All these matters would have been given very careful consideration, and who knows to what size the State Shipping Service might grow? In my opinion, this service should compete and should not be granted exemption. If Mr. Wise is insistent about this, I could seek leave to report progress for a short time in order to confer, but I believe the answer would be the same; that is, that the State Shipping Service should remain in much the same category as any other shipping service.

The Hon. F. J. S. WISE: I think it desirable at some stage to call a halt and examine the scope of the powers vested in this authority. I will ease the mind of the Minister by saying that I do not intend to press my amendment. I wish to draw attention to the necessity for a great watchfulness in connection with regulations which will be presented for approval. Once my amendment is defeated, I desire to draw attention to several other great authorities and powers vested in this port authority to the very great interest of the companies concerned.

The Hon G. C. MacKINNON: I would point out that the authority can make regulations only with the approval of the Governor and, as is usual, the Minister will examine any regulations. However, I will draw the attention of the Minister to Mr. Wise's warning.

Amendment put and negatived.

The Hon. F. J. S. WISE: If members look at page 41 of the Bill they will see how the fees and dues which are to be levied affect substantially and materially the income and payments from such income of the companies involved in this port authority. I refer particularly to items (27) to (31). One provision, of course, could mean that vessels of 80,000 tons could be exempted if the masters were given a temporary pilot certificate. All these things could happen. However, it is only beating the air to try to draw attention to anything which gives to this entity the terrific authority to which I have referred.

Clause put and passed.

Clause 83 put and passed.

First and second schedules put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.9 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 12th May, at 11 a.m.

Question put and passed.

House adjourned at 9.10 p.m.

Legislative Assembly

Thursday, the 7th May, 1970

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

LIQUOR BILL

Questions: Statement by Speaker

THE SPEAKER: On Wednesday, the 29th April, 1970, the member for Mirrabooka raised a point of order and sought my guidance and ruling in regard to certain questions placed on that day's notice paper by the member for Mt. Hawthorn.

He cited in support of his point a comment appearing in May's *Parliamentary Practice*, 17th edition, at page 353, and agreed that the particular reference was that contained in paragraph (9) on that particular page.

I informed the member for Mirrabooka that I had not given any particular thought to that reference from "May" but promised to give it further consideration and at a later date announce my decision.

I have now had the opportunity of considering the particular sentence in "May" and would observe that it lays down that questions are inadmissible in two separate circumstances, namely:—

(1) If they anticipate discussion upon an Order of the Day, or

(2) They ask a Minister about a motion upon the paper that under Standing Orders that motion must be decided without debate.

The second of those cases is in no way relevant to the present issue and consequently I express no opinion thereon.

In regard to the first question, at first glance it would appear that a ruling had been given in line with the contention made by the member for Mirrabooka. Reference to "May," however, discloses that there is only one authority for his proposition and that it is to be found in *Hansards Parliamentary Debates* of the House of Commons (3rd series) volume 228, column 1557.

If members care to refer to that particular volume of *Hansard* they will firstly discover that in fact the discussion on the particular point is encompassed in columns 1557 to 1559 and that the point in issue was in no way similar to the particular issue which arose in our House on Wednesday, the 29th April, 1970.

From reading the report in the House of Commons debate it appears that the member for Dundalk had given notice of a motion concerning an alleged forged signature to a petiton and it was apparently alleged that the signature which had been forged was that of the member for North Warwickshire. The particular motion had not come up for debate and, in consequence, the member giving notice had not even informed the House of the facts on which he based his motion. The House, therefore, had no real knowledge of what was likely to arise.

The next feature was that it was a question directed by one private member to another private member and concerned something which to some degree was a private matter. It is quite clear that the Speaker ruled the question out of order.

However, the facts that we had before us on the 29th April, 1970, were that a Bill had been introduced into the House, read a first time, and the Minister introducing the Bill had delivered his second reading speech and actually moved the second reading. At that stage the debate had been adjourned and at the time the member for Mirrabooka raised his question the debate remained so adjourned. Consequently, the House was informed as to what the Bill was about and had before it all the major facts which were likely to arise. The member for Mt. Hawthorn was, in fact, seeking information to assist him in preparing his own second reading speech.

In the House of Commons in 1876 the member concerned was seeking information from another member on a motion which would subsequently come before the House and at the instigation of the member seeking information. In other words, he appeared to be indulging in a fishing expedition prior to stating his case in the House.

In my opinion the two cases are in no way analogous and I do not feel that the particular reference in "May" can be accepted as any authority for the proposition submitted on the 29th April, 1970, by the member for Mirrabooka.

I would add that Sir Kevin Ellis, the Speaker of the Legislative Assembly of New South Wales, has come to a similar conclusion to myself in these matters. He ruled that a question seeking factual information in respect of matters which may be debated did not infringe the anticipation rule. Although I was unaware of Sir Kevin's opinion when giving my earlier rulings it serves to fortfy the view which I have adopted.

MILK ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

QUESTIONS (19): ON NOTICE

1. WATER SUPPLIES

District Officers

Mr. JONES, to the Minister for Water Supplies:

In view of the fact that in his reply to me by letter on the 10th April, 1970, that the Public Service Commissioner was expected to reach agreement with the Civil Service Association in respect of the conditions of employment of district officers of the water supply—

(1) Will he advise if an agreement has been reached?

(2) If "Yes" what does the agreement prescribe?

(3) If "No" will he expedite the final agreement in view of the fact that the matter has been under consideration for a period in excess of 12 months?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) Answered by (1).

(3) Yes.

2. TRANSPORT

Parcels: Consignment to North-West

Mr. H. D. EVANS, to the Minister for Transport:

(1) Does the Railways Department have any arrangement with private contractors whereby parcels consigned in the south-west and great southern can reach destinations in the north-west, beyond existing termini?

(2) If not, does his department have any policy or intention to improve or implement such services?

(3) If "Yes" will he elaborate on such intentions?

Mr. O'CONNOR replied:

(1) There is no general arrangement, but a service is available whereby fruit may be consigned to north-west ports in conjunction with the State Shipping Service.

(2) This would be examined consistent with the demand but there have been no inquiries to this stage. However, a service is available by

private arrangement with transport agents and the State Shipping Service.

(3) Answered by (2).

3. *This question was postponed.*

4. EDUCATION

Trainee Teachers: Financial Debarment

Mr. BERTRAM, to the Minister for Education:

(1) Are young persons barred from being trained as teachers because their parents or guardians, as the case may be, are of limited financial means?

(2) If "Yes" why, and how many have been so barred this year?

Mr. LEWIS replied:

(1) and (2) No. It is necessary for students to have a guarantor but the department is not aware of any cases where the financial position of the parent or guardian has prevented a student from entering into a contract and gaining admission to a teachers' college.

5. *This question was postponed.*

6. MOTOR VEHICLE THIRD PARTY INSURANCE POLICIES

Premiums

Mr. BERTRAM, to the Minister representing the Minister for Local Government:

(1) What was the total amount collected in premiums for compulsory third party insurance policies for the year ended the 30th June, 1969?

(2) What changes, if any, in the premium rates have been made to the schedule published in the *Government Gazette* No. 103 of the 2nd December, 1966?

Mr. NALDER replied:

(1) $9,613,096.

(2) Schedule showing rates is tabled.

7. TRAFFIC ACCIDENTS

Metropolitan Area

Mr. BERTRAM, to the Minister for Police:

(1) What was the total number of—

(a) casualty;

(b) non-casualty,

traffic accidents in the metropolitan area reported to the Police Department for the year ended the 30th June, 1969?

(2) In how many of these accidents did some person—

(a) suffer injury;

(b) die?

Mr. CRAIG replied:

(1) (a) 3,724.

(b) 15,796.

(2) (a) 5,123.

(b) 132.

8. CRIME

Personal Injury: Prosecutions

Mr. BERTRAM, to the Minister for Police:

(1) What was the number of prosecutions for the years ended the 31st December, 1968 and 1969 respectively, of persons charged with offences involving the doing of personal injury to anyone else?

(2) Of such prosecutions, how many in each year resulted in convictions and how many in acquittals?

Mr. CRAIG replied:

(1) and (2) Offences against persons for the year ended 31st December, 1968—

Charges—1,509.

Convictions—1,159.

Dismissed, withdrawn etc.—350.

Figures for 1969 are not yet available.

9. *This question was postponed.*

10. ROAD MAINTENANCE (CONTRIBUTION) ACT

Prosecutions

Mr. BURKE, to the Minister for Transport:

Regarding prosecutions for breaches of the Road Maintenance (Contribution) Act—

(1) What is the number of prosecutions and the total value of fines imposed since the 30th June, 1969?

(2) How many of these cases were handled by the Crown Law Department and what was the total value of fines imposed in these cases?

(3) What was the total value of fines imposed in those cases taken by private practitioners acting on behalf of the Government?

(4) What was the total amount of fees paid to private practitioners?

(5) How many private firms were involved?

(6) How many cases were handled by each respectively?

(7) What amount, of fines imposed, has been collected to date?

Mr. O'CONNOR replied:

(1) 1,955 prosecutions, for which fines totalling $78,910 were imposed during the period the 1st July, 1969, to the 7th May, 1970.

(2) Nil.

(3) $78,910.

(4) $21,292.30 Period the 1st July, 1969 to the 7th May, 1970.

(5) One.

(6) Not applicable. (1955 prosecutions).

(7) This information is not readily available.

11. SURFBOARDS

Safety Measures

Mr. BURKE, to the Premier:

(1) Is the Government considering any action following its study of the report received from the special subcommittee of the water safety division of the National Safety Council regarding the manufacture and design of surfboards?

(2) If "Yes" what action is proposed?

(3) If "No" why not?

(4) Would he table the special subcommittee's report?

Sir DAVID BRAND replied:

(1) to (3) Arising from the report of the subcommittee of the National Safety Council of Western Australia Water Safety Division appointed to investigate fatalities or injuries caused or inflicted by surfboards in Western Australia, information on procedures followed in New South Wales has been obtained and is now being studied. A decision as to whether further action by the Government is warranted will be made shortly.

(4) Yes. Report tabled herewith.

12. WESTERN AUSTRALIA DEVELOPMENT CORPORATION

Perth Railway Station: Proposal for Lowering

Mr. BURKE, to the Premier:

(1) Has the Government had any further discussion with Western Australia Development Corporation, or any of its associate companies, regarding any proposal for the future of the central railway land, since that consortium's proposals were rejected by the Government?

(2) If "Yes" would he give details?

Sir DAVID BRAND replied:

(1) and (2) The W.A.D.C. proposals have been rejected and the only subsequent negotiation with the corporation has been on the question of acquiring certain detailed information to assist in estimating the cost of the work as a preliminary to further consideration by the Government as to whether the project should be financed from the State's own resources.

13. GOVERNMENT PROPERTY

Sale in Central City Area

Mr. BURKE, to the Premier:

(1) Is the Government or any department considering selling any property in the central city area—the area bounded by Wellington Street, Milligan Street, Victoria Square and the river?

(2) If "Yes" what is the location of the properties involved?

Sir DAVID BRAND replied:

(1) and (2) Not that I am aware of. If the member for Perth has any information which caused him to ask the question, why not direct a question to the appropriate Minister?

14. HOUSING

Single Unit Accommodation: Criteria

Mr. BURKE, to the Minister for Housing:

(1) Has the State Housing Commission any record of applications for single unit assistance which were declined under the old criteria and would become eligible under the new criteria?

(2) If "Yes" is it the intention of the commission to advise these people that they are now eligible?

(3) What are the new criteria?

(4) How many applications are listed at the present time?

Mr. O'NEIL replied:

(1) Yes.

(2) Yes, a review of applicants eligible under the new criteria is in progress.

(3) To be eligible, an applicant must—

(a) be over 60 years of age;

(b) have a weekly income not exceeding $20.00,

(c) have cash or liquid assets not exceeding $600.00.

(4) There are 350 applicants on previous criteria. It is estimated that a further 350 could be listed as eligible on completion of the review now in progress.

15. EDUCATION

Deaf Children

Mr. TONKIN, to the Minister for Education:

(1) Is he giving consideration to the handing over to the Speech and Hearing Centre Inc. control and management of all parent guidance and preschool education for deaf children?

(2) If "Yes" would not such action if carried out be tantamount to an abdication of responsibility on the part of the Government?

(3) Has the Education Department proved inept in discharging its obligations to deaf children for their proper education?

(4) Is the education for deaf children which a small private school is providing superior to what he is able to provide on behalf of the Government?

Mr. LEWIS replied:

(1) No.

(2) See answer to (1).

(3) No.

(4) No.

16. HEALTH EDUCATION COUNCIL

Lecturers: Availability

Mr. JONES, to the Minister representing the Minister for Health:

(1) In view of the fact that on the 22nd April, 1970, he advised that additional staff would be approved for the Health Education Council, will this mean that the Collie Police Boys' Club and other youth organisations who have applied for courses will have lecturers available forthwith?

(2) Will he give a date when the course at Collie will commence?

Mr. ROSS HUTCHINSON replied:

(1) Applications for the two advertised positions close on the 15th May.

(2) When appointments have been made and initial training completed all pended applications for courses will be met. All applicants have been so advised.

It is expected that the officers will commence this work in September.

17. EDUCATION

Roleystone Primary School

Mr. RUSHTON, to the Minister for Education:

(1) Has a buildings development plan for the full use of the Roleystone Primary School site been prepared?

(2) If "Yes" will a copy be made available?

(3) If "No" will the department have such a plan prepared?

(4) If the planned additions are to be added to the northern end of the eastern wing of the school will the department please confirm?

(5) Should this not be the intention, or if this siting has not been considered, will the department have the extensions added on the site described in (4)?

Mr. LEWIS replied:

(1) and (2) A development plan for the full use of the site has not yet been prepared, but the present development plan covers buildings to the completion of the present additions.

(3) Yes, it will be prepared when further additions are necessary.

(4) and (5) Additions consisting of one classroom, staff room and toilets are being added to the northern end of the eastern wing.

18. EDUCATION

Reforms

Mr. BATEMAN, to the Minister for Education:

(1) Is he aware that UNESCO has suggested 12 steps which may be taken as a guide for reform in education and which have been adopted by several countries throughout the world?

(2) Is he further aware that these countries are co-operating with UNESCO and report their activities each year?

(3) What encouragement is being given to institute reforms in education compared with other countries throughout the world?

(4) Does the Western Australian Government propose reform or reforms in education during the international education year 1970?

Mr. LEWIS replied:

(1) Yes.

(2) Yes.

(3) The 12 steps set by UNESCO as a guide for reform in education have been carefully analysed by the Education Department which has found that almost without exception every recommendation had already been incorporated into the education system of this State.

(4) The reforms suggested by UNESCO are more applicable to developing nations.

Reform in the sense of improving conditions, employing new school design and updating curricula is an on-going process.

19. *This question was postponed.*

QUESTION WITHOUT NOTICE

EDUCATION

Technical Schools and Colleges

Mr. BURKE, to the Minister for Education:

(1) What was spent on equipment for technical schools and colleges in the year 1968-69?

(2) What is the allocation for such expenditure in the year 1969-70?

(3) Is the Minister able to give the estimated expenditure on equipment for technical schools and colleges for the year 1970-71? If so, what is the estimate?

(4) What proportion of the $2,000,000 transferred to the Education budget from the State Housing Commission was allocated to the Technical Education Division?

Mr. LEWIS replied:

(1) State—$171,007.
Commonwealth—$80,000.

(2) State—$224,300.
Commonwealth—$80,000.

(3) No. The estimates for 1970-71 are not yet approved.

(4) None.

PORT HEDLAND PORT AUTHORITY BILL

Second Reading

Debate resumed from the 28th April.

MR. NORTON (Gascoyne) [2.33 p.m.]: The member for Pilbara has asked me to take up the debate on this Bill on his behalf, because he is sick today. It is not a particularly easy task to take over a Bill such as this on behalf of a member for another electorate.

When the Minister introduced the Bill he spent a considerable amount of time in tracing the history of Port Hedland Harbour. Whilst this information was extremely interesting and had quite a bearing on the subject, it was not as important as explaining the details of the Bill which he was presenting.

The Minister said at that time that the legislation represents another step in the Government's decentralisation plans as the Government was—to use his words—passing over control of outports into local hands. He also said that the measure was practically the same as other Acts on the Statute book which cover the Ports of Geraldton, Fremantle, Bunbury, Albany and Esperance. In essence, that statement is correct. However, the Minister outlined three differences in connection with this Bill. To my mind the differences are extremely important. The Minister said—

(a) that two of the five members shall be nominees of the Mt. Newman and Mt. Goldsworthy companies respectively;

That, in itself, represents a deviation from the provisions in the similar legislation to which the Minister referred. That legislation will, in effect, allow all nominees to be local hands, as the Minister puts it. He also said—

(b) that there should be protection against the authority seeking to impose obligations on the developers of the port beyond the conditions to which they have been committed under State agreements; and

(c) that no ceiling be placed on the amount of improvement rate which can be levied, and to allow it to be levied on some users and not others.

I shall now deal with those points. The appointment of two nominees, one from Mount Newman and one from Mount Goldsworthy, represents quite a deviation from the policy which is set out in the other Acts of Parliament which relate to port authorities. There is no direction, in the measure before us, with regard to whom the other three members of the port authority will be or the organisations from which they will come.

There is every reason to believe that eventually all five members will be from Mount Newman, Mount Goldsworthy, or Leslie Salt. If this is so, it is virtually turning the port authority into a private enterprise authority, nominated by the main interests in the town. No mention is made in the Minister's speech, or in the Bill, of local representation on the authority. A district such as Port Hedland has many other exports and it has been developed over the years, one might say, by the Government and by the local people v should have an appointee on the authority. As a matter of fact, I do not think the Minister is at all interested in what I am saying.

Mr. Ross Hutchinson: I am listening to the honourable member; in fact, I am all agog.

Mr. NORTON: The Bill makes it very clear that the port authority will be controlled, one might say, by iron one companies in the district. Admittedly these companies have played a major part in developing the port at Port Hedland. However, the local shire wants representation on the authority, and it is suggested that the Minister might amend the clause which deals with appointments to include a nominee of the shire. It need not be a shire councillor, but it should be some person nominated by the shire so that

there will be some representation of the district. It is not difficult to understand the feelings of the local people who think that they will lose all control of their port.

If members look back over the years they will see the wonderful work which has been done by the Harbour and Light Department right throughout the north-west and, up to the present time, in the running of Port Hedland. This being so, perhaps we might wonder why the authority has been taken away from the Harbour and Light Department. The department has experienced great difficulties through the remoteness of all the northern ports, but it has carried out its work in an excellent manner, as the Minister would well know. In any event, I sincerely trust the Minister will give serious consideration to the suggestion of allowing the shire to nominate a representative on the port authority.

Another big difference in the Bill relates to clause 10, which is section 11 of the Geraldton Port Authority Act. Clause 10 deals with disclosures by members of the authority who might have interests in contracts in respect of the port authority. Section 11 of the Geraldton Port Authority Act consists of three sections. Clause 10 of the Bill we are now discussing has two subclauses, which are practically identical with subsections (1) and (2) of the Geraldton Port Authority Act, but subsection (3) of the latter Act has been omitted.

In all these authorities it is usual that any member of the authority who has pecuniary or other interests must disclose such interests, which are to be recorded in the minutes. Having disclosed such interests, that person may not take part in any consideration, discussion, or voting in respect of those matters. While the two subclauses in this Bill make provision for the disclosure and for recording the interests of such a person, there is no mention of how, when, where, or by whom the recording shall be done. I think a direction should be made in that respect. Why has the Government omitted the third subsection of the Geraldton Port Authority Act?

Mr. Tonkin: For an obvious reason, I should say.

Mr. NORTON: Subsection (3) of section 11 of the Geraldton Port Authority Act reads—

> A member who has made a disclosure under subsection (1) of this section, shall not take part in the consideration or discussion, and shall not vote, in respect of any matter relating to the contract in respect of which the disclosure was made, at a meeting of the Port Authority.

Knowing that I had to take some part in the discussion on this Bill, I have been puzzling as to why this subsection was omitted. When one reads the Minister's speech and analyses the Bill more fully, one can readily see that this subsection would be of no avail if it were placed in this Bill because it is obvious that the members of the port authority will be persons who have interests in the mining companies in the district. That being so, they would have mutual interests in any contracts. If each had to disclose his interest and cease from discussing or voting, the authority would be of no use; but if there were three outsiders on the authority the authority could still function.

Another way in which this Bill differs from other port authority Bills is that a certain protection is being given to Goldsworthy and Mount Newman. I do not blame the Minister for introducing this protection. The protection is the port authority development levy which can be made on tonnages of either cargoes or ships. I understand that the other port authorities have a ceiling of 10c for this levy, but under this Bill the Mount Newman and Mount Goldsworthy companies may be exempted from the levy, although the levy may be placed on other shipping coming into the harbour. What is more, the levy has no ceiling. Whilst it is anticipated that the ceiling could be 10c or more, there is no saying exactly what it will be.

When companies, such as the Mount Newman company, have spent over $20,000,000 in development, one does not complain if they have some protection, but when it comes to a development levy to pay for developments from time to time, all should be taking some part. I suppose it is immaterial whether it is a discriminatory levy on a sliding scale or whether exemptions are made.

There is one other clause in the Bill which is different from the other measure; that is, the clause which will restrict the port authority from making undue claims on the iron ore companies in respect of the development of the harbour.

The member for Pilbara has asked me to oppose the Bill and to say that if it does go through he hopes the Minister will agree to the inclusion of a nominee from the shire on the port authority.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [2.47 p.m.]: I find it difficult at the outset to understand any opposition to this Bill at all.

Mr. Tonkin: You are rather naive, then.

Mr. ROSS HUTCHINSON: The honourable member criticised me—rather gently, I agree—for describing some of the history of the port when I made my introductory speech. He said it was interesting but not worth much else. If members read my speech, they will see that I gave a brief history of the port—

Mr. Norton: It was seven-tenths of your speech.

Mr. ROSS HUTCHINSON: I gave a brief history of the port in order to demonstrate that the background was different from that applying to the other outports of Western Australia. That was part of my purpose, and I said so in my speech. If the honourable member has read the speech and understood it, he should appreciate this point.

The Port Hedland Port Authority Bill in most respects is similar to, but not identical with, legislation that has given birth to local control of other outports in Western Australia, but because of the history of Port Hedland, more particularly its recent history, the port authority must perforce be constituted in a different manner. That must be appreciated.

The honourable member then complained in some way about the constitution of the port authority. If one studies the Bill one will see that of the five members who will constitute the authority one will be from Goldsworthy Mining Ltd. and one will be from Mount Newman Mining Co. Pty. Ltd. I explained in my second reading speech that the reason for this was that those companies had created the modern port of Port Hedland and they have an intense interest in it. I said that as a minimum figure, they had a $20,000,000 interest and that a greater sum than that would be contributed by them in order to upgrade the port to accommodate ships of over 100,000 tons deadweight.

Mr. Norton: Did I complain about their appointment?

Mr. ROSS HUTCHINSON: No, but the honourable member went beyond that. With the intention that is inherent in the legislation, it is rather insulting that he should think that I or any other Minister, or any Government, would choose, as the three representatives to be appointed by the Governor, members of those two mining companies. I resent that.

Mr. Tonkin: Where will they come from?

Mr. ROSS HUTCHINSON: From the same sort of sources from which I drew the members of the Geraldton Port Authority and the Esperance Port Authority last year; and I picked those members by a fairly exhaustive method. I contacted local people to a great extent, and sought the views of the local member. I will do that on this occasion and I will draw up a list of names—maybe six to 10—from which I will select the personnel. I think this House would repose that confidence in me. In another case I selected waterside workers to be representatives on a port authority. My people did not growl at me about that; they felt I could decide the matter in the best interests of the local people. I will perform in the same manner in this case.

I am not going to have written into the Bill a provision that the local authority shall be represented. If I believe I would like to have it represented, and if I believe that a certain person would be a good member, then I shall act accordingly. I will give the closest consideration to the matter and I will look at every nomination. I think it is only right and proper that I should do in this case what I did in regard to other port authorities which are functioning very well. In those cases the people are pleased with the work that is going on and, as I understand it, the people in Port Hedland are in agreement with the formation of a port authority.

Another matter I mentioned in my second reading speech which I felt to be important is that this Bill is another means whereby it can be proved that the Government is doing something about decentralisation. This is a positive form of decentralisation. Why should the honourable member want the port to continue under the Harbour and Light Department? As I said in reply to an interjection by the member for Pilbara, I believe the department has done a magnificent job in handling the affairs of the various ports.

What is more, the control of certain ports has been taken from the department and given to local interests, and the department has accepted that. Wharfingers and other people also accept it because it is a practical and positive form of decentralisation. This is not lip service; this is doing something sensible. So I am amazed that anyone should feel that I was naive when I first began to speak.

Mr. Tonkin: Would you say a little about the point made by the member for Gascoyne that the third provision appearing in the Geraldton Port Authority legislation has been left out?

Mr. ROSS HUTCHINSON: Yes, I will deal with it now. The honourable member complained about the disclosures clause and said it did not contain the third segment which is included in the Esperance and Geraldton legislation. Those Acts place an embargo on discussion and voting where people are directly or indirectly interested.

Mr. Tonkin: That is right. That is a basic principle in most legislation.

Mr. ROSS HUTCHINSON: It is not in the Fremantle Port Authority legislation.

Mr. Tonkin: It ought to be.

Mr. ROSS HUTCHINSON: It is included in the Esperance and Geraldton Statutes but not in the Fremantle Port Authority legislation. This is a matter which will be discussed in Committee because the member for Gascoyne has an amendment on the notice paper. However, in general terms I believe it would be wrong to include that provision at the present time. I have tried to say right throughout the debate that this legislation is different from that covering Geraldton and Esperance, because of the difference in the way this

port has been built. It has been developed by the financial interests of private enterprise, combined most effectively with Government control.

Mr. Tonkin: You are trying to make it similar to Dampier, are you?

Mr. ROSS HUTCHINSON: That is an interesting interjection by the Leader of the Opposition, and I am pleased to have it. One can foresee, perhaps, that Dampier, Cape Lambert, and Port Hedland will, in the future, come under a grouped control.

Mr. Tonkin: When are they going to issue some by-laws?

Mr. ROSS HUTCHINSON: Mr. Speaker, it is frustrating to me to have to put up with interjections of that type.

Mr. Tonkin: By jove, you ought to talk! You never stop interjecting when I am speaking.

Mr. ROSS HUTCHINSON: But mine are sensible interjections.

Mr. Tonkin: You never stop.

Mr. ROSS HUTCHINSON: My interjections make some sense, but the type of interjection one gets from the Leader of the Opposition serves to demonstrate—well, I had better not say what it serves to demonstrate. Surely sometimes some of the members behind him must cringe when he opens his mouth. However, it does not worry me.

Mr. Tonkin: Not much!

Mr. ROSS HUTCHINSON: I am merely concerned for the Leader of the Opposition. As a matter of fact, some 20 years ago the honourable member did, perhaps, worry me a little because of the way in which he handled affairs, but I am afraid that is no longer the case.

I believe there is no necessity to include that third segment in the Bill, and we can discuss the detail of the matter at the Committee stage. It could pose all sorts of problems.

Mr. Bertram: Who for?

Mr. ROSS HUTCHINSON: I am not at all sure what the honourable member meant when he referred to the harbour development rate, and I am not sure whether he is in favour of it or not.

Mr. Norton: If you had listened to me you would have heard me say I was in favour of it. I said there should be a sliding rate so that all would take part—some to a greater extent and some to a lesser extent.

Mr. ROSS HUTCHINSON: The idea of not having a ceiling for the rate is to ensure that the appropriate rate to cater for different circumstances may be struck by the authority.

Mr. Norton: Why was that not done in the other Bill?

Mr. ROSS HUTCHINSON: Because the circumstances are not the same as those applying at Port Hedland.

Mr. Norton: It is still a port.

Mr. ROSS HUTCHINSON: If the honourable member has regard to the history of the port, which I mentioned, and about which he criticised me—

Mr. Norton: I mentioned that.

Mr. ROSS HUTCHINSON: —he will realise how the port is different from the other ports and why the legislation must be different.

Mr. Norton: I did not criticise your comments about the history of the port. I merely criticised your lack of explanation of the Bill.

Mr. ROSS HUTCHINSON: It is quite possible—and I think it is most likely—that the proposed port authority, when constituted, will exempt any similar companies from paying the harbour contribution rate. However, that will be determined by the authority. I am sure of one thing: the Goldsworthy and Mount Newman companies will pay a harbour development rate, even if no-one else does. The member for Gascoyne mentioned that the member for Pilbara said he hoped for shire representation.

Mr. Norton: A shire representative.

Mr. ROSS HUTCHINSON: The matter has already been discussed with the member for Pilbara and I will certainly secure a shire nomination.

Mr. Norton: Not necessarily a shire councillor.

Mr. ROSS HUTCHINSON: Very well. I will secure the nomination of the shire.

As soon as the Bill becomes law I will contact the various sections of the people in the town, including local members of Parliament. I believe the Bill will be of real value to the north-west and it may be a precursor to a large combined port authority in the future. This matter holds out exciting pospects because there could be an interchange of the use of ports. Members may be sure the Government will watch and control developments closely.

Question put and pased.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Disclosure of interests in contracts—

Mr. NORTON: As I have already said, this clause is identical with a section in the Geraldton Port Authority Act and, as the Minister has told us, with the one in the Esperance Port Authority Act. With the

exception of the words in brackets in lines 1 to 4 of this clause, the provision is identical with that in the two Acts I have mentioned.

The clause simply directs that any member of the port authority who has any interest in a contract entered into by the port authority shall disclose his interest. It also directs that any person who has an interest in a contract of which the local authority is a party, shall declare himself and such declaration shall be recorded, but it does not state by whom and when it shall be recorded. I did think of moving an amendment in regard to that.

In those cases where a declaration is made by a person who has an interest in a contract it is usual that such person shall not have the right to discuss the particular project in which he is interested, or the right to vote on it. This is only fair to the member of the port authority who has made the disclosure that he is interested in a project entered into by the port authority, and it is also fair to his fellow board members. Therefore, I move an amendment—

> Page 6, line 36—Insert a new subclause (3) as follows:—
>
> > (3) A member who has made a disclosure under subsection (1) of this section, shall not take part in the consideration or discussion, and shall not vote, in respect of any matter relating to the contract in respect of which the disclosure was made, at a meeting of the Port Authority.

Mr. BERTRAM: I support the amendment. It is very similar to subsection (3) of section 11 of the Geraldton Port Authority Act which reads—

> (3) A member who has made a disclosure under subsection (1) of this section, shall not take part in the consideration or discussion, and shall not vote, in respect of any matter relating to the contract in respect of which the disclosure was made, at a meeting of the Port Authority.

Two things seem to emerge from that. In the Bill before us subclause (2) of clause 10 directs that a disclosure shall be recorded in the records of the port authority, but it does not state who shall record it. I would be pleased, therefore, if the Minister would indicate to us who is supposed to make the record.

Mr. Ross Hutchinson: The secretary makes the record in the minutes.

Mr. BERTRAM: Why should it be the secretary in this instance and, if it is to be the secretary, why do we not so provide in the clause? Could we get a better precedent than the Companies Act, which is the bible of corporate bodies, because there is such a provision in that Act in subsection (7) of section 103?

Anybody's business is nobody's business, and we have heard quite a deal of late of the need to enforce the law. I, together with other members, would like to know, if the secretary neglects to make that record, what action could be taken against him successfully? It should be spelt out that it is the secretary's duty to record such a declaration, as it is so provided in the Companies Act, and then everyone would be clear in regard to the position. Perhaps the Minister can explain why such a provision is in the Companies Act but is not contained in this Bill. The fact that an analogy cannot be drawn between this Bill and the Fremantle Port Authority legislation does not disturb me one iota because it would not be the first Act that had a defect in it.

Mr. Ross Hutchinson: It was raised by the Leader of the Opposition.

Mr. Tonkin: I beg your pardon! You put the Fremantle Port Authority legislation through; make no mistake about that.

Mr. Ross Hutchinson: You said it was in that Act, and I said it was not in the Fremantle Port Authority Act.

Mr. Tonkin: That is your fault.

Mr. BERTRAM: I am not debating whose fault it is; but I am saying it is an obvious omission. The provision for the secretary to call for a declaration should be in this legislation and in the Fremantle Port Authority Act, and the Government should take action at any early date to ensure that this is done. What is the use of having a person make a declaration that he is interested in a contract without going any further?

A member says, "Gentlemen, this contract we are discussing interests me for certain reasons. I am a director of such-and-such a company." Having done so, that is the end. What does that achieve? It achieves nothing.

I would refer members to section 123 (5) of the Companies Act from which they will see that not only does one have to disclose one's interest, but the section goes a little further. There is a very real concern that directors of companies do not find themselves in the position where they have a conflict of interests.

I should think an average director of a company or of a port authority would not want to find himself in a position of conflict. These directors would like to have the Act set out so that they know precisely where they stand; so that there can be no suggestion either of legal default on their part or of moral default, which is important in this situation.

At the moment all a company director need do is to say he is interested and then proceed to enter into the whole of the discussion of a contract and vote on it. Who is he going to favour? Is he going to be an astral person who will put his own

vested interests and bias on one side and act for the benefit of the port authority, which happens to act for the benefit of the people of the State?

I think we all understand this is virtually impossible. In effect what it does is to say to the Goldsworthy and Mount Newman mining companies, "It is you who established this port; you put up the money, and we will give it back to you and, to all intents and purposes, you will be able to operate this port as if it were yours."

I do not think that was dreamt of when the contracts with these companies were negotiated and entered into. I think a clear case has been made out. I see no distinction between this corporation and the companies.

It is most important that we do not embarrass the members who are going to be the directors, and it is also most important and that the public interest should be guarded and protected. Merely to disclose an interest is sheer humbug. It achieves nothing. I would suggest that we eliminate subclause (2) or perhaps the whole of clause 10, because it is only taking up space; it achieves nothing.

All we are doing is slavishly following the precedent of another port authority Act. When we get to the Companies Act, however, we chop that provision off. The subclause in question—subclause (3)—is vital to all concerned. It is vital to the public, the people who own the port authority, and to the directors. Subclause (3) is very important. As I have said it is vital. I support the amendment.

Mr. ROSS HUTCHINSON: It is quite remarkable how little the member for Mt. Hawthorn understands the situation. The member for Gascoyne certainly seemed to understand it a lot better.

The Opposition is trying to write an embargo into clause 10; it is trying to place an embargo on any voting or discussion by members who are directly or indirectly associated with a contract.

Mr. Bertram: I think it is only voting. They can speak on it.

Mr. ROSS HUTCHINSON: It also refers to discussion. I wonder why the honourable member wants that in the first place, even if he is right in his other submissions.

The member for Gascoyne and the member for Pilbara were at first in agreement, with the exception they stated in connection with the Goldsworthy and Mount Newman representatives. It is difficult to conceive how these two representatives would not at least be indirectly concerned with contracts associated with the development of the port. The law says they would be able to discuss the position and vote on anything with one or two minor exceptions. Now we find that three Government nominated members, or any one of them, would have a stricture imposed on them so that they could not discuss the position or vote on any matter when the contract indirectly affected them.

Mr. Bertram: At a meeting?

Mr. ROSS HUTCHINSON: Yes.

Mr. Bertram: What about outside?

Mr. ROSS HUTCHINSON: I am talking about when the decisions are made at the meeting. One does disenfranchise the Government nominated members by adding this subclause.

Mr. Norton: Why have clause 10 at all?

Mr. ROSS HUTCHINSON: I will come to that in a moment. This was one of the points raised by the member for Mt. Hawthorn. The honourable member will now begin to see the enormity of the offence he is about to commit. He will disenfranchise the Government members and give power to the company members. If the Government members are excluded, there will be no quorum. If we had a quorum of two the company would decide all the issues. It just does not make sense.

Mr. Tonkin: It makes sense all right.

Mr. ROSS HUTCHINSON: In the early part of his speech the member for Mt. Hawthorn merely repeated the remarks made by the member for Gascoyne. He wanted to know what good there was in having interests disclosed. This practice has operated in very many companies at directors' meetings and in organisations where provision is made that interests should be disclosed, because the other members can then have regard to this fact in their discussion. They will know what is going on.

Mr. Bertram: Can you name one of those companies?

Mr. ROSS HUTCHINSON: The member for Mt. Hawthorn then asked, "How do you know this thing will be recorded?" I replied that the secretary would record it, and the honourable member then waffled on and expressed doubt about it being recorded.

Mr. Bertram: That is right.

Mr. ROSS HUTCHINSON: Subclause (2) of clause 10 says—

> A disclosure under subsection (1) of this section shall be recorded in the records of the Port Authority.

It is mandatory.

Mr. Bertram: On whom?

Mr. ROSS HUTCHINSON: On a person who will be appointed. It has always been the practice for a secretary to be appointed at these meetings. If one looks at clause 16, which is relevant to this discussion, we

find that the key is "Records to be kept and annual report to be furnished." The provision states—

> (1) The Port Authority—
>
> (a) shall keep a record of its proceedings; and
>
> (b) shall . . . . . furnish to the Minister a report . . . . . together with such financial statements . . . . .

The honourable member wants it to be spelt out. I sometimes wonder about the value of certain lawyers!

Mr. Bertram: We all do.

Mr. ROSS HUTCHINSON: I believe that there is nothing wrong with clause 10 at all; that the insertion of the amendment suggested would make the legislation appear foolish; and that it would lead to a downgrading of the legislation to a point where it would give a further indication that the Opposition wanted to defeat it. It appears that members opposite do not want this legislation and do not want this form of decentralisation. They should change their opinion and say that this is a good piece of legislation.

Mr. TONKIN: Down through the years it has always been acknowledged that where a person has an interest in a contract that is under discussion, he should refrain from influencing any decision in connection with the contract. It is rather interesting to find that in the Bill there is a substantial departure from that principle.

Let us look at section 15 of the State Electricity Commission Act. It deals with incapacity on the ground of interest, and provides—

> No person holding any office or place of profit under or in the gift of the Commission or concerned or participating in any manner whether directly or indirectly in any contract with the Commissioner in any work to be done under the authority of the Commission or in the profit of such contract or work shall be capable of being or continuing a commissioner.

Could any provision be more definite and conclusive than that? This means that if one of the commissioners happens at any time to be concerned, or participating in any manner, whether directly or indirectly, in any contract then forthwith that person ceases to be a commissioner.

Why would the Legislature go to such length to enact such a provision if there were not a very sound reason for it? Of course, there is a very sound reason. Without going into great detail I would point out that this is a long established principle. As a matter of fact it applies to Parliament where, if the Constitution and the Standing Orders are fully applied, a member who has an interest in any matter under discussion has to refrain from voting in connection with it. Surely the reason for such a provision is perfectly obvious.

The Minister advances some special reasons why we should depart from this principle in respect of the port authority under discussion, but I cannot follow his reasoning at all.

There is another aspect which puzzles me: why is there a specific exclusion of a certain type of contract in connection with which it is not obligatory for the members to make any disclosure? I hope the Minister will listen to what I am saying, because I want an explanation of this. The clause under discussion states—

> (1) A member who is directly or indirectly interested in a contract (not being a contract to which the registered lessee or the registered lessees, who nominated him for appointment as member, is or are a party or parties) . . .

Why is that type of contract excluded? I would have thought that would be an additional reason for requiring the member to disclose his interest. So it appears that if a member has an interest in such a contract he need not say anything about it. Would not there be more reason for him to disclose the fact, if he has an interest in a contract to which the person who has nominated him is a party? Would not that be a more important reason for him to disclose his interest with regard to other contracts?

I would like to know why the specific exclusion appears in the Bill. I regard the clause as being unsatisfactory in view of the general practice which is adopted in matters of this kind. It has always been the principle that where a person has an interest—and in this case it could be a very substantial interest—some sort of disqualification is imposed on him, not necessarily so far as discussion is concerned but certainly with regard to voting. That is the part which worries the Opposition.

It is all very well for the Minister to say that he cannot understand the opposition that has been raised, and that it is remarkable. I say that this clause is remarkable in view of the general practice which has been adopted in connection with the appointment of members or commissioners. I think more explanation is required, particularly as to why, in respect of this particular port authority, it is absolutely necessary to depart from the general practice.

Mr. ROSS HUTCHINSON: We come to a topic of discussion which has not raised its head previously. The Leader of the Opposition, towards the conclusion of his remarks, said that what worried the Opposition was the fact that a certain type of contract was excepted from the disclosures provision. He said he objected to

this exception provision, and he spoke on behalf of the Opposition. That was what worried the Opposition.

Mr. Tonkin: What?

Mr. ROSS HUTCHINSON: That this provision should be inserted in clause 10 (1) under which the nominees of Goldsworthy and Mount Newman are excepted. Is that not what the Leader of the Opposition is worried about?

Mr. Tonkin: I cannot understand why these words "not being a contract to which the registered lessee or the registered lessees, who nominated him for appointment as member, is or are a party or parties" appear.

Mr. ROSS HUTCHINSON: What I am saying is that the honourable member is worried about that.

Mr. Tonkin: That is one of the things. Why have those words been included?

Mr. ROSS HUTCHINSON: They are the nominated representatives of the companies.

Mr. Tonkin: Yes.

Mr. ROSS HUTCHINSON: And they are accepted because they are directly or indirectly associated with a contract. As I said before, and as was said by the member for Gascoyne, this has to be so, otherwise the whole situation is nullified.

Mr. Tonkin: Why?

Mr. ROSS HUTCHINSON: We might not as well have the representatives on the port authority.

Mr. Tonkin: All they have to do is disclose their interest.

Mr. ROSS HUTCHINSON: It would nullify their appointment.

Mr. Tonkin: It would only require them to disclose their interest.

Mr. ROSS HUTCHINSON: It would nullify their being able to discuss or vote.

Mr. Tonkin: Why?

Mr. ROSS HUTCHINSON: Why not? The Leader of the Opposition becomes obtuse. However, before I get on to that obtuseness, let me say that the Leader of the Opposition said that this is the position which worries the Opposition. This is the first time the Opposition has expressed this view because the member for Gascoyne said he was quite content with this, yet the Leader of the Opposition is taking the matter out of the hands of the member for Gascoyne, who was speaking on behalf of the Opposition. The member for Gascoyne says that this is all right. Who am I to believe?

Mr. Norton: I did not say it was all right. I said that it was in there.

Mr. ROSS HUTCHINSON: The implication was that it was all right. No mention was made of it, not even by the member for Pilbara.

If there was no port authority at all and the Government desired to improve the port, or the companies desired to spend many more millions to improve the port, with whom would the Government discuss the matter? With whom would the Harbour and Light Department or the Department of Industrial Development discuss the matter?

Mr. Bertram: The companies.

Mr. ROSS HUTCHINSON: Of course! In those circumstances they would have full rights to discuss and vote. They would have equal rights with the Government because they would be the moving force. One would find it hard to deny that if we threw this legislation out the companies would have to come into full discussion and voting on the whole matter. We want to try to decentralise port activities, and in order to do this—

Mr. Tonkin: This has nothing to do with decentralisation. It concerns disclosing an interest.

Mr. ROSS HUTCHINSON: Of course it has.

Mr. Tonkin: Oh, rubbish!

Mr. ROSS HUTCHINSON: This provision is to allow the local people to control their own people, and if we are to proceed with this legislation we must have the representatives who are able to fully discuss and vote on the matter.

Mr. Tonkin: Have the representatives by all means, but let them disclose their interest.

Mr. ROSS HUTCHINSON: The interest will be well and truly disclosed because they will be indirectly associated with everything which goes on in the port—every jolly thing!

In any case, let me say that the Government believes this is a sound clause in a sound piece of legislation. I have expressed the belief of the Government in this regard and I believe the clause should remain as it is. I therefore oppose the amendment.

Mr. TONKIN: This is a case of the oracle having spoken and so that is it! The Minister made no attempt to advance any reasons in the case of the State Electricity Commission—

Mr. Ross Hutchinson: It is not comparable.

Mr. TONKIN: —and other similar bodies where the provision is so stringent.

Mr. Ross Hutchinson: It is not comparable. I thought you would know that.

Mr. TONKIN: Apparently it is necessary in such things, but it is not necessary in connection with a port authority. Now, why? The Minister would argue, if it suited him, that the provision in the State

Electricity Commission Act should be deleted because it serves no good purpose. However, it was inserted deliberately for a special purpose.

Now, so far as this port authority is concerned, it does not matter. All a person has to do with regard to contracts which are not contracts made by the person who nominated the member is to disclose his interest. That means that if he has an interest in some contract under discussion, which is not a contract made by the company he represents, he has to disclose it; but if he has an interest in a contract in which the person who nominated him is interested, he does not have to say anything about it.

Mr. Court: With respect, all the draftsman has done is to provide a practical answer to a very real problem, because if we follow to its logical conclusion what you say, the two company nominees would have to stand up at the beginning of every meeting and disclose an interest, which would be just formally recorded at every meeting, because they could not possibly attend a meeting in which their company was not involved in a contract.

Mr. TONKIN: I find that hard to believe.

Mr. Court: The day-to-day operations of the companies in the port are a contract with the port authority.

Mr. TONKIN: There would be a heck of a lot of contracts going through every day.

Mr. Court: It does not have to be a document signed on the line, or even a written document at all.

Mr. TONKIN: It is an engagement.

Mr. Court: Or a commitment, or call it what you like. So the draftsman has in a sensible way, to save them standing up at every meeting and saying, "We declare an interest," put this provision in the Bill to acknowledge that they are there and are the nominees of the company. It is as simple as that, and it is not an unusual thing.

Mr. TONKIN: I suppose the Minister is now saying that because they are the nominees of the company they are directly, if not indirectly, interested in every contract being discussed by the port authority.

Mr. Court: True, because their companies are the major users of the port; and the Minister has been trying to demonstrate to you that the exclusion of the subclause (3) is protecting Government nominees.

Mr. TONKIN: Should they be protected if they have interests which could influence the conduct of the authority?

Mr. Court: If they declare their interest, that is the important thing. This is not an unusual procedure in ordinary companies, by the way. You declare your interest and do not do any more.

Mr. TONKIN: Someone should do something more.

Mr. Court: You declare your interest to your colleagues so they know your interest, and that is of very considerable practical value.

Mr. TONKIN: Well, I think members will appreciate that we have now reached a situation where, if organisations upon which large and influential companies are given representation are to be established, then we can throw overboard the general principles we ordinarily adopt and close our eyes to the fact that having an interest is a matter which ought to be disclosed, and acted upon. Apparently those are the circumstances in which we can depart from the general principles which are felt to be so desirable and necessary in all other cases.

This situation does not find favour with me. I believe, in regard to all these boards and commissions set up by Governments where persons are appointed who stand to gain from some of the discussions which take place because of contracts which are entered into and because of the position they occupy in being able to determine questions which will be beneficial to themselves, there should be some adequate control of the situation.

Clearly, so far as this authority is concerned, there will be little or no control. However, in the State Electricity Commission this matter is regarded as being so important that no person who has an interest can continue to be a member of the commission. The purpose, in that case, is to keep the commission completely clear of persons who could, in any way, be interested directly or indirectly with business being transacted with the commission. That is the sort of thing which elevates administration, and the provision in this Bill does the very opposite.

Amendment put and negatived.

Clause put and passed.

Clauses 11 to 83 put and passed.

First and second schedules put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

Sitting suspended from 3.45 to 4.3 p.m.

PARLIAMENTARY SUPERANNUATION BILL

Second Reading

Debate resumed from the 30th April.

MR. TONKIN (Melville—Leader of the Opposition) [4.3 p.m.]: The purpose of the Bill is to effect alterations to the Parliamentary Superannuation Act. I have not yet known any superannuation scheme to remain the same as when it was originally established. Changing times and changing values of money make it necessary for alterations to be made from time to time in order that contributions and benefits can be made more in keeping with the situation.

Many requests are made for private superannuation schemes—that is, schemes to operate for those in private employment —and for superannuation schemes for civil servants. Requests are put forward and, ultimately, the only objection is that the benefits are not sufficiently generous. I have not seen any complaints at all about increased benefits.

Perhaps it is not remarkable that there is opposition in certain quarters when an increase in benefit is proposed to the superannuation scheme applicable to members of Parliament. The sort of opposition which is put forward is that the action ought not to be taken and that the scheme should remain as it was, without alteration.

In order to appreciate fully what we are proposing to do, we should have some regard for what we did in the past. I think the Parliamentary Superannuation Fund is unique in one respect: when it commenced as the result of a Bill passed in December, 1941, it was entirely self-supporting. There was not a contribution of a single dollar from the Treasury and it cost the taxpayers nothing. The members of Parliament of those days—and I was one of them—not only made contributions towards pensions for others, through the amount of tax they paid, but they also made their contributions towards a pension scheme for themselves. They did this without assistance from any other source, and this fact should not be overlooked.

It is true that in the initial stages when parliamentary salaries were very much lower than they are now the contribution was the equivalent of $4 a month. Let us look at the benefits of those days. If a member of Parliament had less than seven years' contributory service, all he received, upon losing his seat, was twice his contributions. This amount came entirely from the fund without any supplementation whatsoever. If a member of Parliament had more than seven years' contributory service he then qualified for the handsome sum of $1,200. Again, this was paid entirely from the fund without any supplementation whatsoever.

I happen to have a very special interest in this matter because I say, in all modesty, that the fund which was originally established was one which I myself formulated. Members of Parliament of that day did me the honour of conferring this responsibility upon me. I spent a great deal of time on research and finally put up a plan to the Government Actuary of the day which proved to be acceptable. In order to be absolutely correct in what I say, I propose to quote from what was said in Parliament at that time.

Mr O'Connor: What year was that?

Mr. TONKIN: It was the 9th December, 1941. That was the day on which the Premier of the day (The Hon. J. C. Willcock) introduced the Bill. His remarks are to be found on page 2499 where he said—

> I think I might quote from a letter by the Government Actuary, Mr. S. Bennett. Addressing the Minister for for Labour, he wrote—
>
> > In accordance with your personal instructions, I have considered the terms of this Bill and the proposed benefits.
> >
> > Mr. Tonkin, M.L.A., has supplied to me the names and duration of membership of all members of Parliament who have ceased membership since the 1st June, 1924. He also supplied a statement which shows, year by year, the operations of a fund on the lines of that indicated in the Bill.
> >
> > Assuming that the fund commenced in 1925, this statement is based on the actual experience from 1925 to 1939, and shows that at the end of the period there would have been a balance of over £11,000. I have independently worked out the operations of such a hypothetical fund and have also checked Mr. Tonkin's more detailed figures, and am satisfied with their accuracy.
> >
> > This cannot be considered as an actuarial valuation. Such a fund is not really at present susceptible of actuarial valuation, but the method of examination shows the proposed scheme to be sound if the experience of the last 15 years is a reliable guide to the future. In any case, Clause 4, Subclause 3, provides for the adoption of a pro rata basis, if necessary. I do not think, however, that Clause 4, Subclause 3, will have to be relied on unless several "landslides" occurred in the elections taking place in the early years after the formation of the fund.

I say: All credit to the members of Parliament who were here at the inception of the fund, for being prepared to carry the full burden of it themselves and not looking to the Treasury for any assistance. That cannot be said of most other superannuation schemes. Those in private employment depend very largely upon supplementation by the employer. A number of those schemes were established as a result of my own personal representations to employers—one scheme was introduced into the Fremantle Gas & Coke Co. Ltd.—and in each case the employer made a substantial contribution because it was thought to be desirable and necessary that some provision should be made for employees when they were reaching the end of their working lives.

It could be expected that a scheme with such modest beginnings as ours, which is completely self-supporting, would find favour with the Government as time went on. Naturally, there has been some increase from time to time in the amount of money made available from the Treasury in order to increase the benefits to be paid out.

So we come to the present scheme. It is based, as the Premier said, on the principle of the Victorian scheme, not on the detail; on the basic principle of it—a principle which has been confirmed by the fact that it has been followed in Queensland. There can be no criticism of the adoption of a scheme followed elsewhere upon the advice of actuaries.

In our original scheme, as altered from time to time, right up to the present, when a member died three-quarters of the pension payable to him went to his widow. That amount will now be reduced to five-eighths. It is true it will be five-eighths of a larger pension, but I make special mention of that so that people outside will not have the idea that it is all one way. That alteration at this moment would have the effect of giving less to the widows of certain members of Parliament than they would get under the existing scheme. It is only a temporary situation, it is true, because if the members remain alive and continue in Parliament for a year or two longer they will emerge from that situation.

Nevertheless, it is a fact that in the scheme at present being introduced there is at least one instance—there could be others—where the widow of a member of Parliament will receive less than she would receive under the existing scheme. This comes about because of changes that have been made at various times and it is inevitable that certain anomalous situations will arise. The same thing has happened in the superannuation scheme for Government employees, when there has not been a complete review of the whole scheme and only sections of it have been upgraded.

It is as well to remember that this does not mean a tremendous lift for everybody immediately. The proposal which the Premier has brought here is an amending scheme, an improving scheme. It results in improved pensions but it also results in substantially increased contributions. There is nothing wrong with supplementation, by the employer—in this case the Government—of the amount in the fund from which the pensions will be paid in the future.

The basic entitlement under the new scheme which we are discussing will be 30 per cent. of the basic parliamentary salary after seven years. This will rise by 1 per cent. at the expiration of each six months until we reach a maximum of 66 per cent. of the basic salary after a member has been contributing for 25 years.

In order to finance this increased pension, which will partly be financed by increased contributions from members, the Government proposes to contribute on a basis of $2 for $1. There is nothing new in that; that is the basis upon which the Government is contributing to the Public Service superannuation scheme. I cannot see that there could be any valid criticism to the effect that members of Parliament are dipping into the Treasury to help themselves to increased pensions. Having started a scheme which was completely self-supporting, without contribution from the Treasury, surely we have qualified for treatment from the Treasury at least equal to that given to public servants in the Government's service; that is, on a basis of $2 for $1.

We therefore support the scheme; we think it is reasonable and logical. It has a basis upon which it has been devised. We have the example of the two States I have mentioned where the same principle has been adopted. Surely it cannot be successfully argued that we should be the only people who are expected to remain in a scheme that does not alter as circumstances change and the value of money depreciates, as it is bound to continue to do over the years.

I can remember a time when one could go down the town and buy a very good suit of clothes for £3 10s. Now one cannot look at a suit of clothes under $80. That gives some idea of the way prices have run away and how the value of money has declined. Surely, in those circumstances, we must continue to revise these schemes in order to ensure that the amounts being paid out are commensurate with entitlements, having regard to the length of service of the contributors, and so on.

I am pleased indeed that the Treasurer has been able to make provision for our past colleagues who served this State well years ago and who have been out of Parliament for many years and are struggling to exist on the amount they receive as superannuation. I will mention one well known to members, not by way of a distinction

because distinctions are invidious. I mention the name of The Hon. J. B. Sleeman, an ex-Speaker of this House; and a more conscientious and sincere member of Parliament never graced this hall. Fortunately he has lived on and is now over 80, but the amount of pension for which he qualified is far short of his requirements. He does not qualify for the old-age pension and he receives a pension that is but little better—and one he paid for himself. I think it is right and proper that the correct thing should be done for those members who have given their services to their State to the best of their ability. We support the Bill.

MR. W. A. MANNING (Narrogin) [4.22 p.m.]: I would like to say a few words in support of this Bill because I feel that the Premier should not have to carry the burden of it on his own. It seems that the public think that he, as Treasurer, naturally has to bear the burden, yet he has taken this action on behalf of every member. There is nothing extraordinary in people having superannuation schemes, so members of Parliament are not distinct in this regard.

I think the scheme is a highly desirable system of providing for advancing years. Members make contributions during their earlier years to a fund which will provide an income in their later years. It is right that the contributions to such a fund should be added to by the employer who, in our case, is the State. In many cases employers make contributions to such schemes.

It is desirable to provide for old age in the form of a superannuation fund because it relieves any person from having to apply for a Government pension: There is a vast difference between a superannuation fund and a pension, and the general public do not seem to be able to distinguish between the two. Superannuation is provided by the individual himself during his life and he is therefore entitled to greater benefits.

However, I do not think the public fully understand how much members contribute. Recently a news item appeared which stated that large amounts were to be paid to members. Of course, it featured the amount which will be paid after 25 years of service, because that is the largest sum. As the matter is so important I would like to point out that a private member in this House contributes $18,750 over 25 years.

Mr. Jamieson: That is on the present rate.

Mr. W. A. MANNING: Yes, my figures are based on the present rate. They do serve as a comparison. The amount was probably less in the past and will perhaps be more in the future. At an interest rate of approximately 6 per cent.—which is a fair average—that contribution will increase to $33,750. So a private member contributes that amount in 25 years and it would take him something like seven years before he got his own contribution back in the form of superannuation.

People do not realise that in many cases it means that the member is of a considerable age by the time he starts to get anything out of the fund. If, for instance, the average age of members entering this House is taken as 45, a member would be 70 years of age by the time he completed 25 years of service. If he retired he would be 77 before he cut out the amount of money he had contributed, and at that age he has not much prospect of drawing for many years the funds provided by the State.

I think these things should be brought before the public, because we are not taking something for nothing. This is a contributory scheme to which we all contribute a considerable amount.

Mr. Jamieson: I think the Treasurer might make you the actuary. I like your ideas better than I like the ideas of the actuary.

Mr. W. A. MANNING: A subleader in *The West Australian* two days ago said it is unsatisfactory to see politicians rewarding themselves so well without giving an explanation of the financial principles on which the scheme is supposed to work. As this is our leading newspaper, I would expect it to be at least fair; but in this regard it never has been.

Mr. Brady: That will be the day!

Mr. W. A. MANNING: I wonder who is the leader writer? I suppose we could call him the editor, and I would like to see him publish in his paper the details of his own superannuation scheme—how much he contributes to it, and how much he will get out of it. I think that would be an interesting exercise. He is prepared to publish the details of our scheme and to criticise it and say how excessive it is and how we are rewarding ourselves.

Mr. Gayfer: What about the *Hiawatha* on the Swan River!

Mr. W. A. MANNING: I would like to see that exercise carried out, and if *The West Australian* does not do it perhaps some opposition paper will. The Treasurer is not in the habit of agreeing to unsound schemes, nor, do I think, are members of Parliament.

I felt it incumbent on me to say a few words because I had something to do with the matter as a member of the rights and privileges committee and I was involved in the preparation and presentation of the details. So I wish to share the responsibility for the amendments. I feel the scheme is soundly based; as a matter of fact such a scheme was adopted by the Victorian Parliament after the proposition was suggested to it by the actuary in that State.

The scheme was not presented to him for his criticism and so on; he put it up to the Parliament as a sound scheme and the Parliament subsequently adopted it. Our scheme is not as generous as that of Victoria.

I felt I should point out these things and indicate that there are no grounds for the criticism which is always levelled at members of Parliament when legislation such as this comes before us.

Mr. Gayfer: Before you sit down, why is the fund called a pension fund and not a superannuation fund?

Mr. W. A. MANNING: That is a sad mistake. As I have already pointed out, there is a vast difference between receiving a pension and receiving superannuation. I have much pleasure in supporting the Bill.

SIR DAVID BRAND (Greenough—Premier) [4.28 p.m.]: I would like to thank the Leader of the Opposition and the member for Narrogin for their contributions to, and support of, the Bill. I think we have become accustomed to criticism whenever we do anything about increasing Parliamentary salaries or improving our pension scheme. The scheme has been criticised on the basis that it is not sound and that we decided to bring it forward on our own initiative. However, it seemed to me to be the only thing we could do. We all know that an independent tribunal determines our salaries, and none of its findings and recommendations have found favour. In fact, criticism has been levelled.

As the Leader of the Opposition so rightly said, we should have regard to the beginnings of our own scheme into which we paid much money for quite a considerable time—I entered this Parliament in 1945—before there was any supplementation by the State.

In the case of those who have been here some 30 years or more—and the Leader of the Opposition has done just that—a great deal of money has been paid in over the years to supplement the pensions and the small amounts that have been paid out from time to time to ex-members and their widows.

I must say that for a number of years I have felt embarrassed when I have learned of the plight of some of the widows of ex-members; and I might say they were not all the widows of private members; some were widows of Ministers. Indeed I think I could go so far as to include the widows of ex-Premiers, whose position was not all that financially secure.

It seemed to me that this situation continued simply because of the atmosphere in which we always found ourselves when we made a move to improve the conditions of either the salaries or the pensions of members; and this situation has arisen again. We must learn to live with this sort of thing and we can only hope that when criticism is made of a scheme not being sound, those who are critical will at least pay us the tribute of examining the Bill itself.

As the Leader of the Opposition said, the Government is prepared to contribute $2 for every $1 paid into the scheme. This is the basis of many such schemes both private and Government. As the honourable member said it is the basis of our own superannuation and family benefits scheme in this State.

The scheme is backed by the Treasury, and we have certainly not hidden the fact that it is guaranteed by the Treasury. I assume that all superannuation schemes are backed by companies and by the guarantors until they reach the stage where they are secure and not in need of supplementation.

I did mention the fact that the Treasury officers were responsible for producing the detail of the scheme. But I would remind members that we had intended to take some action last year. I had to say, however, that we were not ready to proceed; that we did not have a suitable or practical scheme.

The Treasury officers have worked for weeks and months in an endeavour to evolve the scheme which we have before us. As far as I can see it is an improvement on what Victoria has done, and on the scheme introduced in Queensland which, of course is based on principles similar to those contained in the Victorian scheme.

I must make it very clear—and I think the Leader of the Opposition also made the point—that the actuary who advises the Victorian Government—and who has been retained to advise the Western Australian Government—recommended the scheme to the Victorian Government.

After some discussion and conference, Victoria went ahead with the scheme. It produced the scheme in the same Bill in which it increased the salaries of members. Not a great deal was said about it at the time, because everybody was so interested in the increase in salaries that they overlooked the generous pension proposal. It was a marked change.

Accordingly I think Western Australia is justified in taking the action it has. The Bill has been very carefully prepared. It is based on the principles of all superannuation schemes. As someone said here, our scheme is not more generous than any other secheme of a similar nature that might exist. One must spend a lot of time in Parliament to become the recipient of some of the pensions or superannuation at the levels referred to. It is 25 years before a member can obtain the maximum benefit.

I join with the Leader of the Opposition and others—indeed I am sure every member will agree—that it is some satisfaction to know that those who have retired will be able to see their lives out in the knowledge, in spite of the ever-increasing cost of living, that automatic adjustments will be made from time to time as members' salaries are increased here.

For those members who are serving, increased contributions will be provided, and these will reach substantial amounts rising to $1,000 for those who have been here a long time and who have enjoyed a higher income.

I would like to point out that the case of every ex-member, every widow, and every serving member has been examined in detail, so it is not a hit-and-miss scheme. The benefits that the Bill will provide are those assessed from the figures of salaries and the years of service given by private members of Parliament.

Accordingly, bearing in mind that the scheme is well recommended by independent people, that it is basically sound, that we have precedents, and that it is no different, in fact, from any other superannuation scheme, it gives me great pleasure to commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Sir David Brand (Premier), and transmitted to the Council.

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th May.

MR. T. D. EVANS (Kalgoorlie) [4.41 p.m.]: This small Bill affects the operations of the Eastern Goldfields Transport Board. Members may wonder why this Bill has been presented to Parliament at such a late stage of the session. When introducing the Bill the Minister clearly explained the underlying reasons for this.

Very briefly I would like to explain that under the Act two representatives of three local authorities referred to in the Act—namely, the Town of Kalgoorlie, the Town of Boulder, and the Shire of Kalgoorlie—and an independent person comprise the board. As members will recall, late last year the Town of Boulder was abolished and the Shire of Kalgoorlie was dissolved. After some delay, a new local authority was elected, but it was not until as recently as the 18th December, last year, that the name of the new authority was formally gazetted. The new authority is now the Shire of Boulder, thus replacing the former Town of Boulder and the former Shire of Kalgoorlie.

However, the Eastern Goldfields Transport Board Act still refers to the two local authorities which now no longer exist. Under the Act the members of the board are elected for two years and it so happens that their term of office expires in June of this year. As a result it has been necessary for some attention to be given to this Act. However, it was not until nominations were called for appointment to the board, and nominations closed that this necessity was realised. Nominations were, of course, received from only the Town of Kalgoorlie and the ratepayers of the Town of Kalgoorlie. The new Shire of Boulder, and its ratepayers, had no authority under the Act to submit nominations.

As members are aware, the date for the closing of nominations for local government elections closed only a few weeks ago and it was then realised that two of the three local authorities referred to in this Act were now non-existent. If the transport board is to function, this Bill must be passed. I do not intend to speak any longer, but merely wish to indicate that the legislation has the support of the Opposition.

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.46 p.m.]: I thank the member for Kalgoorlie for his support of the Bill. The information he gave us indicates that he is well aware of the circumstances involved and the necessity for the introduction of this Bill. I do apologise for the fact that it was introduced so late in the session, although it is only a small Bill. As the honourable member pointed out it was only in the last week or so when nominations were called that the position was then realised and the necessity for a Bill to be introduced was considered urgent.

I again thank the honourable member for his support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ELECTORAL ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 13 put and passed.

Clause 14: Amendment to section 113—

Mr. TONKIN: There is, on the notice paper, an amendment to clause 14 which I propose to move. My amendment will affect lines 26 to 33 inclusive on page 6 of the Bill. My purpose is to delete the whole of the clause and to insert, in lieu, a new clause 14.

This subject has been foreshadowed previously and to some extent it has been canvassed. I have seen some opposition and some support. Whether or not it will achieve the purpose for which it is intended, I do not know, but, in short, it is designed to make the election of a person to Parliament fairer than it is at the moment. It is most unfortunate, but it is nevertheless well known, that a proportion of voters who go to the poll vote either straight down the paper or straight up the paper. The majority of these people seem to vote straight down the paper. Those who do this go to the poll only because it is compulsory to vote. They have no interest whatsoever in the candidates and their only concern is to discharge the legal obligation upon them. The simplest way for them to do that is to go straight down the paper. I believe that some of the people who vote that way really believe that it is the way they should vote and the way that is meant for them to discharge the function of voting. They do not have the slightest idea of the result of their action.

If we add all this together, it invariably means that the person who is sufficiently fortunate to have his name at the top of the ballot paper has a distinct advantage. The one who comes next to the person at the top has, because of the preference system in operation, an advantage over those whose names are further down. Almost invariably, my name has been right at the bottom of the ballot paper. Consequently, I have not had any advantage from the so-called donkey vote.

I can remember one occasion when the party to which I belong saw the very definite advantage which is attached to a position at the top of a ballot paper. The occasion was a Senate election and, of course, a large volume of votes are involved in those elections. A team of men was selected in New South Wales whose names started with "A." As a matter of fact, one of them started with "Aa" and, of course, this ensured that he would be right at the very top. My party was successful in getting all its candidates elected on that occasion with a very handsome majority.

This soon woke the Government up and the next thing was that the Commonwealth made provisions for balloting for places on the ballot paper. This is further proof of the acceptance of the fact that the position at the top of a ballot paper is a distinct advantage.

To that extent, it is unfairly influencing the results of elections and conferring an unfair advantage on candidates whose names happen to commence with a letter which occurs early in the alphabet. The Government has recognised that principle in this Bill and it is now proposing to provide for a ballot for position. Whilst that does not completely remove the inequity, it goes quite a distance towards it. However, it still leaves the result to be influenced by one's success in a ballot, which is not always a good method of determining questions of this kind, because luck must enter into it.

The Opposition has given a great deal of thought to this subject and believes that the fairest possible method would be a combination of what the Government proposes to do with the adoption of a circular ballot paper. If a circular ballot paper was adopted, without balloting for positions, the situation would be that the person who happened to get his name placed first on the ballot paper in relation to the printing on the other side of the paper would have a somewhat similar advantage to that which exists now because of alphabetical preference. To overcome this, there should be a ballot taken to decide which should be the first name to be printed on the circular ballot paper. In this way, it would not be leaving the question entirely to alphabetical preference.

Members of the Opposition believe there should be a circular ballot paper with the names equidistant around the paper and that the first name balloted out should be the first name to appear in relation to the printing on the back of the paper. In this way, an elector would be presented with a paper which, in most cases, would cause him to see first the name first drawn out. However, if an elector has no regard for the printing on the back of the paper he will naturally turn the circular ballot paper around until one of the names is in the proper position for him to read. In my opinion this method would average out pretty fairly over all electors. Some electors would pick up the ballot paper and see one name confronting them; others would pick up the ballot paper and see a different name confronting them. Consequently, the chances of one person receiving a disproportion of number one votes would be considerably lessened under this system.

I have found out that the Royal Agricultural Society believed that a circular ballot paper was desirable, because it was fairer. For this reason, the society adopted it, but discontinued the system after a couple of years. I inquired why it had been discontinued and I was told that it was regarded as unsatisfactory, inasmuch as it made the voting more difficult for some members.

Against that example, we have the experience of the A.M.A. which, taken through the whole of the membership, would most probably comprise people of a higher education than the average voter. The A.M.A. has had a circular ballot paper in use for some time. My latest information is that it is still being used.

I cannot see why this method would increase informal voting. A voter knows that he is required to put his figures down according to the number of candidates. He would start with one and go around the paper. Certainly, there could not be much difficulty with regard to two candidates and very little more with regard to three.

In most State elections it is unusual to find more than four candidates for any one seat, although it has occurred at odd times. Usually we have no more than three candidates and quite often not more than two. It would appear to me that the adoption of a circular ballot paper in the special circumstances operating in State elections would be a fairer method, so far as candidates and parties are concerned, than what has been the practice up until now.

I recognise that the Government is making a contribution towards removing inequality by deciding that we shall ballot for position. In recent years one party has endeavoured to select candidates whose names would enable them to be placed at the top of the ballot paper. There is no need for me to mention the name of that party, but members will know that is a fact, and to some extent the party has influenced the results. It expected to do so, that is why it took that action.

That will no longer be possible if the Government's proposal is carried. I will possibly stand to benefit in the future where I have not in the past—not that I want to depend upon that to obtain re-election. However, in marginal seats it is clearly a factor of considerable consequence. The only reason we are submitting this amendment is that we think it is the fairest method. We may be wrong in our assessment of the situation; it could result, as some people say it will, in a greater proportion of informality. I could understand that happening if there were a large number of names on the ballot paper, but I cannot see it would result in informality with the few names we have on the ballot paper.

Mr. O'Neil: It would make how-to-vote cards very expensive.

Mr. TONKIN: Yes, it could do that. If we wished to aid the voters a little more it would be right and proper to place the party designation on the ballot paper. Most voters know the party for which they desire to vote, but they do not always know the name of the candidate. On occasions when I have been in charge of a polling booth I have had many people come to me and ask who was the Labor candidate, or who was the Liberal candidate. Those people knew the party for which they wished to vote, but not the name of the candidate.

As ours is a party system of Government, there would be nothing whatever wrong in placing the party designation alongside the name of the candidate on the ballot paper.

The DEPUTY CHAIRMAN (Mr. Williams): I warn the honourable member that he has another three minutes.

Mr. TONKIN: So we put this forward not because we believe it will confer any advantage whatever on us or on our brand of politics, but because we honestly and sincerely believe it is the fairest method for all candidates.

Mr. Lewis: Do you think it would eliminate the donkey vote?

Mr. TONKIN: It may not completely eliminate it, but I think it will go a long way towards its elimination or distributing it amongst the candidates. At present the candidate at the top of the ballot paper gets practically all the donkey vote and if he is counted out early in the count, then the candidate immediately beneath him gets the bulk of it. We feel this proposal will distribute that vote fairly between all candidates.

Mr. Lewis: In other words, a donkey voter would take hold of the card, mark one name and then proceed around the card in a clockwise direction in sequence; and different voters would start at different places on the card?

Mr. TONKIN: Yes. As it is now the donkey voter starts either at the top or at the bottom and the chap in the middle never gets a chance.

Mr. COURT: I think it is as well that the Committee should have a chance to consider this alternative to the proposition of the Government; and the Leader of the Opposition has explained his amendment and his objective in a painstaking way. The matter has been considered by the Government and I discussed it with my colleague, the Minister for Justice, and we are of the opinion that it will not achieve the result sought by the honourable member. I gather the basic objective of us all is to try to minimise—we could never eliminate—the so-called donkey vote. I believe a circular ballot will not reduce that vote.

Mr. Jamieson: Nobody is saying it will reduce it. It will distribute it.

Mr. COURT: Let us deal with reducing it first of all. We always hope the day will come when we cut down this vote to a minimum. There are two reasons for the donkey vote. Firstly, some people are not able to comprehend what it is all about; and, secondly, others merely wish to cast their votes without caring one way or the other about the result. I think we are already reducing the first of those votes.

I think we are gradually getting a greater sense of responsibility in voting as a result of propaganda put out by the candidates and their parties. I would like to think we are making some progress in getting people to identify the parties, even if not the individual candidates.

I believe the proposed new clause would introduce a complexity that would defeat its ends. I have had a good look at the Royal Agricultural Society circular voting paper. I well remember voting when this ballot paper was in use and I found it most frustrating. I hasten to add that ballot paper contained 12 candidates whereas, normally, we have only from two to six candidates in our State elections. I remember during my first election there were six candidates, and that was quite unusual. It would be fair to say that in most cases, especially with the Legislative Council franchise as it is, we have from two to six candidates at the maximum.

Even if there were only three or four candidates, it would still be a most complex piece of balloting material. I believe for that reason a circular ballot paper would defeat the objective of the Leader of the Opposition. To my mind the fact that the Royal Agricultural Society abandoned it so quickly tells its own story. There is a great difference between voting in an organisation with a large membership, such as the Royal Agricultural Society, where the rank and file members do not know one another very well, and voting in the A.M.A. The people who aspire to be the leaders in most professions—those who wish to join the councils and hold office—are people who are prominent in the day-to-day affairs of their profession.

I know that in my own profession there have always been about a dozen people who are more prominent in research, administration, etc., than are others. When a ballot is held, the voting is fairly responsible and it would be most unusual for a candidate who was not well known within the profession to put up for, say, the State Council of the Institute of Chartered Accountants. Very much the same sort of situation would apply in the A.M.A. The people who put up for office within that profession would normally be those who are prominent, and I imagine they would get a good response in the voting, whether the ballot paper was circular or straight up and down.

After studying the matter most carefully —and a considerable amount of interest has been shown by some members on the Government side and in the organisational side of the parties—we believe that the proposal will not achieve its objective. I therefore oppose the proposed new clause.

Mr. JAMIESON: I support the clause proposed by my leader. The latest ballot paper of the A.M.A. contained some 11 names. The members of that profession were multiple voting to elect seven members for the committee. I spoke to the secretary of that association and asked him how he found the ballot paper. He had not long finished counting and he was rather uncomplimentary in what he had to say. He said it just about drove him wacky trying to count the votes.

If we examine the problem in the Royal Agricultural Society we find that the reason the circular ballot paper was rejected was because the people charged with counting the votes did not like it, and they brought considerable pressure to bear in order to revert to the orthodox style of ballot paper. However, the problem is not whether or not it is easy to count. In the State elections only one vote has to be counted, except when preferences have to be taken into account; and that is done at leisure and not on the night of the election. There would be no difficulty; the papers would be lined up in heaps as is usual. It is true that the scrutineers would probably finish up with cork-screwed necks, but that would be their problem.

A circular ballot paper would distribute equally what we call the donkey vote. When I questioned the secretary of the A.M.A. I learned something of interest. That organisation has had this system of balloting for more than 11 years. I asked the secretary what the situation was prior to the present and he said they had a straight up and down ballot paper. I told him that he would not have any problems with donkey voters in that profession, and he said, "Don't you believe it." Apparently the voters picked out one or two and then voted straight down.

He said that invariably happened and that when the circular ballot paper was brought in they had some trouble with the older members—of course some are in their 80s—and they found it hard to teach them new tricks. He said no clear pattern emerged as had been the case with the straight ballot paper, and that the circular paper was better because it not only distributed the donkey vote more evenly but also had the effect of making people give more mature consideration to their votes.

I am inclined to think that any move we make in an effort to overcome this problem is a good thing. We all accept that there is such a thing as the donkey vote, because we have agreed to the proposition of drawing for position on the ballot paper, and we feel that to be a more equitable method than having the names placed on the ballot paper in alphabetic sequence.

However, having agreed that there is a donkey vote, we should agree with the proposition put forward to ensure that we distribute the voting as evenly as possible. The drawing of the names out of a hat does not constitute a fair distribution, but merely allocates a position on the ballot paper to a candidate who has had the luck of the draw. This is not true democracy in the real sense.

If there were six names on the circular ballot paper, surely, in the way the ballot paper is sighted, everyone should have an equal opportunity. I see nothing wrong in giving this system a trial. Somebody has suggested that it could be very expensive, but I do not agree with that. The circular ballot papers are cut by dies at the printers. Initially there is no difficulty in printing them, because they are merely pushed through a die in their thousands, and the same procedure could be followed with how-to-vote cards. Therefore there would be no major problem in adopting the circular ballot paper.

The principal point that occurred to me in regard to the circular ballot paper was that there could be a fairly large number of candidates. The Minister for Industrial Development had a circular ballot paper that was used by the Royal Agricultural Society. It had more candidates on it than the one I have here, but nevertheless the Royal Agricultural Society seemed to be able to accommodate them, evenly and fairly. If we gave the circular ballot paper a trial and found it wanting, of necessity the law would have to be amended so that we could revert to the old system.

If there were any objection to adopting this scheme it would come from the electoral officers, because they do not like the circular ballot paper. They say, "Keep away from it; it would drive one mad trying to count the votes." Even assuming that it will take two hours to count the votes in one of the ballots, if through our legislative programme we have been able to distribute the votes more equitably, surely that is a worth-while objective. I cannot see any great problem in adopting the circular ballot paper. Many union returning officers hold the same opinion as that held by the electoral officers. Yet the A.M.A. has no objection to the system as long as it can withstand the pressure from the people who normally count the votes.

If the new system were adopted, I think people would be more inclined to give greater thought to the task of casting their votes instead of inserting numbers all round the ballot paper in the same way as is done with the donkey vote, and it would certainly tend to give a more even distribution of the number of votes cast. There may be an increase in the number of informal votes. By that I mean the deliberate informal votes—those cast by people who would not be bothered by the circular ballot paper, but who would register an informal or donkey vote anyway.

As most members have been scrutineers at some time or another, they would know that most of the informal votes cast are deliberate informal votes, and so we do not have to bother much about them. I think the circular ballot paper would be worth while, especially when it is considered that it does tend towards a more even distribution of the votes; and, in my long experience, I have seen it work reasonably well.

Mr. CASH: I believe some of the arguments put forward by speakers on the other side of the Chamber for adopting the circular ballot paper represent the strongest arguments against it. They have spoken about the uneducated vote, the donkey vote, and the vote made by the disinterested person, and I believe that if we adopt the circular ballot paper the system would become more complicated and the number of informal votes cast would be greater. I am sure that many people would find the present system of voting much easier than the circular ballot paper and therefore I am certain the circular ballot paper is not in the best interests of the electoral system in this State.

As to counting votes on election day, members know that election after election constant requests and complaints have been made because the results of the voting have not been readily available for the public and the Press. At the moment the results are not known for one to three hours after the closing of the polling booth. Therefore I maintain that if the circular ballot paper were adopted hours would be added to the time we would have to wait for the results of the elections.

Mr. Jamieson: Not in the counting of the number one vote.

Mr. CASH: The Royal Agricultural Society found that, in using the circular ballot paper, although most of the candidates were known to those casting the votes, it was easy to adopt a haphazard system and, in my opinion, this could happen in general elections. There is no merit in adopting a circular ballot paper. The Government has taken a valid step in trying to improve the existing system. I think people will find it easier to vote for the candidate of their choice, and it will certainly be simpler than the circular ballot paper. What is more, I think the improved system would be far cheaper than a system which adopted the circular ballot paper. I oppose it.

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

Ayes—23

Sir David Brand	Mr. McPharlin
Mr. Burt	Mr. Mensaros
Mr. Cash	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. O'Connor
Mr. Dunn	Mr. O'Neil
Mr. Gayfer	Mr. Ridge
Mr. Grayden	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Lewis	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller)*

Noes—20

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. May
Mr. Burke	Mr. McIver
Mr. H. D. Evans	Mr. Moir
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Harman	Mr. Tonkin
Mr. Jamieson	Mr. Norton

(Teller)

Pairs

Ayes	Noes
Mr. Bovell	Mr. Davies
Mr. Kitney	Mr. Bickerton

Clause thus passed.

Clauses 15 to 17 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

LIQUOR BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.26 p.m.]: I move—

> That the Bill be now read a third time.

In doing so, I wish to explain why the Bill was not recommitted for the purpose of giving further consideration to clause 24. I conferred with the Deputy Leader of the Opposition on the wording of the clause we left for the draftsman to consider, with particular reference to the discretion to be given to the Licensing Court in respect of Sunday trading hours. General agreement has been reached on the form of this amendment, which will be made in another place, but so that we have a record of it here I wish to state it will contain a paragraph reading as follows:—

> (b) authorise the licensee to sell and supply liquor, during a specified period not exceeding, or specified periods not exceeding in the aggregate, five hours, on a Sunday, other than Anzac Day; or

This paragraph was proposed to give the court more discretion outside the two periods of two hours each specified for premises situated beyond the 30-mile limit.

Mr. Graham: And to retain the existing trading hours on the goldfields.

Mr. COURT: Yes, that is so; to allow the court to grant to the goldfields the trading hours they already have. This will, I think, overcome the problem faced by the member for Kalgoorlie. I mention him specifically, because I gathered he was very anxious that his electorate should know that he pressed for this provision in the appropriate place. He saw the Minister for Justice and myself, and this amendment has been inserted to allow the court more flexibility. I thought it was preferable to do it this way, unless a better argument can be advanced in another place to insert another clause to deal with the goldfields, as such, particularly as they represent about nine-tenths of the State for purposes of this legislation.

There are a number of other consequential drafting matters. Due to our enthusiasm over the last three or four days, I think the Bill has been subjected to a fairly hard thrashing, and the amendments we have introduced have produced their own anomalies, but the correction of them is the job of the draftsman working with the Minister for Justice in another place. I know that the draftsman (Mr. Sander) has a practical knowledge of what is intended, as he listened to all the debate.

The only other point on which I wish to comment is in connection with the query raised by the member for Belmont. He was concerned about the small sporting club which did not have permanent premises, did not have many funds, and occasionally conducted a function. The discussion centred around players' teas of amateur football clubs or prize giving nights, where liquor was provided and where the organisations would be caught up with the requirement to obtain function permits. His main concern was that these clubs will have to pay a $5 fee.

He raised two points: the first was how we would handle this occasional type of function conducted by small clubs, which are not financial; and the second was whether the Legislative Council could amend the fourth schedule. I am assured that there is provision in the Constitution to enable that House to amend the fourth schedule in respect of a fee of this kind. Furthermore, I have discussed this matter with the Minister for Justice and he is giving it consideration. No doubt the honourable member will arrange with members of his own party to make representations in another place to see whether the permit fee can be adjusted.

I hasten to add that it was never intended to include this fee as a revenue raising measure. When we were dealing with the particular clause it was pointed out that the main purpose was, on one hand, to overcome the embarrassment to the organisers of these functions so that they would not have to resort to subterfuge; and, on the other hand, to enable the locations of the functions to be identified so that the police would have a record of them. That was the main purpose of requiring them to obtain a permit: so that the police would know that at a certain time and at a certain place a function of this type would be conducted.

After conferring with my colleague, the Minister for Justice, I can assure the member for Belmont that this is not intended to be a revenue raising measure, but is intended mainly as a means of registration. I would point out that $2 does not go very far to defray the cost of handling registrations, issuing permits, and the like; but that is another matter. The important thing is that the amount of the fee will be given consideration, and that there is no impediment on the Legislative Council to amend the fee if it so desires.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [5.33 p.m.]: I wish to make a couple of short remarks. First of all, I thank the Minister who is in charge of the Bill in this House for his co-operation in arranging the drafting of the amendment to clause 24. I am arranging for the Leader of the Opposition in the Legislative Council to handle this matter.

The only other observation I wish to make is this: In this debate we have laboured long, and some clashes based on strong feelings one way or another have taken place. It would be true to say that none of us is completely satisfied with all of the provisions in the Bill, but I think it is agreed generally that the Bill sets out to effect improvements and advances in the legislation; and such amendments as have been made—whether or not we agree with them—have had the effect of making the Bill a better piece of legislation than when it was first introduced.

My final comment is this: To me it was quite a novel experience in watching the trend of the debate—and I suppose there is some merit in this—to find that one Minister was contesting with another, and that views of the Chairman of the Parliamentary Labor Party were in strong contrast with the views of the Deputy Leader of the Opposition, and so on. It can truly be said that we, who are charged with responsibilities, expressed views according to our lights.

It is the wish of all of us that this legislation—if it is the will of Parliament as a whole that it be passed—will prove to be successful; and that those who at the moment have certain fears and reservations will find them to be unfounded.

MR. NALDER (Katanning—Minister for Agriculture) [5.35 p.m.]: It was unfortunate that, through no fault of mine, I was unable to be in the House when the Bill was dealt with in the Committee stage. So as to have on record my views on two particular points, I seek your indulgence, Mr. Speaker, to mention them, because other members have had the opportunity to say all they wanted to say.

The first point I wish to make is in respect of Sunday trading. I wish it to be known that in my view we might have regrets subsequently, and that I am opposed to this part of the legislation. The second point is that I favour very strongly the holding of a referendum on this question. I said during the second reading debate, and I repeat, that a decision on this question should have been left to the public to make. However, this Chamber has made a decision, with which I disagree. I want to make those points clear. I thank you, Mr. Speaker, for giving me the opportunity to make these comments.

SIR DAVID BRAND (Greenough—Premier) [5.37 p.m.]: I merely want to say "so far so good." I think the result achieved is fairly satisfactory, but this piece of legislation has yet to be passed by another place and we might be called upon to give further consideration to it. However, I do hope that as a result of the decisions that are finally made the Bill will be retained in a workable and practical form.

Although it is not often that this is done —because as the Leader of the House I indicated that it was an independent Bill with members being given a free vote—I would like to pay a tribute to the Minister in charge of the legislation for the way he guided it through the House. Had it not been for his guidance we might have finished up with a confused type of Bill. I also would like to point out that the Chairman of Committees contributed to the passage of the Bill by the efficiency he displayed in handling it.

Mr. JAMIESON (Belmont) [5.38 p.m.]: I wish to comment on the matters raised by the Minister as a result of a request I made in the earlier stages of this debate in respect of the small sporting clubs. I have spoken to members on both the Government side and this side about the fee for the issue of a function permit, as set out in the fourth schedule, and find that a great deal of concern is felt. It possibly requires the attention of an expert draftsman to overcome the problem and to dispel the concern. Some way must be found to delegate the responsibility for issuing these function permits to the local or the nearest police station, and a very nominal fee of, say, 50c should be imposed; otherwise many problems will arise.

These organisations at the present time have to obtain permits from the local authorities. Under the proposition in the Bill, if a small club in Kalgoorlie desires to conduct a function it will have to make an approach to the Licensing Court. This requirement will cause unnecessary embarrassment to the court, because of the need to deal with the issue of so many of these permits. There are many small sporting clubs around the metropolitan area. I estimate that each Thursday night up to 150 players' teas or similar functions are held in the metropolitan area.

If the court is called upon to handle these applications, to write the correspondence, and to deal with matters over the counter, it will not be able to cope with all the work. Another problem is that, generally, the secretary of such a club holds an honorary position, and is busy looking after his own livelihood. If he has to approach the Licensing Court either to make an application personally, or to sign an application form for each function, then I say that the function activities of these clubs will cease.

One way to overcome this difficulty is by amending the schedule and by prescribing a fee of 50c for a function permit, and by delegating to the local or nearest police station the responsibility for issuing these permits. It is very important that these functions be registered, because the secretary or treasurer of the small clubs should not be placed in the position where he falls foul of this legislation, and be subject to the severe penalties.

If we cannot find a way to overcome the difficulty I am inclined to think that many of these organisations will continue to do what they have done in the past; that is, virtually to trade illegally. I would prefer to see some method evolved under which function permits are issued through police stations or shire offices, for the purpose of registering the functions. If the police have to be notified, then it is preferable for the police stations to issue the permits to cover occasions when there is a collection for liquor or liquor is sold for consumption by the members at these functions.

MR. BRADY (Swan) [5.43 p.m.]: The Bill is about to be passed by this House, and it will be the responsibility of the Legislative Council to decide whether or not to agree to it without amendment. I will not hazard a guess as to what happens to the Bill there.

I regret that the amendment moved by the member for Narrogin to make it mandatory for a certain amount of money to be set aside by the Treasury each year for the purpose of education in regard to, and research into the effects of, alcohol was not carried in the form proposed by the Leader of the Opposition. The Leader of the Opposition desired that money "shall" be paid into a trust fund to be set up, instead of "may" be paid into the trust fund. This matter now rests with the Treasurer, and I hope he will have regard to what I and other people have said about the effects of alcoholism. I realise that most of the alcoholics do not believe that they are suffering from a disease.

I am reminded frequently by friends who drink that if it were not for their drinking habits the people would have to pay much more in taxes. To counter that claim I believe that the disabilities brought about through alcoholism—as is evident in our gaols, hospitals, and orphanages—and the cost to the Government to run these institutions, offset any revenue that is obtained under the liquor laws. I do hope that the Treasurer will see fit to make money available, so that thorough research into this problem can be undertaken and statistics can be compiled. These statistics and the results of the research can be made available to members of Parliament when such an important question as this is before us.

MR. GAYFER (Avon) [5.45 p.m.]: Before this Bill leaves the Chamber I would like, just briefly, to make a point relating to what was said when we were dealing with clause 45. During discussion the Minister who was handling the Bill in this House told us he would move to insert another clause which he thought would cover the various objections raised.

The member for Roe, and I, myself, pointed out the case of the small country town the residents of which desired to hold a cabaret. The cabaret license, in effect, has to be procured in order that drink can be served, and that applies in small towns as it does in other towns.

A number of the small country towns to which I referred have no avenue of supply other than from the district clubs. The clubs have been formed by people from all walks of life and they are usually the central points in the towns. However, a district club will be precluded from supplying drink to a cabaret which is held in a hall within the town. The law definitely states that whoever is running the show must travel 50 miles or so to pick up the liquor to be dispensed under the cabaret license. If a small quantity of liquor is left over, I imagine it would have to be taken back to the point of supply.

I am sure this problem could be solved by the passing of a couple of amendments in another place to provide that if there is no other place from which liquor can be purchased within a town, then it can be purchased from the district club. This matter has been worrying some members and, as I have said, we thought the insertion of the new clause by the Minister would possibly cover the point. However, it did not, and the amendment stifled any further debate.

I make the point that I hope a move will be made by one of my colleagues, or some other member, to rectify this matter in another place. It is one fault I find with the Bill, and the exclusion of the provision will take away something which has been traditional for many years.

Mr. Graham: Is it not a fact that under the existing legislation a club cannot sell liquor off the premises?

Mr. GAYFER: That is so, but when people go to cabarets they take along their own requirements in bottles.

Mr. Graham: What about a non-club member?

Mr. GAYFER: No, a non-club member cannot buy drink at the club.

Mr. Graham: What does the non-club member do?

Mr. GAYFER: If he was a drinker he would be a scab if he was not a member of his own local club. In the small country towns everybody patronises everybody else to keep things going.

Mr. Jamieson: Compulsory unionism.

Mr. GAYFER: Yes; perhaps that is why I wanted to keep the fee down to $2.

MR. I. W. MANNING (Wellington) [5.49 p.m.]: Of the 177 clause contained in this measure only two concern the tragedies which arise from the consumption of alcohol. This Bill will provide the opportunity for greater consumption of alcohol—more sophisticated drinking—and on the law of averages the problems associated with alcohol will increase.

It behoves the Government to look closely at the two clauses I have mentioned, and the provisions contained in them, and have regard to the effects of alcohol upon drinkers. I hope the Government will look closely into the alcoholic content of drink—the dynamite, if I might use that word. In my view, most of the tragedies associated with the consumption of alcohol come from the high alcoholic content of the drink.

I do not want to extend the debate and labour the point at this stage, but I feel it is my duty- and it is my keen desire—to point out that this Parliament should recognise this aspect of alcohol.

MR. COURT (Nedlands—Minister for Industrial Development) [5.50 p.m.]: I want to say, very briefly, if any one who was an alcoholic had had to study the 177 clauses of this Bill, as I have had to, he would not want to drink again in his life!

Mr. Nalder: So much talk for a drink.

Mr. COURT: I hope all those who function under this Bill, when it becomes an Act, can enjoy life; because we have laboured wearily over it.

I rise to speak on one point only, and that is in connection with the comments made by the member for Avon. He implied that I did not meet a promise I made. I am punctilious in keeping a note of promises, and following them up. I cannot recall promising to bring down an amendment to deal with this particular anomaly, but I did say I would have the matter mentioned by the member for Avon studied. The proposition has gone to the draftsman and is being studied at the present time to see if there is a way around this local problem.

The problem is only local and not one of major importance. I did say we were drafting a clause to deal with another matter which was raised by the Deputy Leader of the Opposition, and which dealt with some of the existing wine licenses. The Deputy Leader of the Opposition was seeking to extend the date to 1975 instead of 1972 and I said a clause was being drafted with respect to that, and a number of other matters, to remove anomalies which would develop. However, that was an entirely different circumstance from the one to which the member for Avon referred. He can be assured that the representations he made, and those made by the member for Roe, have been passed on as I promised.

The SPEAKER: Before I put the question I would like to express appreciation to the Chairman of Committees and the Clerks for the task they have undertaken. I must admit this is a most unorthodox thing to do, but I am sure it is the wish of all members that I should express appreciation.

I know that some members have made facetious remarks to the effect that I should hand back some of my salary. However, I would inform members that I did not leave the House until 3 o'clock this morning. At that time the Clerks were beginning to include the amendments in the Bill for reprinting. I might add that one of the Clerks was at the Government Printing Office at eight o'clock this morning to continue the job.

I think we ought also to express our appreciation to the Government Printer for getting this Bill back to us today. When we left the House early this morning we did not expect to see the Bill again until tomorrow.

I again express my warm appreciation to the Chairman of Committees, his deputies, and the Clerks for the work they have done in the handling of this very difficult Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

STRATA TITLES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th April.

MR. BERTRAM (Mt. Hawthorn) [5.55 p.m.]: I support this Bill. It affects a relatively minor segment of the Companies Act. When, on the 24th March last, a Bill was before this House to amend the Building Societies Act, I commented that an amendment of the sort that is in the present Bill should be made to

the Companies Act. Obviously, therefore, the Bill in its present form must receive my support, as I have indicated.

The Bill was introduced on the 30th April, and the Minister's remarks in support of it are to be found on pages 3601 and 3602 of *Hansard*. The reasons for the introduction of the Bill are quite adequate, and I see no reason to enlarge upon them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

PLASTERERS' REGISTRATION BILL

Second Reading: Defeated

Debate resumed from the 21st April.

MR. JAMIESON (Belmont) [5.59 p.m.]: I am sorry the Minister is not present.

Mr. Court: He will be here in a moment.

Mr. JAMIESON: I am glad to know that, because he had a lot to say. I have analysed his remarks fairly thoroughly and I would like to comment comprehensively on what he said. Since I introduced this Bill there has been quite a furore regarding shoddy workmanship. Indeed, my colleague and deputy leader had another proposition before this House. That proposition was suitably debated but it is now past history. We are now back to the situation of dealing with the proposal set out in this legislation.

I am rather disappointed that the Government has taken the attitude, through its Minister, that it does not support the Bill, although a glimmer of light did appear when the Minister indicated that in respect of other matters we could expect some form of legislation at a later stage.

The Master Plasterers' Association in this State has a fairly good reputation and, despite what the Minister and the member for Floreat had to say, it has quite a high ethical standard. The association has put out a manifesto of standard plastering specifications, which is the bible upon which plasterers operate and upon which they tender, and members of the association are expected to abide by it. It is fairly comprehensive and follows the lines adopted in California. The code of ethics, standard specifications, and so on are available to members. Action is taken against any member who fails to abide by those specifications.

In his remarks, the Minister caused some confusion about fibrous plaster work and solid plaster work. Those who have been around building jobs for a while know there is a considerable difference between the two, although there is a great deal of co-operation between both types of plasterers. The Secretary of the Fibrous Plasterers' Association informed me that he was very strongly behind this legislation. That is not surprising because very often fibrous plasterers join onto the job that has been done by solid plasterers. The solid plasterers do the walls and the plaster fixers fix the ceilings with fibrous plaster. If there are faults in the work they are both affected.

Mr. Ross Hutchinson: I am inclined to think that the original approach from the plasterers involved both of them.

Mr. JAMIESON: They are involved because they are very closely associated. The organisation we are dealing with was not the Fibrous Plasterers' Association, which has a somewhat different function. Members of that association manufacture sheet board, cornices, and other things away from the job; then they take them to the job and fix them in when they are engaged to do so, on a subcontract basis.

I suggest that there is no need for any confusion. While they both work in the industry on some form of plastering, they are clearly definable, and the fact that one group might be registered would not affect the other association in any way. As a matter of fact, the secretary was very much in favour of registration.

It is rather remarkable that the Minister refused to handle the Bill on behalf of the Government, because one of the Government's responsibilities is to see that the community gets a fair go. There is a Factories and Shops Act, a Weights and Measures Branch, and so on, to do just that. They regularly check to ensure that one gets the right amount of petrol when one buys one gallon of petrol. They regularly check to see that scales in shops are operating correctly. The plasterers organisation of its own volition wants to undertake, under cover of law, to protect the people in the community who are paying for a service in the same way as they pay for a service over the counter, where the check is made by other organisations.

Shoddy workmanship can be a danger to the public. The practice of licensing electricians originated from a tied house system in the Perth electricity supply. While all States now have certain standards with which electricians must comply, the original concept was a requirement to tie up the standards expected from employees. When Government instrumentalities took over these organisations they accepted these groups of employees and a standard apprenticeship syllabus came into being, leading finally to the registration of persons

who become proficient in the trade. This is very desirable and to the advantage of the community. It does not eliminate all the problems of shoddy plumbing or electrical installations, but at least there is someone to whom people can appeal.

In the case of a shoddy electrical installation one goes to the S.E.C., whose inspector will look at the work, and the person responsible for it is immediately taken to task. There might be no immediate danger, but a dangerous situation could arise if the workmanship is not up to standard. The same thing applies to the installation of various kinds of drains to connect with sewer mains, which are the responsibility of licensed plumbers, and to connections to water services, which are the responsibility of licensed plumbers.

In the case of a water connection, an inspection may be made either at the request of the person who engaged the plumber to do the job or as a prerequisite to having the job passed by the Metropolitan Water Supply, Sewerage and Drainage Board. In either case the public has some form of redress. The plumber will be told to rectify any faulty work or he will lose his license. This is a very good stick to be able to wield to ensure that the plumber does not become lax and irresponsible. The tendency these days, in all walks of life, is to have a casual approach to work, to try to get through it quickly and get on with the next job. If there is no-one to police these things the situation will become much worse.

Some of the master plasterers who desire separate registration are also registered master builders. While a person contracting for building purposes in excess of $2,400 must be a registered builder in the metropolitan area many of the contracts that have been undertaken by these plasterers range from $25,000 to $50,000. This is a considerable contract for a person who is not sufficiently skilled. The Minister might say it is the responsibility of the architect or the builder to see that he gets a proficient person, but that is not always easy to do. The demand for labour being as it is, one very often has to accept what is available. If a tradesman is flying under false colours, it is to the detriment of the community.

During the course of this session, I asked a question about a set of circumstances that existed in Eden Hill, in the territory of my colleague, the member for Swan, where the Housing Commission is building some flats. As a result of bad workmanship in this group of flats the contractor had to call in another lot of plasterers. Naturally, they did not want to do it on a contract or subcontract basis when they had to chip the plaster off and get the walls ready for replastering, at a rate of $100 a week for each employee. These people were on the job for another four weeks and the contract was four weeks behind schedule as a result.

One would think that people who had large contracts with the Housing Commission would be able to avoid this sort of thing, but they cannot avoid it when they are subject to the labour market that exists and when those who offer to do jobs get themselves into these difficulties. It is true that they do not have to pay for the work that is faulty, but they pay for it in another way—in delays because of not being able to finish the job; and very often they have to seek redress in the courts to make good the money lost through having the work done again.

The job to which my attention was drawn in the member for Floreat's territory was a shocking job. When I arrived on the job there was a whole contingent of people. I refused to go there while the subcontractor was present because I did not want to become involved in any arguments. This was in one of the in-between periods of this session. Amongst those present were representatives of the Master Builders Association, the Master Plasterers' Association, an inspector from the Builders' Registration Board, and representatives of the local authority and two or three other interested organisations.

The contractor had found several hundred faults in one section of a duplex home. It was a very well-constructed unit which had been spoiled by the plasterer. I asked the builder how he could have engaged the people who had done such a shocking job. He said, "My plasterer was occupied. I went to the pink pages and these people were set out as plasterers. I asked them whether they would be able to do a job within certain specifications, which they said they could." They came along and the builder watched them for a while; they seemed to know what they were doing. It was to be a cement sand finish type job, of internal plastering, setting of the walls with a sand finish. After they had done about one wall the fellow said, "Could I include a little bit of lime? I think it would make a better job." The builder said to him, "Fair enough, but no more than a shovelful in a mix. It could make a better job under the circumstances." The builder went away—he had other jobs to do. That was on the Friday afternoon. On the Monday morning he came back and found that the contractor had worked all the weekend and the whole job had been finished; and finished it was!

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JAMIESON: Before the tea suspension I was dealing with the fact that a particularly bad example of building construction could be seen in the district of the member for Floreat. This project was thoroughly examined by inspectors

from the various building trades and they all agreed that it was a shocking set of circumstances. The fellow who had done the plastering work had done it over the weekend and had left it in what he considered to be a finished condition. However, when one touched the plaster it flaked off and one finished up with plaster under the fingernails. It was a most unsatisfactory job.

One might say that the person for whom the work was done would not have to pay if the job was so bad. That might be so, but the builder for whom the plasterer did the work had members of other building trades waiting on the plasterer to finish, and he did not have any other jobs to which he could send those employees while the plastering work was being redone. So, from the builder's point of view, it was a most uneconomic proposition. The plaster had to be removed and reformed by somebody else who could do a proper job. Obviously, as soon as the builder left and the plasterer was not under personal supervision, he had changed the mix until it reached the stage where it was practically lime and sand mix only. As a consequence the job was a most unsuccessful one. Other tradesmen could not put a float over the top of it and, in fact, it was an impossible situation. That plaster had to be removed and the job redone.

The Minister made mention of the fact that the passing of this Bill could result in an increase in costs. If it did result in an increase in costs, which I doubt very much, surely it would be better to have the whole of the trade absorb that increase, and to have properly supervised jobs, than for just a few to have to obsorb the costs involved in shoddy work? The situation at present is that the Master Plasterers' Association is receiving complaints, as the Minister must know, because a considerable number of complaints have been referred to his office. In turn, the complainants have been referred to lawyers, the Builders' Registration Board, or somebody like that in an effort to get them out of the department's hair.

However, the Master Plasterers' Association usually finishes up with the complaints in its lap and, as a consequence, its representatives conduct an inspection to find out what is wrong and the association advises the people concerned on what action should be taken. That work is all done gratis; it is a job done for the public because something has taken place in its trade that the association feels is wrong and should be rectified. The association is already doing this work for the public and it is entitled to some coverage for it.

The association cannot do anything on behalf of a person who complains other than to advise him on what action the association believes should be taken. In addition, there are many plasterers who do not belong to the association, as is well known; and, as has been pointed out by that organisation, when action is taken by the union the respondent to the action in the arbitration court is the Master Plasterers' Association. The fly-by-nights and others rely on the Master Plasterers' Association to put their case in reply to the union's submissions. These people rely on the Master Plasterers' Association to do their work for them by presenting a case to the court, yet they do nothing for the association. They are only sponging on the organisation. Under a system of arbitration such as ours the two camps need to be fairly evenly balanced otherwise the system will not work. As the position is at the moment the hands of the Master Plasterers' Association are tied.

I have pointed out that the plasterers' craft is probably one of the world's oldest. Many parts of the old colosseum were built with hard plaster by craftsmen. Fibrous plaster is a comparative innovation; in other words, like most other building materials, plaster is being prefabricated, and the use of prefabricated materials has been increasing considerably over the last few years.

The Minister referred to the possibility of a closed shop with the introduction of this legislation. I do not know how he got that idea, because the proposals in the Bill will mean that anybody who qualifies as a fully trained craftsman, or anyone who can satisfy the examiners in regard to his proficiency, would be automatically admitted to registration. That would not provide for a closed shop. Any person who became qualified could be admitted for registration. Initially, of course, those who are now working in the trade would be admitted under what the member for Balcatta referred to as the grandfather clause. We could not get away from that aspect.

Mr. Ross Hutchinson: May I say at this juncture that the reference to a closed shop is valid, because with some of this registration legislation I continually have represented to me the fact that people cannot get into certain trades.

Mr. JAMIESON: That might be so, but it does not follow that this would be the position with this legislation. It is true that a builder can pass an examination set by the Builders' Registration Board but it does not automatically follow that he will be admitted as a registered builder. I have had complaints made to me that people have passed the examinations but have not been admitted. However, I do not believe that would be the case under this Bill. As soon as a person completed the apprenticeship course or passed the necessary examinations he would be entitled to be registered, and the union itself recognises this because the union feels

that it is a good thing for its craftsmen to seek the establishment of an association for master craftsmen.

Mr. Graham: Every operative plasterer would be eligible to become a registered plasterer.

Mr. JAMIESON: That is so. I mentioned before that if there was some coverage, the Master Plasterers' Association would be given some relief in regard to inspecting unsatisfactory work. It would give the association some satisfaction to know that its efforts were not in vain. At present that is more or less the case. The stick to wield of course would be the removal from registration for shoddy work, and that would be a big stick to put in the hands of a board to use at its discretion. It would certainly dissuade people from undertaking shoddy work if they knew they were likely to lose a business.

There are a number of things associated with the activities of plasterers that the Minister should know. For instance, in the normal building the plaster work represents about 1/100th of the total building cost; whereas the painting work—and painters have a registration board—represents about 1/200th of the total cost. That is a glaring anomaly, because a trade which represents twice as much, in terms of money outlayed on a building, as another trade is not registered, but the other trade is.

The Minister complained about the severity of the penalties that were provided for in the legislation. I would hasten to remind him that the penalties are not very severe when one considers that the work being done by plasterers has to be paid for by somebody out of his hard-earned cash. In this day and age a person is liable to a fine of $20 or more—as a spot fine—simply for crossing over double white lines on the road. By comparison, of course, the penalties proposed in this legislation are not very high.

I mentioned before that the Minister had had a number of complaints referred to his office. Those complaints have been channelled into the Minister's office by the Master Plasterers' Association because that organisation is getting tired of listening to them and its officers are crying out for some relief. The only relief they can get is through some action by the Government. It is hopeless for a private member to try to do anything in a situation like this unless he can get the Government to go along and agree to provide some form of registration.

Also, I mentioned before that with the necessary qualifications a person is automatically accepted as a member of the Master Plasterers' Association. In fact, today the only building trades that are not really registered are the plasterers, the bricklayers, the carpenters, the cabinet makers, the roof tilers, the aluminium window fixers, and the labourers. Unions cover work within those trades. In other words, we are leaving these people out on a limb.

The Minister took the point that there are only 60 members of the Master Plasterers' Association but there are some 150 non-members in jobbing operations. What the Minister omitted to point out, and what has been common knowledge throughout the trade for a considerable time, is that the Master Plasterers' Association intended to apply for registration and in that time not one letter of objection was received. This shows that some of these people are prepared to jump on the bandwagon after the work has been done—in this case work was being done by the Master Plasterers' Association.

Mr. Graham: I guarantee those 60 members do far more work than the other 150.

Mr. JAMIESON: Those 60 members do a great deal of work and the others are only jobbing contractors, although frequently they do big jobs.

There is one other point which the union brought to my notice and I ask the Minister to pay particular attention to what I am about to say. At the time of the registration of painters the number of apprentices in the painting industry had fallen to a very low ebb. However, since painters have become registered the number of apprentices in the painting trade has more than doubled. There is more security in the industry and painters are prepared to take on apprentices and provide tradesmen for the future. If members care to read *Hansard* they will see the questions I have been asking about building trades' apprentices. From the figures given they will see that the number of apprentices has fallen to a very low level, in the plastering section.

Now let us turn to the comments of the member for Floreat. He started off by saying that he would not be prepared to support the Bill because it was against Liberal principles. I do not know what Liberal principles are associated with ensuring that one's fellow citizens get a fair deal when they pay to have work done. I cannot see where Liberal principles come into that at all. He also made mention of the fact that the local authorities were a protection. How many inspections do these authorities carry out? The honourable member knows only too well because he knows quite a bit about building—he should do, as he is a registered builder in his own right. He would know that the local authorities do not check on the quality of the plaster work, or any of the other work done. All that the local authority is interested in relates to the health angle—the fall of the floors, the type of floors, the type of walls, and so on in food shops and the like. That is

the only consideration the local authorities have. In most cases these people are not qualified to carry out inspections for shoddy work, nor do they do it.

Mr. Ross Hutchinson: Builders have to conform to the by-laws, of course.

Mr. JAMIESON: By-laws do not cover craftsmanship—whether a little more cement should have been used in a particular job, or something like that, which is in the ordinary specifications. Those inspectors are not interested so long as the job, in their visual estimation, is done in a reasonably satisfactory manner.

I think the honourable member said it was a matter of building ethics when referring to the question of dealing with the public. One wonders, however, where one starts and stops in the matter of ethics. The member for Floreat also said it was possibly more desirable to educate people on these matters than it is to be concerned with this form of registration.

I do not know how well we would be able to educate people in this matter, because we do not seem to be able to educate those who are eligible to be members of this House—we seem to find it difficult to educate them in the rights and wrongs of the things associated with the building industry.

The honourable member would well know that the maximum amount one can claim for each contract, if one is not a registered builder within the metropolitan area, is the sum of $2,400. He should also know that if one enters into a business partnership, the Builders' Registration Board requires not only that the registered builder himself be registered, but also that the firm be registered.

Yet one finds that on the 14th April, 1970, on North Beach Road, North Beach, there was a sign in front of a two-storied block of 14 home units and the builder was listed as Mensaros and Thurzo, 40 Hamersley Road, Subiaco. A check with the Builders' Registration Board, however, showed that there was no registration under the name of that firm.

While I am not very interested in what the honourable member does, because he can look after himself, I must say that he certainly put his partner in an invidious position. Where could one have a two-storied block of 14 home units built for $2,400? I feel sure the job could not be done as cheaply as that. This would place his partner in the position of a bankrupt.

Mr. Mensaros: You do not know the Act.

Mr. JAMIESON: Nor does the honourable member, or he would not have put himself in this position. He very clearly knows that he is not able to trade as a firm without being registered.

The SPEAKER: Order! What has this to do with the business before the Chair?

Mr. JAMIESON: I mentioned it because the honourable member in the course of his remarks said that we should educate people to identify themselves with the correct procedure so far as building is concerned. I was merely pointing out that if one cannot educate members of Parliament in these matters—

The SPEAKER: Order! You do not prove your point; you are expressing an opinion of law which as a layman you are not competent to express.

Mr. Tonkin: That is a new ruling, Mr. Speaker.

The SPEAKER: I am pointing out that the honourable member must keep to the business before the Chair. He is endeavouring by devious methods to prove he is keeping to the matter before the Chair, but at the same time is pointing out that the member for Floreat is not registered which, I rule, is not the subject before the Chair.

Point of Order

Mr. TONKIN: On a point of order, Mr. Speaker, I think it is important that we should know precisely what you are ruling at this stage, because as I interpret it you are saying no layman is entitled to present opinions of law.

The SPEAKER: I say that no layman is entitled to put forward an expert opinion and say that members of Parliament have not done a certain thing which requires an opinion on a matter of law. My ruling is that this is not the matter before the Chair; we are not discussing whether or not the member for Floreat should be registered under the Builders' Registration Act.

Debate Resumed

Mr. JAMIESON: I am more concerned with the shocking state of the work being done in some parts of the metropolitan area. I would like to refer again to the member for Floreat, because he addressed himself to this matter and said that when he travelled through Europe he was alarmed at the low quality of the work in the building industry there. I think he mentioned Austria and two or three other places which caused him some concern. He was very worried about this taking place in countries which had similar regulations, and so on, and he later complained that one of the reasons he would not be interested in the matter was that we would not allow this type of person to become a tradesman in this country.

Should anybody wonder why? Unfortunately, among the people who are setting themselves up as tradesmen and who are carrying out most of the work are the European tradesmen who are not fully trained as tradesmen, and I say that with all due respect. Those who are trained tradesmen among the Europeans are the

very best of craftsmen but those who set themselves up as craftsmen and who are not tradesmen are really quite hopeless.

I had experience of this in the building industry when the southern Europeans were coming out here and being placed in jobs under my control. Some of them were supposed to be carpenters, and the like, but after talking to them and gaining their confidence one would find that some of these so-called tradesmen had been bank clerks. They had come out here without papers connected with the building trade and put themselves up as carpenters. Because of the shortage of tradesmen and the consequent inclination to employ anyone who said he was a tradesman, these people were able to acquire some knowledge and later to move into the field of semi-skilled craftsmen. It is these people who have caused a considerable number of problems.

I would say that all in all the member for Floreat did not make out a very good case. He pointed out that we had restrictions which frightened the people who wanted to come to this country. If we have a standard of building here which is better than that in Austria or somewhere else, it is well that we maintain that standard. Surely the honourable member is not suggesting that we reduce the standard of our tradesmen to that which exists in Europe; a standard with which he was not happy. This seems to me a very important feature when considering this matter.

Having dealt with that question I would again like to refer to the fact that the other night in another debate I mentioned several features dealing with a situation in California where provision is made for the registration of contractors which, I think, is the ultimate goal and one which we must eventually employ here.

One of the things on which the Minister kept insisting was that there was not much danger of plaster work being faulty. I think my deputy leader has constantly made reference to various occasions when plaster has been falling off ceilings in recent times and this will make it abundantly clear that there is a very real danger in this direction. I think the Minister knows the case to which I am referring.

Mr. O'Connor: Was he a registered plasterer?

Mr. JAMIESON: That is beside the point. The fact is that there is no redress.

Mr. Ross Hutchinson: That was cleared up, of course.

Mr. JAMIESON: Maybe it was; but I would like to point out another feature in connection with this matter and refer to the official publication of the Contracting Plasterers' and Lathers' International Association. I would like to quote the following passage:—

> Fireproofing is not only a matter of life and death, but mighty important business for this industry.
>
> It is most important to note that fire ratings are based upon actual tests made by accredited laboratories and use of any given system should be in strict accordance with the specifications. This means mix, thickness and application procedures, and, while many approved systems are similar, they are definitely not interchangeable, except as provided in the actual approval.

So one will see that even in the matter of fireproofing, unless there is adequate coverage in respect of specifications and indeed of skilled artisans who know the specifications and how to apply the treatment, it would be possible to endanger the lives of people if we subjected them to over-much fire risk.

There are a number of other problems associated with the industry. I hope what I have said will indicate that there are reasons for having this group of building contractors registered. If they are allowed to operate as a registered body it will be at no cost to the Government.

The SPEAKER: The honourable member has another five minutes.

Mr. JAMIESON: Thank you, Mr. Speaker. They would also live up to their standard of plastering specifications and in the course of their activities there would be fewer problems created in the community. Apart from this it would at least be possible to obtain some redress from this association if the organisation was able to police its own activities. We should give the legislation a trial and, if it is not successful, we can decide whether or not it should be continued. Given a coverage under law, I feel sure the people concerned would police their own Act and would also be instrumental in bringing forward trained apprentices for the future. All in all we would be better situated by the coverage provided. Accordingly, I commend the Bill to the House.

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

Ayes—16

Mr. Bertram	Mr. May
Mr. Brady	Mr. McIver
Mr. Burke	Mr. Moir
Mr. Fletcher	Mr. Sewell
Mr. Graham	Mr. Taylor
Mr. Harman	Mr Toms
Mr. Jamieson	Mr. Tonkin
Mr. Lapham	Mr. Norton

(Teller.)

Noes—21

Sir David Brand	Mr. W. A. Manning
Mr. Burt	Mr. McPharlin
Mr. Cash	Mr. Mensaros
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Stewart
Dr. Henn	Mr. Williams
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller)*

Pairs

Ayes	Noes
Mr. Davies	Mr. Bovell
Mr. Bickerton	Mr. Young
Mr. H. D. Evans	Mr. Rushton
Mr. Jones	Mr. Kitney
Mr. Bateman	Mr. Mitchell
Mr. T. D. Evans	Mr. Nalder

Question thus negatived.

Bill defeated.

STRATA TITLES ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [8.2 p.m.]: I move—

> That the Bill be now read a second time.

This Bill to amend the Strata Titles Act was introduced in another place by the Minister for Justice in response to representations made by the Minister for Town Planning.

As members will see on reference to the Bill now before them, it is proposed to add a paragraph to subsection (6) of section 5 of the Act. This, in effect, will reinsert a similar paragraph which was deleted in 1969. The other amendment repeals subsection (8) of that section, and that subsection was inserted in 1969.

It may be recalled that when last year's amendment to the Strata Titles Act was being introduced, I stated in respect of the fifth clause of the Bill, which amended section 5 of the Act that—

> The proposed extension of the provisions of the Act have been agreed as reasonable by representatives of the Local Government Department and the Town Planning Board and—with particular reference to section 5—the need for the approval of strata plans by the Town Planning Board is to be deleted.

Continuing, I said—

> The board is of the opinion that it is only concerned with subdivision of land and not buildings. Under these circumstances, its approval is not necessary.

I should emphasise the reference previously made to subdivisions, because it has since transpired that people with broadacres can now, with local authority approval, and without recourse to subdivision, proceed with housing projects without reference to the Town Planning Board.

It has become apparent that this approach is not necessarily desirable because of the demands which are being made on Government for the supply of water, power, schools, and services, generally, and I shall shortly indicate to members why this is so. This does not necessarily mean, however, that the Government is opposed to all such schemes, but we consider that the town planning authority should have a say in these matters.

The Bill therefore proposes the repeal of subsection (8) as I have previously mentioned. That subsection removes the strata plan from the need to comply with sections 20 and 21 of the Town Planning and Development Act.

In reinstating paragraph (b) of subsection (6), we will ensure that, as originally proposed when the principal Act was passed in 1966, a strata plan lodged for registration under the Act shall be endorsed or accompanied by a certificate in the prescribed form of the Town Planning Board, certifying under the hand of the chairman that the proposed subdivision of the parcel shown in the plan has been approved by the board.

The reasons for reverting to the original provisions is that a situation has come about through their deletion which was not visualised at the time and this situation is concerned with attempts now being made to have large areas developed as so-called "country clubs" encompassing extensive housing schemes. The 1969 amendments provided, as it were, a loophole in the Act which enabled these owners to see a means of developing by bypassing the need for subdivision, which in all instances has to be approved by the Town Planning Board.

It is a fact that the situation has been held in the metropolitan region area by withdrawing the delegated authority from the local authority and reverting to the control of the Metropolitan Region Planning Authority; but no such control can be imposed in areas outside the metropolitan region scheme. Therefore, if any local authority were to approve any of the schemes submitted or likely to be submitted, we would be powerless to prevent them.

As a consequence, there has developed a very serious situation because, irrespective of the merits or otherwise of such schemes, the planning and control are taken out of the hands of central government. Having regard to the orderly and proper planning of the State and the preservation of the amenities of the localities affected, it is submitted to members that this state of affairs must not be allowed to continue.

In order to enable members to have a fuller appreciation of the train of events which has led to the introduction of this measure, it would, I think, be desirable were I to read some quotations from a

minute submitted to the Minister for Town Planning, as follows:—

> As you know, the Metropolitan Region Planning Authority has adopted the corridor concept with wedges of rural land as the basis for guiding the future extension of the urban zones; in addition, Government is aware of the steps taken to control speculation in land, particularly in the Region.
>
> During the past few months, officers of the Department have become increasingly aware of proposals by owners of relatively large holdings to develop what are referred to as country clubs with extensive associated housing schemes and uses ancillary to the primary form of development upon land zoned for rural purposes in the Metropolitan Region Scheme of land predominantly rural in character in other parts of the State.

To date a number of projects have come to the notice of the department. Briefly, these projects are known or believed to be as follows:

One developer prepared plans showing a large parcel of land on which is envisaged a club with adjacent golf course, riding school, homes for the aged, and hundreds of patio houses developed in two phases in a cluster pattern on the periphery of the golf course or the lake. The project also envisages the development of shopping facilities for use by persons living at the club as well as the passing public. A reticulated water supply is envisaged as well as a package sewerage scheme for each phase of houses.

Another project involves broadacres surrounded by the region park and recreation reserve on which the developer envisages providing a golf course, tennis courts, a swimming pool, and a considerable number of patio houses.

A third development affects a fairly large portion of land on which more than 500 home units as well as a kindergarten, hotel, and doctors' clinic—will be constructed. This project envisages 11 subdivisions on which clusters of flat or patio developments will be built.

Another one proposes nearly 1,000 dwelling units over several hundred acres. To continue with the report—

> The interesting and important aspect of the proposals from the administrative viewpoint is that, in respect of some of these projects, the developers do not envisage any amendment to zoning in the Metropolitan Region Scheme nor do they intend applying in any of the cases for the consent of the Town Planning Board to subdivide and create new lots upon which each patio house or flat building could be erected. The intention is to provide either a strata title or, under the Companies Act, a share in the developing and holding company; apparently, with a legal document allocating the shareholder the sole right to a particular patio house and its curtilage and a shared community use right to the recreation facilities.
>
> Where the strata title procedure is used, the purchaser of a patio unit would not necessarily be entitled to use automatically the club facilities. Furthermore, in the projects sighted, the developers do not intend to set aside and vest any land for public open space purposes, nor do they intend setting aside sites for schools and appropriate community facilities.
>
> As you know, the power to determine applications for consent to develop pursuant to clause 28 of the Metropolitan Region Scheme, was delegated to local authorities and until recently, only those projects which affect or abut a region reserve were required to be referred for examination by the Metropolitan Region Planning Authority. In consequence, the Council concerned could have granted consent to develop without the Authority being aware of the Scheme.
>
> Up to the middle of March, 1970, there was in general terms no cause for concern about the type of development occurring within the Rural Zone but as a result of a recent amendment to the Strata Titles Act—

This is the amendment passed in April, 1961, with which this Bill deals. To continue—

> —Developers have discovered a loophole in the legislation and it seems are hopeful of achieving what is essentially permanent residential type development in areas essentially rural in character.
>
> In order to ensure that development contrary to the rural use of land in the region is not permitted, the authority resolved during March to require all development applications to be determined by the authority except those in respect of single family dwellings and buildings ancillary to the farming use of the land. In this way, the authority can control development in the rural zone until the legislation is amended.

The report adds—

> There is, of course no objection from the Town Planning viewpoint to the creation by a developer of a golf course or a country club and associated facilities and accommodation when the intention is to provide a facility genuinely serving as such.

And I think at this point it is important to emphasise this aspect. Continuing, the report explains—

> The proposals sighted to date seek primarily to create quite extensive pockets of permanent residential development on an ad hoc and uncoordinated basis in the Rural Zone of the Scheme or in essentially rural areas of the State outside the Scheme. Clearly, having regard to the orderly and proper planning of the State and the preservation of the amenities of the local authorities affected, the projects should not be permitted; however, as the Strata Titles Act now stands, the Commissioner of Titles is unable to refuse to accept submissions for Strata Titles in respect of such a project, provided the local authority concerned and a registered surveyor submit the certificates required pursuant to the Act.

The chief planner has recommended that an amendment to the Strata Titles Act should be introduced as soon as possible.

It seems that Parliament should agree to this Bill in order that the town planning authority will have some say in the matter. matter.

I conclude by explaining that the reason I am introducing this Bill is that I represent the Minister for Justice, who administers the strata titles legislation. The Minister for Town Planning, prior to his departure overseas, brought this matter to the notice of the Government and it appeared to the Government that something should be done about this set of circumstances.

I repeat that the Government does not necessarily consider all the proposals are unacceptable. The Government feels that each one of them should be considered on its merits and that due consideration should be given to all the proposals. This Bill ensures that when consideration is being given, the Town Planning Board, amongst other authorities, shall have its say.

On behalf of the Minister for Justice, I apologise to the House for the introduction of this Bill so late in the session. This is not the usual procedure but, in the event of attention not being given to these matters by Parliament, then in the interim between the conclusion of this session and the commencement of the next, we might be placed in a position where the existing law will be found quite deficient to deal with the problem of considering each of the proposals on its individual merits.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

BERNARD KENNETH GOULDHAM

Compensation: Motion

MR. BERTRAM (Mt. Hawthorn) [8.15 p.m.]: I move—

> That by reason of the exceptional circumstances involving a miscarriage of justice in the case of Bernard Kenneth Gouldham this House is of the opinion that adequate compensation should be paid to him.

To convict an innocent man is one thing. To convict an innocent man and sentence him to a term of imprisonment is worse. To convict an innocent man by the non-disclosure or suppression of facts is worse again. There is in this State such a man and his name, of course, is Bernard Kenneth Gouldham.

Should the Parliament refuse to provide compensation for him it would be acting in nothing less than an inexcusable manner. I consider it is extremely important to mention at the outset that, so far as I am aware—and this belief is confirmed by advice given to Mr. Gouldham—no legal remedy remains available to him to obtain compensation for the wrong, injury, damage, and loss which he has suffered. This means that the only place where he can obtain justice at this stage is this House.

Let me also say at the outset that I do not bring the motion before the House lightly. Furthermore, if any member of the Government has my sympathy in the onerous job and responsibility which he has upon him it is the Treasurer. Demands are made upon him all the time from all sorts of directions. I have no doubt that. from time to time, he is obliged to refuse to make money available or to authorise payment in cases where he personally would very much like to do so.

Doubtless this position arises when he has no precedent for making a payment or something of that sort. In any event it is not his money: he is in a position of trust and he is not Treasurer to make first instances or anything of that sort. Therefore. in normal circumstances, I should imagine he would tend to be conservative and to protect the Treasury rather than dole out the Treasury funds in an overgenerous way. At a time when the Treasury is perhaps a little bit thin, there would be an even greater incentive and disinclination to make payments, particularly if the payments created some kind of precedent.

I believe this motion could create a precedent. If other cases have been brought before the House in the way this case is being brought by me tonight, I have no knowledge of them. Of course, this House can take the onus off the Treasurer; it can take the onus off the Government if it feels so minded. I hope that, when members hear the merits of the case, they will

feel so minded—not on some emotional basis, but on the sheer merits of the case. I do not believe the facts or the general circumstances surrounding the case are complicated. Therefore, I do not believe any member is in the position—or should seek to take the position—of being able to say, "This is too complex for me. It is a matter of law, anyhow. I will leave this to somebody else who is better informed than I, and who has made greater inquiry, and so forth." I do not think that is the position at all. Instead, the position is comparatively simple and the remedy is fairly obvious.

I encourage members, when listening to what I have to say, to place themselves or their sons, in the position of Mr. Gouldham and to do unto Gouldham as they would like members of the House to do unto them if they were in the same position. I ask no more than that. I would even ask a little less, but certainly no more.

The rules of our society are such that if a person commits a crime he is punished, one way or the other. If a person is not found guilty of a crime, he suffers no punishment. Unfortunately, as I have said, there is no provision within the law—whether common law or Statute law—to meet the position which exists in this case where a man suffered imprisonment but was subsequently found to be not guilty.

Members are all rather weary and I do not want to speak for longer than is really necessary. However, it is essential for me to outline the facts of the case; but, firstly, I urge all members to look at page 2093 of *Hansard* of Thursday, the 30th October, 1969. It will be remembered that I outlined the history of the Gouldham case on that occasion. I propose now only to take out a few of the salient features of what is to be found on that page of *Hansard*.

Gouldham was charged with an offence said to have occurred on the 14th February, 1961. It was said to be an offence under section 532 of the Criminal Code. His accuser was a man named Sharrett. He was committed for trial in a lesser court on the 7th September, 1961, and on the 11th October, 1961, he was found guilty of the offence charged. On the 25th October, 1961, he was sentenced to 12 months' imprisonment with hard labour. He served that period of imprisonment less the usual remissions; he ultimately served 47 weeks of imprisonment. He appealed off and on and made excursions into other forms of litigation, but he really got nowhere. He found himself declared bankrupt and he lost a couple of businesses, I believe, in meeting the expense and loss involved. He suffered all sorts of vicissitudes, most—although, not necessarily all—of which I related on the previous occasion and they are set out in *Hansard*.

Eventually there came a time as recently as late last year when the Court of Criminal Appeal took the view that Gouldham was not guilty anyhow and it quashed the conviction. This was done eight years after the original conviction; it took eight years to clear his name.

Members of the legal profession will have knowledge of people who have felt aggrieved over decisions made by courts and who have gone from solicitor to solicitor because of the belief they hold. Inevitably a feeling builds up around them that perhaps they are something less than normal, or something of that sort. It is certainly not a wholesome aura which builds up around these people. Of course, this makes it even more difficult for them to press on. It amazes me that Gouldham pressed on in the way that he did. It is a compliment to a number of men in the legal profession, too, because from time to time they acted, without remuneration, for him.

In any event, at this stage I think I should read an excerpt or two from the judgments of the judges of the Court of Criminal Appeal. One of them reads as follows:—

> In the light of these principles I have come to the conclusion solely on the ground of non-disclosure to the defence at the trial of the statement made by Sharrett which the prosecution then had in its possession that this conviction cannot stand. The duty of the prosecution is plain. It is set out in Archbold: Pleading and Practice. 36th Ed., para 1374;

There is then a quotation from *Archbold*, as follows—

> Where a witness gives evidence in the box on a material issue, and the prosecution have in their possession an earlier statement from that witness substantially conflictng with such evidence, the prosecution should, at any rate, inform the defence of the fact.

I now come back to what the Senior Puisne Judge, Judge Virtue, said—

> Not only did the then Crown Prosecutor neglect his obligation which in substance precluded the defence from testing the evidence on this point in cross-examination, but he placed strong reliance on the veracity of Sharrett's oral testimony . . . .

Sharrett is the accuser whom I mentioned earlier. To continue—

> . . . . on this point in his address to the jury as a ground for convicting the accused. But I have no doubt just as belief by the jury in Sharrett's evidence of his lack of knowledge on intent to deceive, so disbelief in his

> evidence or even serious doubt as to his credibility, which may well have been induced by a cross-examination as to the previous statement, would more likely than not have been fatal to the Crown case.
>
> The resolution of this appeal therefore really goes beyond any simple question as to the applicability of rules as to the disturbing of a verdict of a jury on the ground of fresh evidence. Such rules, as I have mentioned, are based on the assumption of the appellant having had a fair trial. Here the question is whether he should be regarded as having had a fair trial, because through the omission of the prosecution to perform a duty imposed on it in the interests of justice an accused person has been deprived of the ability to develop a line of attack on the credibility of the Crown case in a material matter which he should have had. It is apparent that both Sharrett and Trafford should be regarded as most unsatisfactory witnesses whose fresh testimony could hardly be relied on as justifying such a serious step as interfering with a verdict of long standing.

Then, in the concluding portion of his judgment, he went on to say—

> But I am satisfied that the Crown's failure to disclose Sharrett's statement to Detective Sergeant Lee to the defence at the trial renders this trial unsatisfactory and justifies this Court in quashing the conviction.

What, briefly, was the position? Sharrett, I suppose, was the key witness. He had made a signed statement to Detective-Sergeant Lee prior to Mr. Gouldham's trial but when he, Sharrett, gave evidence, the evidence he gave conflicted with the written or typed document signed by him. However, the defence was not told of this at the trial and, in fact, was not told of it until 1969—eight years later.

Let us now look at what Mr. Justice Wickham had to say. This is not the whole of his judgment by a long way, but it is the minimum which I think should be read. Bear in mind that this non-disclosure of the statement—I am not prepared to say it was suppressed—makes no difference. It did not come out for eight years. Mr. Justice Wickham said—

> Whatever obligation the prosecution was under prior to Sharrett giving evidence at the trial it now had a duty to inform counsel for the defence that it held this statement by him inconsistent in a material respect from the impression which the prosecution witness was now creating.

That is, when he contradicted the written statement something should have been done and the defence should have been told. The judge went on to say—

> Non-disclosure by the prosecution of the prior inconsistent statement made by Sharrett, by itself, vitiates the trial.

That is, it kills off the trial as simply as that. To continue—

> Furthermore, in my view, the strictures on "fresh" evidence, if they apply at all, are not so compelling when the situation arises through impropriety on the part of the Crown. The miscarriage of justice arises from non-disclosure by the prosecution, not from any lack of diligence by the defence and it seems to follow from the view of the Judicial Committee in Baksh that non-disclosure of this sort would fall within the same class as fraud, mistake, malpractice or surprise.

That is a formidable line-up: that is to say, it is analagous to fraud—which is at the top of the list of civil wrongs—mistake, malpractice, or surprise.

Mr. O'Connor: Are you going to give details?

Mr. BERTRAM: I think I have more or less done that. I will proceed a little further to finish this off. The judge concluded by saying—

> I am mindful of the repeated warnings that justice should be final, but of course there is no such warning about injustice, and the conviction must be quashed.

The Gouldham saga, as I have indicated, started in 1961 and the document that was not disclosed was then in existence. As I understand it the Gouldham file did not gather dust for eight years. It was actuated and agitated on and off right throughout. I imagine the statement of Sharrett to which I have referred remained on that file and how it did not come to the surface in not less than eight years—particularly when along the line Gouldham accused Sharrett and had him committed for trial for perjury arising out of the very situation—is beyond my understanding. However, it did not, and I will not linger on the point.

It is a credit to somebody that it eventually did come out. We can dwell on the negatives, I suppose, but I think Gouldham is particularly thankful that the statement came to the surface in October, 1969. The thing that occurs to me is that we place much stress in our community on the virtues of *habeas corpus*, which assures that people will not be put away and incarcerated without being charged. However, *habeas corpus* is a useless procedure that avails nobody if a person can simply find himself charged and incarcerated when he should not have been charged at all. That is what happened to this man.

I would like to leave that part of the story for a moment and refer to a few other matters. For example, members will recall that last year this House was told of a case involving a man named Page. Mr. Page did not serve any period of imprisonment. He was of course, as a result of some proceedings, deprived of his chosen vocation for a space of time—it may still be applicable while the proceedings are going on, but I think he is getting a just deal now.

I was most impressed with that case, as was a majority of members present. We were impressed with the justice of that man's case. Whilst Mr. Page suffered in consequence of certain things that happened arising out of the case and afterwards, my view is that he has not suffered anything like the loss suffered one way and another by Mr. Gouldham. I would mention also that when the Page case was debated in this House, nobody bothered to go behind the facts of the case to go into the question of his antecedents, or anything of that sort. In any case, I do not think that was relevant.

Similarly, I do not think it is relevant for anybody to do so in this case. If anybody wishes to, he will have that right; nevertheless, I think it would be grossly unfair and the person concerned would be treading on very dangerous ground—something which no other court in the land would embark upon. We should operate on the basis of what proof there is, and the proof is that Gouldham has had no convictions at all. I will qualify that by saying that he may have had some petty traffic convictions or something of that nature, but I think members understand what I am saying.

Certain aspects of the attitude adopted by this House in relation to the Page case are consistent with what I seek in the Gouldham case. The Page case was actuated on what was just in the case, and that is all I seek to actuate members on in this case.

I remember one member subsequently complaining about some financial institution or other being unfair and meting out what he believed was unjust treatment to farmers in their current financial dilemma. I would think that any person who recognised an injustice there would recognise an injustice here. Otherwise complainants in that category object to oppression by some person and then, perhaps, resort to oppression themselves in another case. That is hardly fair.

In another case not so long ago—and I will not spend much time on this—members were concerned about justice being defeated because of the actions of certain people in departing from the State. I refer to the Wool Exporters Royal Commission. Members were upset about that. Had those circumstances not occurred a lot of people—farmers, as it happened—may have been able to recover large sums of money, but they were not able to do so. That upset them; it was unfair and unjust.

However, it was no more unjust than the position concerning Gouldham, which I think this House should make good. It is a fact that Gouldham simply cannot be restored to his former position. I think that the obvious injuries he has suffered cannot be erased and they have continued to accumulate over a period of eight years. It seems to me that about the only thing we can do is to compensate him in a monetary way.

That, of course, is easily said. Members are now entitled to ask, "How much?" Gouldham does not approach this aspect of his case with a desire to obtain his pound of flesh. That is not his wish and I would not be a party to it, anyhow. Irrespective of what may have been published in recent times to the contrary, that is certainly not his wish. What he wants is something of a helping hand to get him started again; and it needs to be a payment which is meaningful and will not, by reason of its size—or lack of size—add insult to injury.

For the benefit of those members who may wish to read it, I have here a report prepared by a qualified public accountant. He is an expert and I have not sought to check his figures, because I do not think I have any need to do so. He has compiled certain figures relating to Mr. Gouldham's loss of earnings, bearing in mind what he was earning at the time he was charged with the offence.

Mr. O'Connor: What was he earning at that time?

Mr. BERTRAM: From one source his income, at the 30th June, 1961, was $8,421, but I think he had income from another source as well. I will not weary the House by quoting a great number of figures, because they are difficult to assess. The accountant has added another figure to that income to cover inflation and other factors. From one source of income he was earning $8,421 and from another source his income was estimated at $10,000. That figure was not just snatched out of the sky, I should imagine, by a qualified accountant.

Mr. O'Connor: Is the net figure there?

Mr. BERTRAM: The figure I have quoted does not include adjustments for taxes, but the report is readily available to any member who wishes to study it. In one part the accountant estimates that the figure which would represent his loss of earnings to the 30th June, 1969, is $203,194.

Mr. Gouldham only wants to be recompensed for his losses and nothing else. He does not want any more than that. I did say to him that members of Parliament

and, indeed, members of the public are entitled to obtain some idea of what he had lost, and that, as far as I was concerned, the best course he could follow was to engage the services of someone to assess the figure, and this is the figure he brought to me. I do not think he can do any more than that. If he can, I am sure he will. One can add to this figure, of course, amounts that will compensate him for the loss of interest. For example, for a period of eight years he has been denied the use of money, and surely he is entitled to an amount to compensate him for the ridicule and the contempt to which he has been subjected, which, of course, was inevitable.

He was deprived of his liberty for 47 weeks, part of which period was spent in Fremantle Gaol. He was unable to take his place in society and he was deprived of the company of his family, which is most important. In addition, he had to meet all sorts of legal and other expenses. Even the cost of compiling a report of this nature would be fairly great, and all this expenditure would certainly tally up over a period of eight years.

There are many claims which come under various headings, but I do not propose to go into them at this stage. All Mr. Gouldham wants is a fair deal; and, to offer some guidance to the House, I would suggest that a fair deal would be compensation of something of the order of $100,000 which, in inflated money, happens to be no more than $50,000. I have not suggested that figure merely from the point of view that I am holding the mental reservation that he will get one-tenth of it, as some people often do, from time to time. This is some attempt on my part to assess the compensation that should be paid to him. It would not, of course, by any means adequately compensate him for what he has been through, but, I repeat, he does not want full compensation. He wants some reasonable amends. I think that is justifiable, and I am sure members will agree with me.

For a moment I would like to return to a point I was discussing earlier; namely, the tendency among people to make some sort of judgment against this man regardless of any proof. In fact, they pass judgment merely on some flimsy notion that has conveniently entered their minds. I would remind them that this is hardly a case for us to venture into when we give consideration to the fact that our hands are not all that clean. We, through our servants and agents, are the ones who held the document that was not disclosed and we are hardly in the position to point the finger. Not that we yet attempt to do so, but I do not think we should.

Whilst there may not be a precedent in this State of the Parliament paying a sum of money in compensation in a case similar to this one, I point out that if it is agreed that compensation should be paid to Mr. Gouldham we certainly would not be breaking new ground. Many countries throughout the world provide, by way of Statute, for the payment of compensation to people who find themselves in circumstances similar to those of Mr. Gouldham; and in England I understand, even before the early part of this century, the British Parliament or the British Government had paid compensation to many people who had been affected by circumstances such as this.

A book has been written by a man named Borchard, titled *Convicting the Innocent*, wherein he relates a large number of cases of people who have been wrongly convicted and punished. As I understand the position, he wrote that book with the express purpose of having legislation passed so that in the future such people would automatically be granted appropriate amounts in compensation and nothing would be left to chance. There may be those who will be interested to note that one of the cases cited in that book concerns a man named Kimble.

I do not think I need to go into any further detail. Members will have ample opportunity to study the report I have here and raise whatever points they wish in respect of it. All I ask is that members show a little compassion. I am not asking them to bend over backwards in doing this. I do not suggest anything like that. All we have to do is to display an ordinary measure of fair play and, if we do, Mr. Gouldham will obtain appropriate compensation and amends after due regard has been paid to all the circumstances. What he will receive will certainly not be full amends; we should not imagine for a moment that that is what he will receive.

It has been said that good laws lead to the making of better laws, and bad ones bring about worse laws. I would think that one could easily say that a good decision in this case will pave the way for future good decisions and will create a good precedent. I certainly hope it will lead members towards taking steps to have legislation introduced that will grant compensation to people who find themselves in circumstnces similar to those of Mr. Gouldham.

I trust members will take the motion very seriously and if they do just that and no more when dealing with the case on its merits, I shall have no complaints.

Mr. Court: Before you sit down, did you quote to the House the evidence that was withheld, and to which you may have referred? I was interested in something else at one stage and you may have referred to it.

Mr. BERTRAM: I have not the details of that evidence. I merely stated that the statement given was signed and handed to Detective-Sergeant Lee. That statement was given by Sharrett to Lee during the trial. He then gave evidence in the box that conflicted with that statement.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

ADJOURNMENT OF THE HOUSE

SIR DAVID BRAND (Greenough—Premier) [8.57 p.m.]: Before I move the adjournment of the House, may I say that there will be no sitting tomorrow, despite the fact that I suggested there might be. I do not think there is any need for an early sitting on Tuesday, but I suggest that members should reserve Wednesday and the whole of Thursday in case they are required to attend Parliament on those days. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 8.58 p.m.

Legislative Council

Tuesday, the 12th May, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

BILLS (6): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Workers' Compensation Act Amendment Bill.
2. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
3. Taxation (Staff Arrangements) Act Amendment Bill.
4. Acts Amendment (Commissioner of State Taxation) Bill.
5. Superannuation and Family Benefits Act Amendment Bill.
6. Perth Mint Bill.

QUESTIONS ON NOTICE

Postponement

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.8 a.m.]: Due to the early sitting today some of the answers to questions asked by members have arrived but others have not. I think it might be preferable for Ministers to answer the questions when all the replies are available. I ask leave to postpone the questions until a later stage of the sitting.

The PRESIDENT: Leave granted.

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th May.

THE HON. J. DOLAN (South-East Metropolitan) [11.9 a.m.]: This Bill became necessary, because of the alterations which have been made in the set-up of local governing bodies on the goldfields. When the Act was introduced originally, three local governing bodies were concerned; they were the Kalgoorlie Muncipal Council, the Boulder Municipal Council, and the Kalgoorlie Road Board.

Recently two of those local governing bodies—the Kalgoorlie Muncipal Council and the Boulder Municipal Council—amalgamated and, now, the amalgamated body is known as the Boulder Shire Council. In the original set-up each one of those three local governing bodies appointed two members to sit on the board, the chairman of which was appointed by the Government.

Now there are only two local governing bodies affected, and the situation is that the board comprises members who have been elected to serve until the 30th June, next year. To put matters in order it is necessary for this Bill to be passed, so that provision is made to regularise the appointments in case there is doubt on the legality of them.

The transport board on the goldfields has extended its operations considerably in the last few years. It runs a school bus from Coolgardie and from Kambalda, as well as an ordinary bus service for the general public. It conveys Kambalda high-school children because at present Kambalda does not have a high school, a state of affairs which I hope will be changed one of these days.

The board also has a contract with Great Boulder Gold Mines Ltd. to travel to Scotia daily with special buses for the miners who are on shift work at Scotia on the company's new nickel developments.

I see that no purpose whatever can be served in opposing the Bill. There is only one comment I would like to make, and that is in connection with an article in the *Kalgoorlie Miner*, which referred to the behaviour of the high-school students being conveyed from Kambalda to Kalgoorlie. Apparently the students pelted the driver, threw cigarette butts about, and did all sorts of other things they should not do. My suggestion is that the fault lies not so much with the students as with the driver.

I remember years ago when a driver used to run a school bus to Safety Bay, and it took him only the first week of the school year to set a standard which was maintained for the rest of the year. He was something of a psychologist and could generally pick the troublemaker on a bus. As soon as the trouble started, he