to additional powers. Previously I said that I believed his powers should be increased, and that furthermore I considered him to be a very lightly-armed crusader, or, in other words, a swordless crusader. This would not be so with the extra powers. The article reads—

A call for wider scope in the activities of Britain's ombudsman against official injustices was made yesterday.

What I am trying to indicate is that not only has Britain appointed such an officer, but his popularity has increased as a consequence of the splendid work he has done up to date. Not only did

that country want him to retain his present limited powers, but it wanted to clothe him with greater powers. The article continues—

A select committee, which studied the work of the parliamentary commissioner (ombudsman), Sir Edmund Compton, said that his powers could be broadened.

This is a Select Committee which would have at least a capacity comparable with that of this Parliament, if not a greater capacity. The article continues—

Examples of grievances already brought to the ombudsman had indicated that his inquiries could be increased.

In endorsing the effectiveness of his activities so far, the committee said the scope should be extended in two directions.

The ombudsman's job so far had been to check on the correctness of government decisions within the appropriate rules and to seek out maladministration.

This could be extended to take in the bad decision and the bad rule.

Though Sir Edmund should not substitute his decisions for those of the Government, he should be able to give a judgment on the quality of a decision, the committee said.

If he found a decision which, judged by its effect on the aggrieved person seemed to him to be bad, he might infer from the quality of the decision that there had been an element of maladministration and seek its review.

That is all we want, and that is why this motion was moved. I see nothing wrong with the appointment and that is why I support the motion. Injustices have been experienced and continue to be experienced, and even hardship. The same situation prevails today as prevailed when I first came to this House and, as I have said, it has become progressively worse.

Previously I represented an area now represented by the Minister for Works. Soon after I entered Parliament many houses and properties in the North Fremantle area were acquired by the Government and by the Fremantle Port Authority. I saw people dispossessed of their homes and they were paid a fraction of the worth of those homes.

The Leader of the Opposition, members of the Upper House, and I, convened meetings in the area for the purpose of trying to make known to the Government the necessity to pay compensation sufficient to enable the owners to obtain a replacement at no extra cost to themselves. Many of these people were of retirement age. They were removed from their humble

homes in the area and were not given sufficient compensation. Admittedly their homes were old, but they were owned by the people concerned.

Valuations were placed on the homes by the Public Works Department, or alternatively, the Fremantle Port Authority, but the amounts were totally inadequate to enable the people to rehouse themselves without encumbering themselves with debt.

The situation was, perhaps, not so bad for those people in their 40s who were still working. They might have been able to earn sufficient to ultimately meet the debt. However, those who had retired and were dependent on superannuation or some other pension still had to leave their homes. Because of the inadequate price paid to them they were encumbered with a debt of \$2,000 or \$3,000.

Mr. Rushton: Are you discussing resumptions or the appointment of an ombudsman?

Mr. FLETCHER: The member for Dale might interject frivolously, but I do not think it is a frivolous matter when a person loses his home and has to seek alternative accommodation while at the same time being encumbered with a debt of \$2,000 or \$3,000. If some independent authority, other than the Government, were available, a decision could be made in matters such as this. In today's issue of *The West Australian* is the following:—

#### LOGAN PRAISES W.A. RESUMPTION LAWS

Western Australia's public works, land resumption and compensation laws probably were the best in the world, Town Planning Minister Logan said in the Legislative Council yesterday.

I have given an example to illustrate they are, not the best in the world.

The Minister for Works is now listening. I was recounting what occurred in what was my electorate, but which is now his electorate.

Mr. Ross Hutchinson: You have held me in rapt attention all the time!

Mr. FLETCHER: I have no doubt the Minister looks after these constituents now, the same as I did when I was their representative. However, while the Minister was preoccupied with the Minister for Industrial Development, I was indicating the hardship of those concerned in the area. The following is another quotation from the article to which I have just referred:—

Mr. Logan said that it would take a long time to investigate resumption negotiations that had taken place in the past 18 years. In the past nine years there had been about 8,000.

I have quoted a typical example of one of those 8,000 cases the Minister mentioned. Arrant injustice was experienced as a result of the action taken.

As recently as the 10th July, this year, I wrote to the present Minister for Works with regard to a matter which concerns property in my electorate, the address being the corner of Canning Highway and Putney Road, East Fremantle. The letter, in part, reads—

You will note in the second paragraph of the first-mentioned letter that regret is expressed that the Metropolitan Region Planning Authority cannot offer 10 per cent. for compulsory acquisition, or offer any compensatory amount for loss of business.

I should be pleased to have you consider this an appeal on behalf of my constituent for a more realistic settlement than the \$15,500 offered. Councillor . . . sought my assistance after receiving advice along these lines from East Fremantle Town Council. It may be argued that the figure offered is adequate for re-establishment purposes.

I might point out that this person was a businessman in my area. The letter continues—

I am of similar opinion to . . . and others, that little, if any, of the amount offered would be left after acquiring comparable floor space and furnishings at an alternative address, where name and goodwill would have to be acquired.

I am endeavouring to demonstrate that no two cases are alike and that therefore there should be some authority which can weigh a case on its merits or otherwise. The letter continues—

If my constituent were 20 years younger, time and enthusiasm could, perhaps, achieve this end. However . . . is within, I estimate, perhaps 10 years of retirement. I'm sure he would rather not dissipate the inadequate amount offered merely in the hope that he might perhaps at retirement be receiving an unpredictable income from that investment in an alternative business. On the other hand, if he does not remain in his present type of business, for which he has a preference and ability, or seek alternative employment, his \$15,500 would soon be absorbed in maintenance of home, self and family.

I think you will agree that employment is easier to acquire at 35 years of age than at, for example, 55 years.

In view of the uncertainty of this man's future, I asked the Minister to give some consideration to offering compensation in excess of the amount contemplated.

I ask the members of the House to put themselves in the position of that man who, over a period of a lifetime, had built up a business. Having built up a business, his property is to be acquired for the infinitesimal amount of \$15,500 and this man, at his time of life, is being asked to look for alternative premises, to reacquire goodwill, and so on. It is a hopeless proposition from his point of view. He has the alternative of investing the money—gambling it in another business—or alternatively hanging on to it for retirement.

I say to members, this is the sort of case that should be judged by an ombudsman. I will not weary the House with the correspondence. I see the Minister is again preoccupied. However, I am very interested in the subject and I hope other members are. The substance of the Minister's reply to me is that if the M.R.P.A.—that is, the Metropolitan Region Planning Authority—acquires the property, then it will do so on a certain basis. If the man likes to wait until it is acquired by the Public Works Department under the Public Works Act then he will receive some compensation for it. That is the position in which this unfortunate man is placed. I deplore the situation. I am sure that the Ministers opposite if they were not so preoccupied with the problems associated with office—they are all busy people—would have time to be equally concerned.

I do not want to make the Minister for Industrial Development my target, but he was the principal protagonist from that side of the House. He said that between elections a Government is judged, but I would like to say that between elections a lot of little people get hurt. I have just given examples of that.

The Minister made reference to the fact that we have the opportunity to air grievances. I am airing them here and now, but what have I achieved? Absolutely nothing. Inevitably this measure will be defeated by members on the other side of the House.

Mr. Bertram: What about the Country Party?

Mr. FLETCHER: Mr. Speaker, there has been a very worth-while interjection by the member for Mt. Hawthorn that has put me on a valuable track. Not only do I support this motion, but I find other support for it in the Press of the 25th July, 1968. The article is headed, "Pressure For Ombudsman Suggested" and reads, in part, as follows:—

The conference agreed . . . Let me point out that this was the Country Party conference which was held a month or so ago. The article continues—

It said that a committee should be formed to restore valuable historic buildings.

That comes close to home. To continue—

A general inquiry should be held into the meat industry because of unrest in it.

The member for Collie mentioned that this evening. However, that is not the point I am stressing at the moment. This is the gem of the whole lot—

The conference agreed to put pressure on the Government to have an ombudsman appointed.

I am putting pressure on the Government and I ask Country Party members to join with me in doing just that. I do not want to hurt their feelings—

Mr. Toms: What feelings?

Mr. FLETCHER:—but I said the other night that the coalition is such that they will not let go of each other's hands, not even when it is to the advantage of the people of the State. They will not make even small concessions. The Labor Party sends delegates to conferences and if a majority of those delegates makes a decision, then it is binding on us and we are pleased and proud to carry out the policy formulated by our party. I ask the members of the Country Party to be prepared to honour their obligations, the same as we do. Their attitude will be demonstrated presently; if not, tonight, then when the vote on the issue is taken.

With all due respect to the Minister for Industrial Development as a debater, he put forward a very weak case tonight. I gained the impression that he believes in his capable administration. Let me say to the Minister that I believe him to be capable. In fact, I believe him to be ruthlessly capable. I am sincere when I say I consider him to be extremely capable, but I regret that in some respects he is so ruthlessly capable.

Mr. Rushton: You will make him blush.

Mr. FLETCHER: The Minister does not want any official—to use his words on a previous occasion—breathing down his neck watching what he is doing. He feels he is competent to make decisions, not only on behalf of his own office, but even on behalf of the State. He does not want anybody to question those decisions. We on this side of the House do want somebody to question them.

Members are entitled to their opinions and I know how they will record their votes, but I hope to woo and to win some from the other side of this House. I have plenty of problems in my electorate and I have no doubt that the Minister, if he were to handle the same type of problems as I handle, would be just as personally sympathetic to those cases as I am. I do not deny that. However, he lives in another world and so do many other members opposite. It is a very different world from the area which is represented by the member for Fremantle and all other members on this side of the House who represent

similar electorates. We meet with all the little tragedies associated with the people whom we represent.

Many people are left behind in this competitive world; that is, in the world of the freedom of private enterprise where the sky is the limit. If people cannot keep up with their obligations, they are walked on. In many instances it is not their fault. In many instances I find people who are simply unwilling to take up the cudgels on their behalf. Like others, I find that the squeaky wheel gets the grease, but it is not always the person who is making the noise who needs the most help. I frequently find that to be the case. When the job gets too heavy for me to rectify the difficulties facing my constituents, I would be glad to turn to some authority such as an ombudsman to share the load—my load and the load of the people whom I represent. At times I find the problem insoluble. I ask members opposite to join with me—

Mr. Rushton: You need a Liberal Party member.

Mr. FLETCHER:—in voting for this motion for the purpose of ensuring that those whom they represent will have an umpire to assist them when administrative action has injured them in any way. I support the motion.

MR. W. A. MANNING (Narrogin) [8.23 p.m.]: I am happy to say that I am in a position to judge a case on its merits and make a decision accordingly, unlike the member who has just sat down who said he has to abide by his party which tells him what to do.

Mr. Fletcher: By conference. It is a majority decision.

Mr. W. A. MANNING: Whatever it may be. However, to be in the position of being able to judge a case on its merits is a very happy one to be in.

I am not going to try to select a member from the House to be an ombudsman. I hope there will not be an ombudsman appointed on this particular occasion. We must agree there are merits in the case and perhaps it is possible to find individual cases where it could be warranted.

Mr. Jamieson: On what particular occasion do you want one?

Mr. W. A. MANNING: There is a lot of misconception about what an ombudsman would do, particularly on the part of the member for Fremantle who would expect an ombudsman to be an appeal court against valuations for the resumption of land. If that were so, what would be the limits of the powers of an ombudsman? Is he a person to be appealed to by everybody on anything and in any court? That is not an ombudsman. I think we have to change our opinion on these matters.

Even the Leader of the Opposition, when moving his motion, spent a lot of time dealing with the regulations in regard to the Port of Dampier. To my mind that is a very doubtful point to be judged by an ombudsman. By means of a question concerning the so-called Ombudsman of the *Daily News*, the Deputy Leader of the Opposition indicated that he felt he was an ombudsman. That has nothing to do with an ombudsman as we know it, as set down in the present legislation. There would not be an ombudsman, unless we created a new type of legislation which would cover all these cases. I certainly cannot picture that being done.

I do not intend to spend much time on this motion, but I shall refer to some points in the New Zealand report. I have here what I understand to be the latest report; namely, the one for the year ending March, 1965. I draw members' attention to the cost of the ombudsman's office. For the year the cost was \$11,500 sterling.

Mr. Davies: Chicken feed.

Mr. W. A. MANNING: Converted to Australian dollars, at that particular time, the cost would be \$28,750. The member for Victoria Park says this is chicken feed.

Mr. Jamieson: You want to spend more than that on the Barracks Arch.

Mr. W. A. MANNING: The Barracks Arch will stand on its own, I hope. Of the cases presented to the Ombudsman in New Zealand, 386 did not call for full investigation. They did not even warrant investigation and were just a waste of time. A total of 363 got past that stage and were fully investigated. I stress the number is 363 out of 749. Of the 363 which were fully investigated, 308 were not justified, which left 55 that were justified. Members will see that only 55 cases in New Zealand actually justified any investigation.

Mr. Davies: What year was that?

Mr. Toms: That is fair enough. At least 55 people were saved from injustice.

Mr. W. A. MANNING: If members analyse the position, they will see that \$28,750 spent on 55 cases which were justified works out at \$523 each.

Mr. Moir: Do you measure everything in money value?

Mr. W. A. MANNING: No, I do not measure everything in money value. If members analyse the cases which were decided, they will find it is hard to justify spending \$523 on each one.

Mr. Tonkin: Have you ever worked out what it costs an individual to get justice in the court?

Mr. Toms: Half the people cannot get there.

Mr. W. A. MANNING: It depends on the type of case, of course.

Mr. O'Neil: Of the 55, action was taken in respect of only 17.

Mr. W. A. MANNING: Very few of the cases which were justified would have gone to the court. I would like to read an extract from the report of the ombudsman.

Mr. Hall: We will probably be misled.

Mr. W. A. MANNING: The report concerns the 55 complaints which were left. The ombudsman and three others worked for a whole year for 55 complaints. It reads—

Of the 55 complaints found to be justified, 38 were rectified by the Department or organisation concerned without my having to proceed to a formal recommendation. In most of the remaining cases I made specific recommendations for the benefit of the complainant, and in all these cases my recommendations were accepted and acted upon by the authority concerned. In a few cases it was not possible to remedy the particular complaints, and my recommendations were of a general nature aimed at an alteration of the law or the practice so that the particular cause of complaint would not arise again. Those recommendations were also accepted.

Members will see that of the 55 cases which were justified, 38 were rectified by the department or the organisation. They did not come up as court cases. Obviously, these are matters which could be dealt with by members of Parliament.

Mr. Tonkin: Would they have been remedied if the ombudsman had not been there? That is the point.

Mr. W. A. MANNING: All of them would have been rectified if members of Parliament had dealt with them.

Mr. Jamieson: Don't be funny!

Mr. W. A. MANNING: If members read through the case—

Mr. Jamieson: Examples in the House are not this way.

Mr. Hall: How many do the job?

Mr. W. A. MANNING: As I was saying, if members read the cases which are set out here, they will realise they are cases of the kind with which members of Parliament deal every week.

Mr. Graham: You have only to read the *Daily News* to see the number of cases which have been fixed up, because the ombudsman has taken them up.

Mr. W. A. MANNING: That, of course, is referring to some plumber not doing his job or some electrician not doing something else. That sort of problem would not come under the jurisdiction of an ombudsman. I think it is unfortunate for us that

this chap who is employed by the *Daily News* is called an ombudsman because it misleads the public.

Mr. Brady: It is fortunate for the people whose cases he handles.

Mr. W. A. MANNING: I agree, and all credit to the person who is doing the job. But he is not an ombudsman as we would know such a person who was appointed under legislation passed by Parliament.

Mr. Jamieson: I agree it is a misnomer but he is doing a good job and there is no reason why an ombudsman should not be appointed.

Mr. W. A. MANNING: If an ombudsman were appointed here he would need to do a lot more than the Ombudsman in New Zealand does. He handled only 55 cases.

Mr. Tonkin: What a lot of nonsense that is.

Mr. W. A. MANNING: It is not nonsense.

Mr. Tonkin: You can read the report.

Mr. W. A. MANNING: Apparently what I am saying does not fit in with the case of the Leader of the Opposition; but the results in New Zealand prove that the cost is too great to justify the appointment of an ombudsman under the circumstances. In addition, I have given the case of the Leader of the Opposition the benefit of the doubt to a certain extent, because the Ombudsman in New Zealand looked at cases which involved departments that do not come under State control in this country—I refer to cases concerning the Customs Department, the Post Office, and the Taxation Department. I did not subtract those cases from the total number dealt with by the Ombudsman in New Zealand.

Also, the population in New Zealand is about three times that of Western Australia, and that too must be taken into account when considering the number of cases that are likely to be dealt with by an ombudsman in this State if one is appointed. Although there may be cases where one could say it would be wise if an ombudsman were appointed so that he could make the necessary investigations, they would be so few and far between, judging by the results in New Zealand, that I do not think the cost would be justified. New Zealand is the best example one could find because that is the only place in Australasia where an ombudsman operates.

It took well over 100 years for anybody to wake up to the fact that there was any value in having an ombudsman. Even the mover of the motion had plenty of opportunity when he was a member of the Government in this State to have an ombudsman appointed. But nothing was done during his time in office.

Mr. Moir: Do you think they will ever abolish the position of the New Zealand Ombudsman?

**Mr. W. A. MANNING:** I would not like to say. I would have to go to that country to have a look at the position, and the conditions which prevail. I do not think the number of cases involved warrants the cost of appointing an ombudsman. I would say that with the financial position in New Zealand—

**Mr. Lapham:** They are very satisfied with him.

**Mr. W. A. MANNING:** Perhaps they are, and I guess he is very satisfied with his position, too.

**Mr. Jamieson:** And so are members of the judiciary, and so are you.

**Mr. W. A. MANNING:** At this point of time I feel we are not justified in going to the expense of appointing an ombudsman for what appears to be the very small result, if any, that could possibly be achieved. Obviously, I shall vote against the motion.

**MR. MOIR** (Boulder-Dundas) [8.33 p.m.]: I listened attentively to the member for Narrogin but I did not hear him put forward one argument which would support any opposition to the motion. The honourable member certainly said a lot, but I wonder whether he has ever taken into consideration the fact that the mere appointment of an ombudsman would cut down the number of cases where an injustice would be likely to occur. The very fact that an ombudsman had been appointed would reduce the number of cases because in many instances sweet reason would prevail.

I cannot agree with him when he measures the service rendered by the New Zealand official in terms of dollars and cents. I would say there is a great need for such an officer in this State. The member for Narrogin also referred to the 38 cases that were finally resolved by the departments concerned, and he said these cases could have been handled by members of Parliament. If an ombudsman were appointed in this State I think members of Parliament would be his most regular clients unless a different attitude were adopted by departments from that which exists at the present time.

Over the years one has many cases put in one's hands by electors and one realises that in some instances there is not a great deal of merit in the proposition put forward—there may be some merit but not a great deal. Nevertheless, every member tries to do his best but he is not bitterly disappointed when such proposals as I have just referred to are rejected. We say, "That's fair enough." However, there are other cases where we know an injustice is being done to certain people and when one takes the matter up on behalf of the people concerned, and pursues all the avenues open, one is met with a refusal. I could speak personally of cases where the answers I have received have made me

burn because the people on whose behalf I was acting have been denied ordinary justice.

**Mr. O'Neil:** Would you still burn if you received the same result from an ombudsman after making representations to him?

**Mr. MOIR:** It would depend on the terms of his appointment and what powers he was given. Presumably, if an ombudsman were appointed, he would make a report to Parliament regarding the cases where he was unable to obtain results. He would be able to say in his report what he thought about the matter.

**Mr. O'Neil:** You do that now as a private member.

**Mr. MOIR:** And I will do some more of it, too.

**Mr. O'Neil:** That is all an ombudsman could do.

**Mr. MOIR:** That might be some satisfaction to the Minister for Housing, but when I expose something in Parliament the matter is not rectified, unfortunately for the person whose case I am putting forward.

**Mr. O'Neil:** Whether you make a report or an ombudsman makes a report does not solve the problem.

**Mr. MOIR:** No, but probably an ombudsman would have more standing in the community than a member of Parliament.

**Mr. O'Neil:** I would hope not.

**Mr. MOIR:** Over the years members of Parliament have lost their standing in the community, or the standing they had a few years ago. There was a time when, if one had a case, and there was some merit in it, one could approach the Minister concerned with confidence knowing that something would be done about it. I have had that experience on many occasions in the past, but that position does not prevail today.

**Mr. W. A. Manning:** What year did it change?

**Mr. MOIR:** There has been a gradual change. I should like to relate an experience I had. I could refer to many experiences but I will refer to one glaring case to show what I mean and to support my argument in favour of the appointment of an ombudsman. I ventilated this matter in Parliament last year and the Minister concerned invited me to put the proposal before him. I did this and I supplied more evidence than had been given previously. However, the Minister's decision was exactly the same as the previous decisions I had received from the department.

This case concerned the resumption of land, or I should say the forfeiture of a certain area of land in Esperance. Fifteen acres are involved and this land was



originally taken up in 1908 and it was granted as a garden area. It was granted on condition that within three years certain portions of the land had to be fenced and cultivated. This was done but no further action was taken about granting the land freehold. The mother of the family involved died in 1929; the father died in 1954 and the 15 acres of land were included in the estate.

In 1961 the Government repossessed the land; there was no question of a resumption or of payment for it. The Government simply took the land. The matter was placed in the hands of a member for the North-East Province. He was a Labor Party member and he was also a lawyer. He made representations to the department, but without result. The present member for Murchison-Eyre also took the matter up but his representations met with the same fate. Therefore, I cannot say that the rejection of the case put forward was only because the case was presented by a member of the Labor Party. Members from both sides submitted the proposition.

Finally the matter was placed in my hands and I made inquiries. I asked why the land had been taken but it was some time before I could get a reply to my representations. I was told by the department that other members had taken the matter up but I was not interested in that; I wanted to know why the land had been taken. Finally, after writing three letters, I was supplied with the reason.

As I said previously, one of the conditions for granting the land was that within three years a certain section of it had to be cultivated and there are people in Esperance who knew that this condition had been met. It is quite easy to tell whether land has ever been cultivated because, if it has been cultivated and then allowed to revert to its natural state, not all of the natural bush will grow again.

The Minister for Lands invited me to put the case to him so I wrote to the person concerned, who is a son of the man who was originally granted the land, and I asked him if he could get some reputable people in Esperance to vouch for the fact that the land had been under cultivation. He wrote to me and said that he could and he procured plans of the area showing the agricultural development that had taken place as he knew it. In addition he submitted the names of three reputable people in Esperance who could vouch for the fact that the land had been under cultivation.

One of these men had lived in Esperance all his life. He had been in business and he was a member of an old Esperance family. He was a Justice of the Peace and a highly respected man and he signed a statement saying that he remembered the land being under cultivation, as had been

shown on the plans. Another elderly man who had lived in Esperance for most of his life, and who had also been employed with the Harbour and Light Department in other parts of the State supported this statement. The third gentleman made the statement that he, too, knew that this land had been under cultivation.

I forwarded copies of the statements to the Minister for Lands and pointed out that a serious error had been made by the department. However, the Minister's answer was the same as the previous answers I had received from the department. The Minister said he saw no reason to alter the department's previous decisions.

Mr. O'Neil: Was the decision decided on the powers conferred on the department by the Land Act? Because if it was there is nothing an ombudsman could have done about it.

Mr. MOIR: It would depend on what powers an ombudsman had. But surely if justice is to prevail that sort of thing should not be allowed to happen. There is a need for an ombudsman to be appointed to rectify what is obviously wrong. People will not be complacent when rank injustice is being done to them.

While this land at Esperance was only a garden in the old days, it is now right in the centre of the building area, and with the price of blocks of land there it is very valuable. That is why the department stepped in and took it; the land has great value, otherwise why did not the department take action in 1911 or 1912? Why did it do that if it considered that the conditions had not been complied with? That was the time for the department to step in and tell the person concerned that he had not complied with the conditions laid down and, as a result, the department intended to take over the land. But the department did not do that; it waited until 1961 to take action.

I could quote other cases where an ombudsman could take some corrective action. The member for Floreat, if I understood him correctly, said that in many cases an ombudsman would not be able to do any more than a member of Parliament. But being a member of Parliament these days is most frustrating. When one takes up cases on behalf of one's constituents, and those cases have merit, and one knows that injustice is being done, surely there should be somebody to whom one can turn.

I cannot think of anything more frustrating than that. I know that everybody likes to win a case; that is only natural, but most members have sense enough to know when they take up a weak case, or a case that is not really as strong as it should be, that it is possible they will not get the satisfaction they

should. If they meet with a refusal they are fair-minded enough to appreciate the position.

We are only concerned with the fact that when a horrible injustice is done no rectification can be made; the person concerned cannot go to court or do anything about it at all. The fact that several members of Parliament took up the case to which I previously referred, shows that they were convinced of its justice, even though they did not have the evidence I possessed.

I inspected this place myself and I was thoroughly convinced that the land had been cultivated in the past 50 years. I have spoken to other members of Parliament who have told me they have come up against this sort of thing themselves; they find they cannot secure justice for people.

It is high time we appointed somebody in authority—not merely a figurehead—who could rectify these injustices and thus give some measure of satisfaction to the people concerned.

**MR. CASH** (Mirrabooka) [8.47 p.m.]: The members of the Opposition have not had an opportunity to interject while I have been speaking, because the only previous occasion on which I have spoken was when I made my maiden speech to the House. So if the member for Belmont and others consider they are a little behind in their interjections they may feel at liberty to interject when they wish.

The first part of the motion, which says that the effectiveness and undoubted success of parliamentary commissioners (ombudsmen) having been clearly established in all countries where they have been appointed, is sufficient recommendation for the appointment of an ombudsman in Western Australia.

Over a period of years the Leader of the Opposition has given the history of the ombudsman, which goes back over 100 years. He said this in 1963, 1964, and 1965. He asked only two questions in 1966, and in 1967 he was completely silent.

Other members have gone through the history of the ombudsman. But when we consider the countries in which ombudsmen have been appointed we must first consider the population of those countries. We find that Finland has a population of 5,000,000, as has Denmark. The population in Norway is 4,000,000 and that of Great Britain, as we all know, is over 55,000,000.

**Mr. Jamieson:** Are you talking about principle or population?

**Mr. CASH:** The population of Sweden is 8,000,000 and that of New Zealand—which has been the subject of considerable discussion—is 3,000,000.

I would point out, however, that all these countries are advanced welfare states by comparison with Australia; and the

countries concerned have inevitable bureaucratic machines, which means there is difficulty in making clear-cut decisions by the departments in cases where complaints are made by the public.

The usefulness of the ombudsmen in the countries to which I have referred is acknowledged; we know they do a good job in their particular sphere of activity. But whether the success of an ombudsman in one country makes it necessary to automatically appoint an ombudsman in another country is open to question—particularly when we are talking about a country like Australia.

There are certain questions which must be considered, and one must have regard to the respective systems of Government in those countries; to the standards of the public service systems in particular countries or states; and certainly one must have regard to the general conditions of living within particular countries.

The Leader of the Opposition based his remarks to a great extent on the appointment of a parliamentary commissioner, or ombudsman, in New Zealand in 1962. We all know, of course, that New Zealand is a welfare state with a unicameral Legislature. It is not limited by a Federal system as we are, and there are fewer restraints on Government action. For example there is no check by the Upper House as there is in most Parliaments in Australia.

Even in New Zealand there was a great deal of talk about having a Bill of Rights, and the restoration of the Upper House, but finally the appointment of an ombudsman was decided on, probably because it was thought it was the least involved of the three matters under consideration. Accordingly an ombudsman was appointed in 1962.

In 1963 the Leader of the Opposition moved his motion for the appointment of a parliamentary commissioner, and I would like to quote from *Hansard* of the 11th September, 1963, at page 965 where the Leader of the Opposition said—

So his principal function is to inquire into complaints from members of the public.

This is how he saw the duties of an ombudsman. He then quoted from a New Zealand report of the parliamentary commissioner of that time, taken over a period of four years. The report separated a number of cases that went to the parliamentary commissioner, and it also indicated the number taken up by the commissioner after first glance. From that report we find that in 1955 there were 565 cases of which 315 were taken up; in 1956 there were 869 cases of which 438 were taken up; in 1957 there were 1,029 cases and 384 of these were taken up, and in 1958 there were 1,101 of which 300 were taken up by the commissioner.

Over those four years there were 3,564 cases and only 1,437 were taken up by the commissioner after a first glance. The report stated that 1,437 cases were taken up for detailed investigation, because there seemed to be just cause for complaint. The same report quoted again by the Leader of the Opposition states—

The result of these investigations is that in most cases there is no basis for criticism either of the civil servants or of the service branch concerned.

Here I would like to point out that the parliamentary commissioner in New Zealand covers the activities of the armed services.

When the Leader of the Opposition raised the question of the appointment of an ombudsman he referred to Professor Geoffrey Sawyer on several occasions, and he also quoted from his book entitled, *Ombudsmen*. In relation to New Zealand Professor Sawyer says—

It is probably fair to say that if Labor had stayed in power it is unlikely that the advocates for an Ombudsman would have prevailed.

A little further on he says—

Labor Party speakers were noticeably less enthusiastic about the measure than were Government supporters, some suggesting that the Ombudsman would have little work to do and others that what he did do would be in derogation of the responsibilities of members of Parliament.

This is a view taken by many non-Labor members in this House; and this is one of the reasons why members on this side of the House will oppose the motion.

It is interesting to see what the parliamentary commissioner in New Zealand is supposed to do; what his functions actually are. In the words of the New Zealand Act—

The principal function of the Commissioner shall be to investigate any decision or recommendation made (including any recommendation made to a Minister of the Crown), or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any of the Departments or organisations named in the Schedule to this Act, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any enactment. The departments and organizations named cover the main sphere of central government activity; they include such statutory corporations as the National Roads Board and the Social Security Commission; also covered are the armed forces and the police, which in New Zealand as in Australia are

centrally controlled. The Ombudsman is also directed to investigate any matter within his functions referred to him by any Committee of Parliament. He can act on complaints or on his own motion. (Great stress is placed on the words "matter of administration;" they are treated as excluding questions which are substantially matters of policy, though it is admitted that often the distinction is difficult to draw.

We know Western Australia has a population of under 1,000,000, and the obvious question we must ask ourselves is: Have we the same requirements for an ombudsman as have some of the other countries? We must also see whether we can afford the expense of setting up such an office where an ombudsman must be paid a salary. It is possible, because of his lack of legal qualifications, he may require a legal adviser to guide him, to which of course must be added the expense of a typing and secretarial staff. Could not this money be better used elsewhere for some other Government activity?

I wonder whether those who advocate the appointment of an ombudsman realise the limitations that are placed on such a commissioner. I pointed out what these are in New Zealand, and the member for Floreat also outlined the fact that the duties of ombudsmen vary from country to country. Many of the complaints which have been received by the *Daily News Ombudsman*—which is one of the reasons why people have taken an interest in this matter—have been well outside the scope of such an officer.

A clear illustration is given of this by J. R. Davies in an article entitled "A Newspaper Ombudsman," and I quote—

Because Perth's newspaper Ombudsman concerns himself with all types of grievances, he has been called upon to examine more problems than have been put before the Ombudsmen of either Sweden, Denmark, Finland, Norway or New Zealand in any single year.

Mr. Brady: From what are you quoting?

Mr. CASH: I am quoting from a special number of *Politics*—the journal of the Australasian Political Studies Association, volume 11 No. 2 of December, 1967, which is edited by Henry Mayer, who is a well-known university professor. To continue with the quote—

If the *Daily News Ombudsman's* results have not always been favourable to the letter writers he has tried to show why they have been in the wrong, or that an anomalous law which he stresses needs changing has not allowed their grievances to be rectified. The variety of problems seems unending even though many have become variations of an old theme. They

have ranged from the most trivial backyard dispute over a dividing fence to the complexity of things like the suspension of pensions to people who become patients in mental institutions.

Mr. Davies later said—

They have included the need for greater protection of householders against high-pressure door-to-door salesmen, warnings about get-rich-quick schemes, social problems like the lot of the deserted wife, or the epileptic in industry.

Police action has followed in a number of cases where the Ombudsman's inquiries have revealed clear cases of fraud.

I recently saw an advertisement in the *Swan Express*—which is no doubt familiar to the member for Swan—in which somebody advertised that for every \$100 invested there would be a \$5 per week return. The honourable member nods his head so no doubt he also saw the advertisement.

This is similar to a recent article which indicated that the C.I.B. was investigating similar types of advertisements to check on the legality of the particular proposals. This is indicative of the fact that if this sort of thing occurs the member of Parliament concerned can contact the responsible authority, if he so wishes, to see what is being done to protect the members of the public.

Mr. Davies went to a great deal of trouble to analyse the first 3,000 problems that were sent to the *Daily News* Ombudsman, and I intend to quote them here at great length, as follows:—

Analysis of metropolitan addresses shows that the highest number who have sought help from the Ombudsman have come from the older, working-class areas; the fewest from what could be loosely-termed the elite suburbs. For instance, the greatest number of problems from any single suburb was 127 from Victoria Park, one of the oldest settled areas in metropolitan Perth; the fewest number from the oldest of the elite suburbs was six from plush, riverside Dalkeith. The newer of the working man's suburbs on comparison with similarly sized "expensive" areas maintained much the same sort of ratio.

There is a heading, "*Daily News* Ombudsman: Analysis of first 3,000 problems, 1965-67." I propose to go through this analysis in detail because if it eventually appears in *Hansard* it will be of information to present and future members of this Parliament. I quote as follows:—

1. Grievances against Government Departments (excluding housing and tax problems) ..... 231
2. Damaged, faulty and below-standard goods ..... 188

3. Complaints concerning lawyers and legal questions .... 180
4. Hire-purchase and credit problems ..... 171
5. Miscellaneous ..... 170
6. Accounts disputes ..... 157
7. Complaints against insurance companies ..... 155
8. Contract disputes, lay-by, quotation problems ..... 146
9. Employment and wage problems, including pension and superannuation schemes ..... 130
10. Mail order, promotional competitions, door to door sales ..... 129
11. Vehicle troubles (mainly concerning second-hand vehicles) ..... 128
12. Tenancy, rent, housing, accommodation problems (including complaints against the State Housing Commission) ..... 116
13. Faulty workmanship ..... 100
14. House, land problems and disputes involving estate agents ..... 96
15. Complaints against local governing authorities ..... 94
16. Smash - caused problems (excluding insurance) ..... 84
17. Matrimonial, family and maintenance ..... 73
18. Building troubles ..... 61
19. Taxation matters ..... 58
20. Workers compensation ..... 55
21. Dividing fence problems and disputes ..... 52
22. Retail disputes ..... 50
23. Garment shrinkage, and dry-cleaning damage ..... 48
24. Service disputes and delays ..... 48
25. Nuisances by neighbours (noise, overhanging trees, etc.) ..... 47
26. Dental, medical, hospital and hospital fund disputes ..... 38
27. Warranty and guarantee disputes ..... 29
28. Problems relating to removalists (damage, cost, loss) ..... 26
29. Life assurance problems ..... 23
30. Shares, unit trusts, company failures, bankruptcy ..... 22
31. Unclassified ..... 22
32. Postal losses ..... 21
33. Union disputes, including compulsory unionism complaints ..... 15
34. Record club disputes ..... 11
35. Get-rich-quick and commercial work-at-home schemes ..... 10
36. Decimal currency ..... 8
37. Fraud ..... 6
38. Persecution ..... 2

This makes a total of 3,000. It is natural that in these 3,000 complaints, some involved State and Federal Government departments and the number was 231. These were areas into which an ombudsman might inquire if he were appointed; but we cannot use that as a basic figure. Item No. 12, "Tenancy, rent, housing, accommodation problems," would represent complaints against the State Housing Commission. The complaints in regard to No. 15 are against local governing authorities. No. 19 concerns taxation matters, and No. 30 concerns shares, unit trusts, company failures, and bankruptcy. If we allow that a percentage of these cases would be a Government responsibility in some way, we can see that out of this total of 3,000, Government matters represent approximately 350.

Mr. Brady: What was the total number of complaints recorded?

Mr. CASH: It was 3,000. If we allow 350 matters within the range or the fringe range of Government, we find immediately that a State ombudsman would be restricted in regard to Federal matters. He would need the advice of a legal man—if he were not one himself—and he would need the advice of a constitutional lawyer on matters coming under Federal jurisdiction. If we say these represent 150 matters, then the State figure is reduced to 200 over the period 1965 to 1967.

Not a great number of matters over this three-year period—approximately 60 to 70—relate to the figures given per year by the member for Narrogin in another respect. Most of the remaining 2,650 complaints relate to the consumer financial group; and, of course, there is an immediate remedy open to these people as they can approach the firm involved in the problem.

If no satisfaction is obtained from the firm, these people can approach their member of Parliament. In this State there are 81 State members of Parliament and 19 Federal members, making a total of 100. They all have varying qualifications, some academic, some commercial, and others professional. In a lot of cases they are familiar with labour and union matters and they work one with the other. No doubt, when they have problems in their particular electorates they can share them with some other member who is qualified in a particular field.

A member of Parliament himself, if he wishes, can go direct to a firm. This may result in a firm taking certain action and admitting that it is at fault in the hope that the matter will go no further. This sometimes produces results, as I will show later. I think the M.P. has an important role to play in the solving of problems of people and I do not believe these problems should be handed to an ombudsman.

In the second part of the motion, the Leader of the Opposition states—

... so that citizens may not continue to be denied the benefits which the existence of an ombudsman confers.

This makes one wonder whether everyone is being denied help and just what are the problems the Leader of the Opposition believes can be solved only by an ombudsman.

Sir Guy Powles, who is the New Zealand Ombudsman—as many members are aware—was again referred to by Professor Sawyer in his book, *Ombudsmen*, and I quote

During his first year of office—

That would be from 1962 to 1963—

—Sir Guy Powles received about eight hundred complaints. He investigated about three hundred of these, the remainder being excluded from jurisdiction or declined on the discretionary grounds. He found that sixty-eight of the cases investigated deserved remedial action; about a half of them were attended to by the relevant department or organisation as soon as he suggested action . . .

As regards that section, most members of Parliament with average qualifications would be able to solve a great many of the problems by visiting the appropriate departments, and asking if something could be done. In Western Australia, most members of Parliament have contacts in Government departments with whom they can confer in order to get something done. Professor Sawyer continues—

... another quarter required stronger pressure but were attended to in a reasonable time to his satisfaction, and another quarter were past remedying as far as complainant was concerned but recommendations to ensure more satisfactory performance in the future were accepted.

This is something that can be done by members of Parliament. If they realise that a matter cannot be solved and believe it can be done by an alteration to existing legislation, then a matter of this kind naturally comes up in the party room. This would apply to members of the Opposition, and they could request amendments to legislation. Professor Sawyer concluded by saying—

No request was refused and there was no occasion to report a specific case to Prime Minister or Parliament.

I believe the great bulk of the matters mentioned in that report could well have been attended to by members of Parliament. Once a member of Parliament receives a particular request from a constituent, there are several avenues open to him. He can make up his mind as to how best to tackle the problem. If

necessary he can go to more experienced and qualified members, but first of all he is able to go to the department concerned. If he has no luck, he can go to the Minister responsible for the department. If he is unable to persuade the Minister, then he is able to come to the Parliament and use the means that are available to raise a complaint in order to make the Minister aware that a deeper examination of the problem is warranted.

Mr. Jamieson: I would like to hear your opinion after sitting in Opposition for a while.

Mr. CASH: It will not be for a long time.

Mr. Jamieson: We will see about that.

Mr. CASH: Members are able to ask questions with and without notice; they can bring matters forward during the Address-in-Reply debate; they can make interjections; and there are the Budget and other financial debates. If it is agreed a matter is sufficiently serious to warrant such action, a member can introduce an urgency motion. A member can move a no-confidence motion against the Government or a Minister. In addition, we have the innovation in this Parliament of a grievance debate which gives every member an opportunity to air a grievance or complaint from a constituent. In the Federal sphere members have something which we do not have in Western Australia: there is a debate on the adjournment of the House. This is a useful vehicle, which enables one to bring matters of urgency before the Government. It is strictly controlled, but it is very useful.

I believe it is important that the grievances of constituents should be placed before Parliament and every opportunity given to members so that they may bring these matters up to maintain a fair balance between the needs of the Executive and the needs of the private member.

The Leader of the Opposition, in the second part of his motion, in order to make his point that citizens may not continue to be denied the benefits which the existence of an ombudsman confers, quoted one or two cases about which he felt he had received little satisfaction. We must realise that some people would never be satisfied with every decision made by an ombudsman. Some people with certain problems would only consider the right decision to be one that suited their proposition. These people will appeal and appeal and eventually go as high as the clouds in order to obtain a decision over some other body. So, if people are disappointed with the decision of the ombudsman, they will take the problem back to the member of Parliament.

As a Federal member of Parliament I handled many cases, some of which were unsuccessful.

Mr. Jamieson: There were many cases you refused to handle, too.

Mr. CASH: As the member for Belmont knows, that statement is untrue.

Mr. Jamieson: It is not; and you know it to be so.

Mr. CASH: The member for Belmont would only say that sort of thing in this House where he has the benefit of parliamentary privilege. I will be quite happy if he walks outside and tells it to the world.

Mr. Jamieson: You know it is so.

Mr. CASH: My figures in all elections which I have contested indicate that the honourable member is completely wrong. Some of the cases I have handled have been very difficult, but I have endeavoured to see them through to the finish.

I wish to quote a few cases I handled when I was the Federal member for Stirling. I remember a case which involved a TV firm in Perth. This firm had sold a secondhand set as new. The person to whom the set was sold came to me with his problem. I wanted to know the exact position, and after examining the set I was quite satisfied. The man considered it to be a secondhand set, and eventually the company admitted it was. As a result, the TV set was replaced. These cases may not be important to many people, but I want only to illustrate the things that have to be handled by a member of Parliament by way of complaint; and a member has to be fairly flexible in order to deal with the many different problems of his constituents to see that they are satisfied.

Someone came to me with an income tax assessment. This man normally paid £120 per year in tax. However, a Bill came from the department, assessed by an Eastern States office, for £2,600. This account was sent to him while he was away, and his wife was ill. Therefore some quick action had to be taken; and members of Parliament have an opportunity to do this. I fixed the matter up in a couple of days by sending telegrams to the Eastern States and from Perth to Canberra. I found out that the return and assets of a man in the Eastern States with exactly the same name were mixed up with those of my constituent in Western Australia. A member of Parliament can do a variety of things; and if he is faced with these problems he does not have to rush to an ombudsman in order to solve them.

A member of Parliament has many problems relating to immigration. I had cases while I was the Federal member for Stirling. It was almost necessary for me to inquire all over Europe in order to obtain new information which would cause the Department of Immigration in Canberra to change its mind about its refusal to allow a person to come into this State or country.

A member of Parliament can get results from his efforts if he is prepared to pursue a problem to the very end; and a member must use his intelligence and ability to the limit to see what can be done.

In the field of social service, of course, many cases come to the notice of members. I can remember that State members, if they found a case to be too difficult, would pass it on to the Federal member. In the field of repatriation, for instance, we had a young fellow apply for a pension, and we had to prove that he had served outside of Australia. We had to find out on what aircraft he had left Australia, who flew the aircraft, and get statutory declarations from the others who were in that aircraft. That is another aspect, from a military point of view, where a member of Parliament has just as much ability as an ombudsman.

Another case, with which I was not connected, concerned a man who was applying for a repatriation pension. Those concerned had to go to the Australian War Memorial and locate personal diaries of a man, who was in World War I, which stated that there had been a gas attack on a certain day, and that the man in question was involved.

I had a case of an Army cadet who was injured in an Army game. He was injured in an eye. He sent his medical bills to the Department of the Army, but the department sent them back saying there was no liability on the Army; that under the law, the Army could not be held responsible for the injury.

I took the case to the Minister for the Army and after some investigation he said that nothing could be done because the law was this and the law was that. The decision was that the cadet would have to pay his own medical expenses. I then went to the Federal Treasurer and put the matter to him. I pointed out the good work and the military service performed by cadets, and in fairness this cadet's medical expenses should be refunded. After a lot of correspondence the Treasurer eventually agreed that my argument was sufficient to cause him to authorise an *ex gratia* payment by the Treasury.

Last, but not least, some years ago during my period in the Federal Parliament an insurance company was operating in Western Australia under the name of The Australian Medical and Accident Insurance Company. I received information—as members of Parliament often do—that this particular insurance company was gradually going onto the rocks. However, this did not stop the company from advertising in newspapers in an extravagant way to encourage more premiums. Payouts on claims were very small, but the company endeavoured to receive as much as possible from the public in the way

of premiums. It circularised sporting bodies, and others, to get in as much money as possible.

I was very worried when I received a letter from a constituent pointing out that he was involved. So I investigated the activities of the company, and made inquiries all over Australia. I spoke to the Australian manager, and tried to locate other people in the Perth office. I could never find anybody there, and eventually I took the matter to the Federal Treasurer. Insurance companies operate under the jurisdiction of the Federal Treasurer in Canberra. The department in Canberra was able to make extensive investigations, and eventually found out that the company was on the rocks, and going broke.

The Treasurer took action which prevented the company from getting any more of the public's money. Every effort was made to see that those people with outstanding claims received their money. The constituent wrote to me and said he felt sure that my inquiries in this matter had helped to expose the company, and had helped to bring some relief to a lot of people.

I illustrate that case, not because I took part in it, but because I am a member of Parliament. We can take up these matters and research them, and work out what to do rather than take them to an ombudsman. It is part of a member of Parliament's job to look after his constituents and not to pass problems on at the first opportunity simply to get them off his hands. That is not the attitude I have taken, despite the remarks of the member for Belmont. I think it is the duty of a member of Parliament to deal with such matters, and I hope it always will be.

I illustrate these cases to give an idea of what a member of Parliament does, and what a member of Parliament can do. The point I make is that active members of Parliament should welcome these sorts of problems. The complexity of them is an education in itself, and the variety of the cases that come before members gives them an opportunity to maintain vital contact with different sections of the community, and certainly with the constituents in their own electorates.

A member of Parliament can share in and help with the problems of his constituents. I think that by doing this it helps a member to keep his feet on the ground and realise that the whole world does not revolve around his particular activities in Parliament. His activities in the community are very important and the problems of the people—in the low-income group in particular—are problems which should not be just seen, but should be shared by the members of Parliament, in any possible way, to make the lives of the people easier.

For my part, I believe that in Western Australia members of Parliament can help solve most of the problems likely to come before them from their constituents. If there is any need for some other form of authority to perhaps give advice to people who do not want to go to their member of Parliament, I think, as I suggested in my Address-in-Reply speech, that the portfolio of the Minister for Child Welfare could well be changed to Minister for community welfare. We would then have a department to which people could go if they did not want to go to their member of Parliament. If this department were established I think it would be quite useful, and would not be anywhere near as elaborate as the establishment of an ombudsman.

I think our Public Service operates in an efficient manner; and we have 100 members—both State and Federal—who are only too ready to give assistance to their constituents. Most members are quite capable of interpreting the problems and of working out what to do. On this occasion, I oppose the motion moved by the Leader of the Opposition.

**MR. JAMIESON (Belmont) [9.23 p.m.] :** It is a great pity that the previous speaker did not hear the oration of the preceding speaker. It is also a great pity that he did not turn to the *Hansard* report of the contribution made by the member for Subiaco—now our worthy Speaker—on this very special matter to learn his point of view.

**Mr. Cash :** I was only pressing my own point of view.

**Mr. JAMIESON :** It is also a pity that when reading out his many documents at the commencement of his oration, he did not read out a few of the inquiries into parliamentary salaries which have been very critical of the lowering of the standard of parliamentarians by some of the actions and inquiries they have to indulge in in the community. This point of view has been sustained in nearly every report of recent times—the Done Committee report, the House of Commons report, and the Federal report of which the member for Mirrabooka should have quite a degree of knowledge. However, he aired the fact that he had done all those things as a Federal member.

The honourable member set out to prove that an ombudsman was not required, and then he seemed to be giving himself all the qualifications just in case the motion was approved, and he could be appointed because he was so readily able to solve all those problems which came to him.

Let me tell the honourable member, through you Mr. Acting Speaker (Mr. Mitchell) that he will find—if he is here long enough—when in Opposition, and

sometimes when sitting behind the Government, it is not easy to convince administrative officers or Ministers that a case warrants favourable consideration. I would say there are members in the Ministry who will not take very much notice of the member for Mirrabooka, and the longer he is here the more he will find out this fact.

The problems he was able to overcome, in some way, for his constituents; the many things he was able to correct with the insurance company; and the dozen and one other things he mentioned have nothing to do with the proposal for an ombudsman. The member made so much talk just for the sake of talking.

Democracy often amazes me in its many and varied workings, and I cannot understand the attitude of some members. We heard the member for Floreat speaking with two tongues. That member does not want an ombudsman, but a court of appeal to correct all these matters against the Administration. However, he is not prepared to go as far as to give some person the right to inquire into, or recommend corrections to, the problems that come before him.

A person with authority may not be able to correct a matter through the law, but through his appointment he could recommend to the Parliament that certain action be taken so that the problem would not again affect the citizens of this State. It has been said that the State does not warrant the appointment of such a person, because it does not have the population, and because we have 100 members of Parliament—and I do not see them about very much.

The figures which were quoted by the member for Mirrabooka confirm my suspicion. The Minister for Industrial Development made a speech typical of any member representing Nedlands. During the time covered by the summary of the ombudsman's activities, six complaints appeared in the *Daily News* from the Nedlands area. However, in the area represented by the member for Victoria Park something like 157 complaints were received. That is the sort of parliamentary work which is done by some members, and those members would not appreciate the requirement for such a commissioner.

It is realised that parliamentary work cannot be evened out. The development of a new suburb will, of course, have more and varied problems than a more affluent and fully developed area. The biggest problem the Minister for Industrial Development has faced with his constituents has been the conservation of the Swan River. That has not been very killing work, and has not worried him at elections. That has caused him no worry which he has not been able to handle quite effectively. However, there are many and varied problems associated with his



departments that obviously need some form of correction. If the Acts of this State required amendment the ombudsman could report, and have Parliament take some note of the matter.

The Minister for Industrial Development, when he spoke, saw that the appointment of an ombudsman was weighted with danger. People make mistakes, and administrative departments make mistakes. When they make those mistakes the people of this State are entitled to redress. We suggest redress through the motion of the Leader of the Opposition, that an ombudsman be appointed so that he may protect the people of this State, from time to time.

Again I say it never fails to amaze me to see democracy at work. When I look at the Country Party, and when I find that the party whips have been tallying to make sure that the numbers are right I realise that voting on this motion will be along party lines. I have a fairly good memory on this matter and I can recall that the Country Party, at its conferences, has agreed that it would be a good idea to have an ombudsman. I cannot imagine why the Country Party members desire to make policy decisions every year which, in no way, affect the administrative heads.

There could be nothing more dictatorial than control such as that. A subject is argued fully in the council meeting room, the rank and file members express an opinion and reach a resolution which is adopted, but when it comes to voting in Parliament they say, "No, we do not go along with that; we go along with the Liberal Party." That party, of course, does not want any interference in the Administration. However, the Liberal Party in some States has sponsored such a resolution because it has been forced to do so; it is the policy of the Liberal Party in those States to appoint an ombudsman.

Mr. COURT: But we do not have the iron clad discipline that you do.

Mr. JAMIESON: Apparently we have got beyond the iron clad discipline and I would suggest that the Minister should show a little bit of democracy from the roots up by allowing anyone to have a say in the affairs of the Government of this State as they are entitled to do, but as they are not permitted to do under the present regime of the Government. That is borne out by virtue of the disregard shown by the Government towards these motions and propositions that are carried from time to time.

The rank and file members may as well not attend the Liberal Party conferences if, after debating the subject at length and making a resolution they completely disregard that resolution when Parliament is discussing the implementation of what they agreed to previously in their council meeting room.

So I would say there is room for improvement in our Administration, and I am sure that the example of the *Daily News* ombudsman, although he deals with many and varied subjects, and his only weapon is the publication of the various cases in the newspaper, clearly shows that the appointment of a parliamentary ombudsman is warranted, because his weapon is that he could lay a report on the Table of the House to show the Administration is at fault.

The very fact that he would be able to make a report on administrative anomalies would send various Government departments scurrying for shelter as has been seen already by the activities of the newspaper ombudsman. In fact, some Ministers will not even talk to the ombudsman, because they are afraid he may force them into a situation out of which they cannot extricate themselves by way of argument.

It is notable that, as a result of the ombudsman's column being published in the *Daily News*—the column being commenced some years ago—the mail received by the newspaper increased considerably; in fact, it surpassed any mail received by the newspaper as a result of any other feature published. Indeed, the column became so popular that newspapers in the Eastern States followed the example set by the *Daily News* and they now publish a similar column. Those Eastern States newspapers probably do not call the person concerned an ombudsman, which is perhaps just as well, because I agree with the member for Narragin that we are thinking about too many features. We feel there should be an ombudsman appointed who can inquire into the administration of the State and the values that lie within it.

As I mentioned earlier, even last year the member for Subiaco thought—if I recall his speech reasonably correctly—that an ombudsman would eventually be appointed; that it was something which would occur in the future. At that time he did not think the appointment should be initiated there and then. It is strange his views should somewhat coincide with the views expressed by Mr. F. T. Burt, Q. C.—whose views were quoted earlier in the evening—and the Minister for Industrial Development saw fit to take Mr. Burt to task on the views he had expressed, because the Minister considered he lacked parliamentary experience when it came to a question of solving various problems.

I have had the same parliamentary experience as the Minister for Industrial Development and probably a lot more, because I have been a private member for a much longer period. Once a member of Parliament reaches ministerial office he is, to a degree, protected by the ministerial office door, his private secretary,

and other officers to avoid his being brought into contact with many of the people who would be involved in such problems.

Whilst some of these may come before the Minister, most cases are dealt with—and rightly so—by departmental officers acting on behalf of the Minister. So I would say that the member who had been in Parliament for nearly 16 years would be well qualified to judge whether one achieved all that one set out to achieve. I agree with the member for Boulder-Dundas that there can be nothing more frustrating to a member of Parliament when he realises a person has a grievance against the Administration, but he cannot go far enough to have the grievance corrected. The member of Parliament is unable to see the file in the department and he cannot obtain the last piece of information because—and reasonably so, I suppose—the administration protects itself. An ombudsman, of course, would have access to this last line of action and would be able to report on what has taken place and what should be done.

There is nothing wrong with the appointment of an ombudsman, but there is a great deal wrong with the suggestion that we should constitute courts of appeal. Such courts do not appeal to me as bodies that would act on behalf of the citizen. If it is considered that the cost of appointing an ombudsman would be too great, courts of appeal, or administration courts, as they are called, would be even more expensive to run than the courts we now have, including the Minister for Industrial Development. However, time and time again there has been argument put forward for the appointment of an ombudsman.

I have also noticed that in recent times when a Gallup poll has been taken on the question of whether an ombudsman should be appointed, a substantial majority of the people questioned were in support of such an appointment. But are we to deny, as the Parliament, the wish of the people? Surely the wish of the people is paramount and far above the ideas we hold. As members of Parliament we can remedy this, that, or something else.

Of course, we can remedy many anomalies, or solve various problems. If people have no other place to go we have no alternative. We cannot say to them they have recourse to law. In some instances a member of Parliament realises that a person, at law, has only half a case. Further, he cannot say that the case should be placed in the hands of a solicitor, because the member concerned knows full well that the person with whom he is dealing is not financial enough to take his case through the courts, because if he did happen to lose it he would be worse off than he was before.

All members of Parliament try to assist such people who are in need. The member for Mirrabooka is not an orphan in this regard. As I have said, all members do their best when a person approaches them with a problem, but some do their best better than others. This varies with the individual and his attitude towards his own electorate.

In the future we will see—perhaps not in the time of this Parliament, because it seems that the forces of the Government are welded together to oppose the appointment of an ombudsman at this stage—an ombudsman being appointed, because I am sure a clamour will arise from the rank and file members of the Government who will say, "It is about time we had a say on this question. We debate the subject, and we support the proposition and therefore we should get some satisfaction through the legislature, because what we have already proposed should not be completely disregarded." I support the motion.

Debate adjourned, on motion by Mr. McPharlin.

*House adjourned at 9.40 p.m.*

## Legislative Council

Thursday, the 5th September, 1968

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

### QUESTIONS (2): ON NOTICE CULTURAL CENTRE

#### *Postponement*

1. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

- (1) As no reference was made in His Excellency's Speech to the proposed cultural centre to replace the existing Museum, Art Gallery buildings, has the Government decided to postpone this work indefinitely?
- (2) If not, when is it proposed to commence work on the project?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) Of the 19 acres which will be necessary for the centre, over 11 acres now belong to the Government and it continues to buy land to enable the eventual plan of the centre to be implemented. Considerable detailed design planning for the cultural centre is necessary and this is proceeding. However, commencement of construction will depend on availability of capital funds to meet the cost of proposed new buildings.
2. *This question was postponed.*