some members had been unable to attend because of the situation in which they were placed.

As far as I can see the Bill does exactly what was outlined in the second reading speech. I cannot see any flaws in it. It is a necessary Bill and virtually follows on from what I pointed out previously, at which stage I had no knowledge of the legislation. I support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.49 p.m.]: I thank the Leader of the Opposition for his ready response and willingness to proceed immediately with the consideration of this Bill. There is nothing further I need add at this stage.

Question put.

The PRESIDENT: This Bill requires the concurrence of an absolute majority of the Legislative Council, in accordance with Standing Order 308. A dissentient voice will necessitate a division being taken. There being no dissentient voice, I declare the question to be carried by an absolute majority.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 4.54 p.m.

Legislative Assembly

Thursday, the 5th September, 1974

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

QUESTIONS (38): ON NOTICE

1. WATER SUPPLIES

Railway Dam: Williams

Mr P. V. JONES, to the Minister for Water Supplies:

(1) Have arrangements been completed to transfer the Williams railway dam to the control of the Williams Shire Council?

(2) Is the dam catchment area also being transferred to the Williams shire?

(3) If (2) is "No" why is the above area excluded from transfer?

Mr O'NEIL replied:

(1) Yes. The Williams Shire Council has been advised that, following completion of survey, the area will be reserved for water supply purposes and vested in the shire.

(2) Yes.

(3) Answered by (2).

2. WATER SUPPLIES

Sampling of Bores, and Proclaimed Areas

Mr A. R. TONKIN, to the Minister for Water Supplies:

(1) (a) What is the nature of any regular sampling of bore water in the Perth Metropolitan Region;

(b) what is the location of bores being monitored and are these permanent monitoring stations?

(2) Have any areas been proclaimed as—

(a) public water supply areas;

(b) underground water pollution control areas,

under the provisions of the Metropolitan Water Supply, Sewerage and Drainage Board Act?

Mr O'NEIL replied:

(1) (a) Sampling is carried out to determine physical and chemical characteristics of the water and to observe seasonal changes in the groundwater table.

(b) The General Manager of the Water Board will supply direct to the Member a plan showing the location of the bores. The monitoring points are permanent.

(2) (a) and (b) Yes. Mirrabooka and Gwelup Areas have been proclaimed under both categories.

3. *This question was postponed.*

4. COASTAL SAND DRIFT AND SEA EROSION COMMITTEE

Members and Function

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) What are the names of the members of the interdepartmental committee on coastal sand drift and sea erosion, and what departments do they represent?

(2) When was this committee formed and on how many occasions has it met?

(3) What are the committee's terms of reference and to which Minister is it responsible?

Mr RUSHTON replied:

(1) Answered in reply to question 38 of 8th August, 1972.

(2) The committee was formed in July, 1972, and met eleven times.

(3) Answered in reply to question 38 of 8th August, 1972. The committee was responsible to the Minister for Town Planning. The committee has now been superseded by a Cabinet Sub-Committee and Advisory Committee responsible to the Minister for Works.

5. LANDS AND SURVEYS DEPARTMENT

Pastoral Branch: Staff

Mr A. R. TONKIN, to the Minister for Lands:

(1) How many officers were employed in the Pastoral Branch of the Lands and Surveys Department at 30th June in 1965, 1970, 1974?

(2) How many of these were pastoral inspectors and where were they located as at 30th June, 1974?

(3) In general terms, what are the qualifications of pastoral inspectors employed by the department?

Mr RIDGE replied:

(1) 1965—4.
1970—14.
1974—14.

(2) 1965—4 pastoral inspectors (including the Chief Inspector).
1970—7 pastoral inspectors (including the Chief Inspector).
1974—7 pastoral inspectors (including the Chief Inspector).
At 30th June, 1974, pastoral inspectors were located at Broome, Carnarvon and Geraldton with Port Hedland vacant. 4 inspectors (including the Chief Inspector) were stationed in Perth.

(3) They all possess pastoral experience to station management level.

6. HARDY INLET

Ecological Study

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) On what date was the Hardy Inlet ecological study commenced?

(2) What is the name of this study's research co-ordinator?

(3) Since its inception, what amounts of money have been allocated to the study and from what sources?

(4) On what date was the Minister for Mines and/or the Mines Department advised that the study was proposed and/or had commenced?

Mr STEPHENS replied:

(1) The environmental study of the Blackwood River estuary (Hardy Inlet) commenced on 7th December, 1973.

(2) Dr E. P. Hodgkin, B.Sc. (Manchester), D.Sc.(W.A.).

(3) $30 500 jointly from State and Commonwealth Governments through the Department of Environmental Protection. Contributing State Government Departments have absorbed other relevant costs within their existing programmes.

(4) 21st June, 1973.

7. WORKERS' COMPENSATION

Pneumoconiosis Claim

Mr T. D. EVANS, to the Minister for Labour and Industry:

(1) Was the person who lodged claim No. MP/1681 before the State Government Insurance Office for further worker's compensation, based on the report of the Pneumoconiosis Medical Board dated 18th April, 1974, the subject of a subsequent inquiry made by the SGIO of the Pneumoconiosis Medical Board pursuant to the practice outlined in the answer given to question 19 of 27th August last?

(2) If so—

(a) on what date was additional information received by the SGIO from the said medical board;

(b) is the additional information in writing under the hands of the members of the said medical board?

Mr O'Connor (for Mr GRAYDEN) replied:

(1) Yes.

(2) (a) 17th June, 1974.

(b) Yes.

8. STATISTICAL DIVISIONS

Area, Population, Sheep, and Cattle

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) What was the area, population, sheep and beef cattle numbers relating to the Perth, South West, Southern, Central and Northern Agricultural Statistical Divisions combined as at 30th June, 1973?

(2) What percentage of the State totals do these represent?

Mr Stephens (for Mr McPHARLIN) replied:

I would like to point out that this information is available in the Western Australian Year Book.

(1) and (2)—

Statistical division	*Area		**Estimate for 30th June 1973 Population		For 31st March 1973 Sheep		For 31st March 1973 Beef cattle	
	'000 sq. miles	% State	'000	% State	'000	% State	'000	% State
Perth	2	0·2	739	69	106	0·3	49	2
South-west	11	1	79	7	1 306	4	413	21
Southern agricultural	22	2	45	4	8 997	29	291	15
Central agricultural	30	3	52	5	9 071	29	126	6
Northern agricultural	32	3	44	4	6 360	21	192	10

Source:

* Western Australian Year Book 1973.

** Statistics of Western Australia (rural industries 1972-73) and Australian Bureau of Statistics, Western Australian Office.

Note:

Figures are not available for livestock numbers at 30th June of any year.

9. EASTERN GOLDFIELDS STATISTICAL DIVISION

Area, Population, Sheep, and Cattle

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) What was the area, population, sheep and beef cattle numbers relating to the Eastern Goldfields Statistical Division as at 30th June, 1973?

(2) What percentage of the State totals do these represent?

(3) What was the area, population, sheep and beef cattle numbers relating to the Shires of Ravensthorpe and Esperance combined as at 30th June, 1973?

Mr Stephens (for Mr McPHARLIN) replied:

(1) to (3)—

Statistical division	*Area		**Estimate for 30th June 1973 Population		For 31st March 1973 Sheep		For 31st March 1973 Beef cattle	
	'000 sq. miles	% State	'000	% State	'000	% State	'000	% State
Eastern goldfields	249	26	44	4	2 204	7	146	7
Shires of Ravensthorpe and Esperance	***16	1	9	1	1 568	5	134	7

Source:

* Western Australian Year Book 1973.

** Statistics of Western Australia (rural industries 1972-73) and Australian Bureau of Statistics, Western Australian Office.

*** Departmental estimate only. Not shown in official statistics.

Note:

Figures are not available for livestock numbers at 30th June of any year.

10. CENTRAL STATISTICAL DIVISION

Area, Population, Sheep, and Cattle

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) What was the area, population, sheep and beef cattle numbers relating to the Central Statistical Division as at 30th June, 1973?

(2) What percentage of the State totals do these represent?

Mr Stephens (for Mr McPHARLIN) replied:
(1) and (2)—

Statistical division	*Area		**Estimate for 30th June 1973 Population		For 31st March 1973 Sheep		For 31st March 1973 Beef cattle	
	'000 sq. miles	% State	'000	% State	'000	% State	'000	% State
Central	218	22	4	0·4	1 030	3	30	1

Source:
* Western Australian Year Book 1973.
** Statistics of Western Australia (rural industries 1972-73) and Australian Bureau of Statistics, Western Australian Office.

Note:
Figures are not available for livestock numbers at 30th June of any year.

11. PILBARA STATISTICAL DIVISION

Area, Population, Sheep, and Cattle

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) What was the area, population, sheep and beef cattle numbers relating to the Pilbara Statistical Division as at 30th June, 1973?

(2) What percentage of the State totals do these represent?

Mr Stephens (for Mr McPHARLIN) replied:

(1) and (2)—

Statistical division	*Area		**Estimate for 30th June 1973 Population		For 31st March 1973 Sheep		For 31st March 1973 Beef cattle	
	'000 sq. miles	% State	'000	% State	'000	% State	'000	% State
North-west and Pilbara	249	26	47	4	1 780	6	95	5

Source:
* Western Australian Year Book 1973.
** Statistics of Western Australia (rural industries 1972-73) and Australian Bureau of Statistics, Western Australian Office.

Note:
Figures are not available for livestock numbers at 30th June of any year.

12. KIMBERLEY STATISTICAL DIVISION

Area, Population, Sheep, and Cattle.

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) What was the area, population, sheep and beef cattle numbers relating to the Kimberley Statistical Division as at 30th June, 1973?

(2) What percentage of the State totals do these represent?

Mr Stephens (for Mr McPHARLIN) replied:

(1) and (2)—

Statistical division	Area		Estimate for 30th June 1973 Population		For 31st March 1973 Sheep		For 31st March 1973 Beef cattle	
	'000 sq. miles	% State	'000	% State	'000	% State	'000	% State
Kimberley	162	17	15	1	66	0·2	663	33

13. LAND

Land Utilisation Committee and Crown Land Tribunal

Mr A. R. TONKIN, to the Minister for Lands:

(1) (a) When was the interdepartmental land utilisation committee formed;

(b) on what date did it cease to function;

(c) during its existence on how many occasions did it meet;

(d) which departments were represented on this body and what were its terms of reference?

(2) (a) When was the Crown land tribunal formed;

(b) on what date did it cease to function;

(c) during its existence on how many occasions did it meet;

(d) which departments were represented on this body and what were its terms of reference?

Mr RIDGE replied:

(1) (a) December 1952.

(b) September 1959.

(c) 24.

(d) Departments represented were Lands and Surveys, Agriculture, Public Works, Treasury and Forests.

Terms of reference were to decide—

1. Areas for settlement.
2. Areas for State Forests and timber reserves for growing of hardwoods.
3. Areas for pine planting.
4. Areas for water supply and timber.
5. To formulate an orderly plan for timber removal in conjunction with clearing for settlement.

(2) (a) October 1959.

(b) The last meeting was held on 16th June, 1969.

(c) 16.

(d) The only department represented was Lands and Surveys; the other 2 members came from the public.

Terms of reference were to inquire into the question of utilisation of sparsely timbered Crown lands for future agricultural development.

14. TRAFFIC

Motor Vehicles Inspection Depot, Albany

Mr WATT, to the Minister for Traffic:

(1) Is he aware that vehicle owners are being kept waiting for periods of up to two hours at the vehicle inspection depot in Albany for pre-license inspections of vehicles?

(2) If not, will he have the matter investigated as a matter of urgency with a view to improving the flow of inspections and reducing cost and inconvenience to the public?

Mr O'CONNOR replied:

(1) Yes.

(2) Arrangements have already been made for additional examination staff to be appointed at Albany as expeditiously as possible.

15. RAILWAYS

Esperance: Rail and Bus Terminal

Mr MAY, to the Minister for Transport:

(1) Will he provide a plan indicating the proposed railway development at Esperance and in particular the exact location of the entrance to the new railway and bus terminal?

(2) When is it proposed that development will commence?

Mr O'CONNOR replied:

(1) Yes. A suitable plan is being prepared and will be provided to the Member as quickly as possible.

(2) The conversion of the section to standard gauge and the new station yard at Esperance will be brought into operation on 16th September, 1974. The commissioning of the new station building and ancillary works will take a further four to six weeks.

16. WESTMINSTER SCHOOL

Repairs

Mr B. T. BURKE, to the Minister representing the Minister for Education:

(1) Is he aware of the need for repair and renovation work at the Westminster primary school in Balga?

(2) What priority has been assigned to this repair and renovation work?

(3) When is the work likely to commence?

Mr MENSAROS replied:

(1) to (3) Repair and renovation work to the Westminster primary school is scheduled at a very high priority

for funding from the 1974-75 Budget. The work will be undertaken at the earliest opportunity.

17. IMMIGRATION

Building Company Nomination Scheme

Mr B. T. BURKE, to the Minister for Immigration:

(1) Does he recall stating to this House that the previous practice of departmental officers interviewing migrants under the building companies sponsorship scheme had been replaced by the distribution to migrants of new and comprehensive booklets on life in Western Australia?

(2) Is it a fact that these new and comprehensive booklets are not available and have not been distributed to migrants arriving under the building companies sponsorship scheme?

(3) If they are available and have been distributed, when did the first distribution take place?

(4) When did the practice of departmental interviews of migrants arriving under the building companies sponsorship scheme cease?

(5) Will he please table examples of the new and comprehensive booklets referred to in (1) together with examples of any similar booklets distributed by the department to migrants arriving under the building companies sponsorship scheme prior to the date on which the department ceased interviewing these migrants?

Mr O'Connor (for Mr GRAYDEN) replied:

(1) No.

(2) and (3) What I did say is that in lieu of the expensive and time-wasting requirement that migrants be interviewed, I have arranged for them to receive pamphlets which set out what they should look out for in this country. There are two pamphlets available which are produced by the Western Australian Government and which cover comprehensive facets of life in Western Australia. I have already asked for others which will be even more comprehensive and these are now in the course of being prepared. The Commonwealth Government produces a pamphlet which is also available to migrants.

It is again emphasised that should any migrants need advice or have complaints, they have only to contact the State Migration Office for assistance and, if necessary, an interview will be arranged.

(4) 1st July, 1974.

(5) The three pamphlets which are at present available are tabled herewith.

The papers were tabled (see paper No. 211).

18. HEALTH

Septic Systems: Koongamia

Mr SKIDMORE, to the Minister representing the Minister for Health:

(1) Is the Minister aware of any action taken by the Health Department to investigate and report on the failure of many of the septic systems in the Koongamia area to adequately protect the health of the residents of that area?

(2) If "Yes" to (1) will the Minister table the report?

(3) If "No" to (1) will the Minister have such an inquiry carried out as a matter of urgency?

Mr RIDGE replied:

(1) Yes.

(2) Investigations have been made over a number of years, and the reports are too numerous to table. However, as a result of these investigations, deep sewerage facilities are being made progressively available, and a requirement for all new subdivisions is the provision of deep sewerage.

(3) Answered by (2).

19. STATE GOVERNMENT INSURANCE OFFICE

Report of Royal Commission

Mr SKIDMORE, to the Minister for Labour and Industry:

(1) Has the Government received the Royal Commissioner's report into the widening of the scope of the State Government Insurance Office?

(2) If so, when?

(3) When will the report be made public?

(4) Has the Government formulated plans to adopt the recommendations contained within the report, if any?

Mr O'Connor (for Mr GRAYDEN) replied:

(1) Yes.

(2) 24th May, 1974.

(3) and (4) The report is being considered by a Cabinet Sub-Committee and on the completion of the Government's deliberation, a decision will be made as to its release and action in regard to the recommendations.

20. RAILWAYS

Fettling Gangs

Mr T. H. JONES, to the Minister for Transport:

Will he please advise what railway fettling gangs are responsible for the undermentioned sections of lines, the mileages involved in each section, the destination of the employees and the numbers in each gang—

(a) Collie to Narrogin;

(b) Collie to Wagin;

(c) Collie to Brunswick Junction?

Mr O'CONNOR replied:

(a) Collie-Bowelling-Narrogin Collie gang (124-160 mile). Designations—

Trackmaster, Leading trackman, Trackman—Total of 15 men.*

Darkan gang (160-214 miles). Designations—

Trackmaster, Leading trackman, Trackman—Total of 6 men.

(b) Bowelling to Wagin Wagin gang (147-210 mile). Designation—

Trackmaster—Total 1 man.

(c) Collie to Brunswick Junction Collie gang (124-112 mile). Designations—

Trackmaster, Leading trackman, Trackman—Total of 15 men.*

Brunswick Junction gang (112-99 mile). Designations—

Trackmaster, Leading trackman, Trackman—Total of 8 men.†

*Staff is used on both Collie-Narrogin and Collie-Brunswick sections.

†Staff also work on south-western railway.

21. PROSTITUTION, ESCORT AGENCIES, AND MASSAGE PARLOURS

Investigation

Mr T. H. JONES, to the Minister for Police:

In view of Police Commissioner Wedd's statement which appeared in *The West Australian* newspaper dated 29th August, in connection with prostitution, escort agencies and pseudo massage parlours in Western Australia, does it mean that the Government does not intend to set up any form of inquiry into the activities referred to?

Mr O'CONNOR replied:

No.

22. TEACHERS

Trainee Allowances

Mr T. H. JONES, to the Minister representing the Minister for Education:

(1) Will he list the allowances payable to trainee teachers in Western Australia?

(2) Did he receive a submission from the Mount Lawley student council requesting an increase in allowances?

(3) (a) If "Yes" will he advise if a decision has been made in connection with the increases;

(b) if "No" will he advise when a decision can be expected?

Mr MENSAROS replied:

(1) Training college allowances:

Less than 21 years—

	$
Year 1	1 119
Year 2	1 119
Year 3	1 325
Year 4	1 493
Students 21 years and over—Years 1, 2 and 3	1 443
Married men without children	2 057
Married men with children	2 510

Additional allowances payable:

Women with dependent children	760
Living away from home	385
Graduate student	500
Special student allowance	418

(2) Yes.

(3) (a) and (b) The whole question of student allowances is currently being reviewed.

23. ROTTNEST ISLAND

Christmas Holidays: Accommodation

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

(1) What was the total number of applications for accommodation received by the Rottnest Island Board for the forthcoming Christmas school holiday period?

(2) How many of these applications were successfully accommodated?

(3) What number of the successful applications came from country areas?

(4) Has the basis for considering applications been modified in any way recently, and what is the current procedure?

Mr RIDGE replied:

(1) 1st December to 26th March, covering school and tertiary education vacations—1661.

(2) 882.

(3) Over one-third.

(4) No. Procedure still is to make allocations in near equal proportions to—

(a) country applicants;

(b) new applicants;

(c) applicants who support the Island all year round.

24. INDUSTRIAL DEVELOPMENT

Inland Superphosphate Works

Mr H. D. EVANS, to the Minister for Industrial Development:

(1) Has the Government met recently with representatives of the Inland Superphosphate Co-operative, and if so, when?

(2) (a) Is the Government considering any proposal regarding the future of the proposed superphosphate works to be built at Merredin;

(b) if so, would he give details of any such proposition;

(c) if not, what is the future of the proposed works?

Mr MENSAROS replied:

(1) An appointment has been arranged.

(2) The position will be clearer after the appointment mentioned in answer to (1) has taken place.

25. INDUSTRIAL DEVELOPMENT

Laporte Titanium: Effluent

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

(1) How many men are working on the Laporte effluent disposal system at Leschenault Inlet at the present time?

(2) How many men are involved on a weekly average in operating and maintaining the disposal of the effluent from the Laporte works?

(3) What is the total cost to the Government of disposing of effluent from the Laporte works?

(4) Is it anticipated that the Laporte works at Bunbury will increase in size, and if so, when and to what capacity?

(5) If (4) is "Yes" will the Western Australian Government be responsible for the disposal of effluent from the enlarged plant?

Mr O'NEIL replied:

(1) Seven.

(2) Seven.

(3) $120 000 per annum.

(4) The Laporte works are progressively increasing production from the 17 500 tons of titanium oxide produced in 1972 to an expected 36 000 tons by the end of 1975.

(5) The State Government has initiated negotiations with the company with a view to establishing new and improved methods of treatment and disposal of effluent on a basis of sharing of costs.

26. HOUSING

Manning, and Karawara Project

Mr MAY, to the Minister for Housing:

Referring to his reply to the Deputy Leader of the Opposition on Wednesday, 3rd September, concerning housing units under construction in Manning—

(a) what is the location in Manning where SHC units are being constructed;

(b) is he referring to the completed 18 homes at Karawara;

(c) is he referring to the proposed construction of units at Karawara;

(d) if so, when will actual construction of new units commence?

Mr O'NEIL replied:

(a) The locality referred to is the commission's Karawara subdivision in the City of South Perth.

(b) Yes: 10 of the 18 houses are completed and the remainder are nearing completion.

(c) Yes.

(d) Until such time as the local authority issues the building permits which have been applied for and the commission is subsequently able to re-negotiate satisfactory prices with the contractors, the actual starting dates cannot be determined.

27. WATER SUPPLIES AND GOVERNMENT SERVICES

Uniform Rates and Charges

Mr BERTRAM, to the Premier:

Referring to his comment in *The West Australian* on 12th August of the appointment of a committee to examine the feasibility of introducing a uniform scale of charges for water and other rates—

(a) has his committee started to take evidence;

(b) has or will the public be invited to testify before the committee;

(c) if "Yes" when;

(d) if "No" why?

Sir CHARLES COURT replied:

(a) No.

(b) Yes, but the hearings are not intended to be open to the public.

(c) Written submissions have been requested by 30th September. It is anticipated that hearings will commence on 22nd October subject to confirmation.

(d) Not applicable.

I would point out to the honourable member that the committee appointed is to undertake studies beyond the points he mentioned in his question.

28. INFLATION

Government Propositions

Mr BERTRAM, to the Premier:

(1) Will he state each and every proposition which his Government is prepared to or has offered the Australian Government as its contribution to defeating inflation?

(2) If "No" why the secrecy?

Sir CHARLES COURT replied:

(1) and (2) There is no secrecy.

The information the Member seeks is in the statement I made to this House, by leave, 14th August, 1974.

29. TRAFFIC

Amphometer Checks

Mr BERTRAM, to the Minister for Traffic:

Will he state—

(a) each and every of the facts taken into consideration when fixing the time and place for amphometer checks;

(b) the number and total amount of fines imposed for speeding established by amphometer checks for the three weeks ended 31st July, 1973 and 31st July, 1974 respectively?

Mr O'CONNOR replied:

(a) (i) Areas known to have a bad accident pattern.

(ii) Areas selected from complaints of residents and travelling public.

(iii) Assessment of localities by Police Officers.

(iv) Times of location are governed by the above factors together with availability of staff and equipment.

(b) Records of this nature are not maintained.

30. QUOKKAS

Rottnest Island

Mr BARNETT, to the Minister for Fisheries and Fauna:

(1) Which departments of the Western Australian University have taken quokkas from Rottnest?

(2) Under whose license were they taken?

(3) How many went to each department for each of the last ten years?

Mr STEPHENS replied:

(1) Department of Zoology.

(2) Professor A. R. Main.

(3) The approximate numbers of quokkas used by each department over the last ten years are—

Immunology—50.

Anatomy—125.

Physiology—160.

Pharmacology—21.

Microbiology. No exact figures available; of the order of 150.

Pathology. No figures available.

Department of Zoology—800 approximately.

31. INTEREST RATES

Perth Building Society

Mr TAYLOR, to the Minister for Housing:

Regarding his answer to question 2 of Wednesday, 4th September, would he advise—

(a) the percentage of the interest charges subsidised under the interest rate subsidy scheme for each of the past three years;

(b) changes in interest rate, and the dates upon which they changed, on interest rates on loans from the Perth Building Society under the foremention scheme over the past three years;

(c) variations in monthly payments on a loan of $12 500 from the Perth Building Society, occasioned by changes in interest rates for a three year period up to and including the new proposed charges?

Mr O'NEIL replied:

(a) The subsidy under the interest rate subsidy scheme has, or will be, the difference in loan repayments at the following rates. Ministerial approval for the changes in interest rates was obtained on the dates shown—

From inception 11th June, 1970; 7%—8%.

From inception 1st March, 1972; 6½%—7½%.

From inception 5th March, 1974; 7½%—8½%.

From inception 30th July, 1974; 10½%—11½%.

(b) The Perth Building Society has advised the Registrar of Building Societies that changes in the basic interest rate charged by the society since inception of the interest rate subsidy scheme are, or will be—

1st April, 1971—7%.

1st March, 1972—6½%.

1st October, 1974—10½%.

(c) The Perth Building Society has advised the Registrar of Building Societies that changes in monthly repayments on a loan of $12 500 from the Society were, or will be—

1st April, 1971—$89.00 per month.

1st March, 1972—$86.00 per month.

1st October, 1974—$119.00 per month.

The repayments include an allowance for mortgage insurance premium.

32. IMMIGRATION

Encouragement of "Better Type"

Mr B. T. BURKE, to the Premier:

(1) Was he accurately reported on a recent "AM" radio programme as saying that his Government would encourage a "better type of migrant" to come to Western Australia?

(2) If "Yes" can he please list each and every difference between this better type of migrant and the thousands of migrants who have already settled quite happily in this State?

(3) Further, will he withdraw any implication that those who settled here before the Premier's efforts to obtain a "better type of migrant" are not satisfactory citizens of Western Australia?

Sir CHARLES COURT replied:

(1) to (3) I am not aware of the precise wording that I may have used in connection with this matter, or in what context it was used.

If the Member supplies me with the date of the broadcast to which he refers, I will endeavour to obtain the transcript, and then answer his question more specifically.

I cannot recall any occasion when I have sought to denigrate people who have settled in this country. On the contrary, they are aware of the tributes I have paid to many migrant groups for their great contribution to our economic and cultural development.

33. ENVIRONMENTAL PROTECTION

Cockburn Sound: Air Pollution Study

Mr DAVIES, to the Minister for Conservation and Environment:

(1) With reference to my question 19 of 8th August, 1974, regarding the Cockburn Air Pollution Study, is he now able to advise whether the report has been finalised and ready for tabling?

(2) Has the draft report or interim draft report been considered by either the Environmental Protection Authority or Council?

(3) If so, is he able to advise of their recommendation(s) or opinion(s)?

(4) Who comprise the Cabinet subcommittee appointed to consider the draft interim report?

(5) Can he advise of their recommendation(s)?

Mr STEPHENS replied:

(1) The Coogee air pollution study report of the Environmental Protection Council has been finalised but is still subject to consideration by a Cabinet Sub-Committee.

(2) Yes, by both the Environmental Protection Council and the Environmental Protection Authority.

(3) No, the recommendations of both the Environmental Protection Council and the Environmental Protection Authority form part of the report.

(4) Hon. D. H. O'Neil, Minister for Works, Water Supplies, and Housing (Convenor);

Hon. E. C. Rushton, Minister for Local Government, and Urban Development and Town Planning;

Hon. M. E. Stephens, Chief Secretary, Minister for Conservation and Environment and Fisheries and Fauna.

(5) The Cabinet Sub-Committee has not yet completed its consideration of the report.

34. BACK-BENCH GOVERNMENT MEMBERS

Speeches and Research: Assistance

Mr DAVIES, to the Premier:

(1) Have the services of publicity officers, public relations officers or the like or civil servants of any department, Ministerial or otherwise, been appointed or assigned to write speeches, prepare notes or do research for any Government back-bench Members of either House?

(2) Are the services of such people available in any way to Government back-bench Members?

Sir CHARLES COURT replied:

(1) Yes, on three occasions when members have represented the Government at official functions. I understand the same procedure was followed by the former Government.

(2) Answered by (1).

35. SUPERPHOSPHATE BOUNTY

Submissions for Retention

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

(1) Does he know on what dates the Industries Assistance Commission officials will be receiving submissions in Perth from farmers and farming groups regarding the superphosphate bounty?

(2) Will the Western Australian Department of Agriculture be presenting a submission supporting Western Australian rural industries and farmers?

Mr Stephens (for Mr McPHARLIN) replied:

(1) Public hearings on assistance to new land farms will be held at—

Lake Grace on 15th October;
Moora on 16th October;
Perth on 17th and 18th October.

Industries Assistance Commission has indicated that witnesses should submit written copies of their evidence to reach the commission by 20th September.

(2) Yes.

36. FERTILISER

Gyplap

Mr BLAIKIE, to the Minister for Agriculture:

(1) Has his department carried out any trials or investigations to assess the suitability of gyplap as a possible fertiliser alternative?

(2) If so, will he give details of when trials commenced and where they have been carried out?

Mr Stephens (for Mr McPHARLIN) replied:

(1) Yes.

(2) During 1973 on properties at Dardanup, Capel, Donnybrook and McAlinden.

37. FRUIT FLY

Fumigation of Citrus Imports

Mr BLAIKIE, to the Minister for Agriculture:

(1) What States are known to have infestations of—

(a) Queensland fruit fly;

(b) citrus leaf miner?

(2) From which States and in what quantities are citrus fruits imported into this State?

(3) What procedures are carried out to ensure that this State is kept free of Queensland fruit fly and citrus leaf miner?

(4) Will he give consideration to ensuring that all citrus fruit be fumigated prior to entry into Western Australia?

Mr Stephens (for Mr McPHARLIN) replied:

(1) (a) Queensland, New South Wales and Victoria.

(b) New South Wales and Queensland.

(2) South Australia—15 000 bushels per month in season.

Victoria, New South Wales and Queensland—negligible quantities only.

(3) Quarantine measures against Queensland fruit fly:

Susceptible fruit is required to be fumigated before release in Western Australia.

Soil is prohibited and all plants, fruit and containers are subject to inspection and treatment, if necessary.

Quarantine measures against citrus leaf miner:

Citrus plants are permitted entry provided they are from an area certified to be free from citrus leaf miner.

All citrus plants are subject to inspection and treatment, if necessary.

(4) All citrus fruit is subject to fumigation unless from an area certified to be free of fruit fly.

There is no case for requiring fruit from certified free areas to be fumigated.

38. DEPARTMENT OF AGRICULTURE

Branches: Annual Reports

Mr BLAIKIE, to the Minister for Agriculture:

In order that the public in general, and agriculturists in particular, will have a better understanding of the workings, functions and duties of his department, will he require as a matter of policy that each section publish a detailed annual report of its activities?

Mr Stephens (for Mr McPHARLIN) replied:

Detailed annual reports of each of the Department of Agriculture's divisions are published and are available on request.

QUESTIONS (5): WITHOUT NOTICE

1. PROSTITUTION

Interview with Mrs Dorrie Flatman

Dr DADOUR, to the Minister for Police:

As the Deputy Leader of the Opposition named me as being one of the members of Parliament who interviewed a Mrs Dorrie Flatman, would the Minister please name the other members who have interviewed her?

Mr O'CONNOR replied:

I do not believe that this information should be given without prior consultation with the members of Parliament concerned. As stated, there appears to be nothing wrong in any way with members of Parliament being contacted by members of the public. However, as the honourable member has sought details, and as he has given me permission to use his name, the information is that he together with another member saw this person in Parliament House one night, in the normal course of their duties. This should be the end of the matter. The only other person who is said to have interviewed her, and has given me permission to use his name, is the Leader of the Opposition.

2. STATE ELECTRICITY COMMISSION

Industrial Stoppage

Mr MAY, to the Minister for Electricity:

(1) Is he aware that a stop-work meeting of State Electricity Commission employees is proposed for the 18th September, 1974?

(2) Is he further aware that the proposed stop-work meeting is due to union claims that delays in the renewal of awards and procrastination concerning sickness benefits, detailed pay slips, and job classifications are responsible for the current unrest?

(3) With a view to avoiding inconvenience to the public generally resulting from any possible stoppage, would he give urgent consideration to expediting the claims of approximately 1 500 State Electricity Commission employees?

Mr MENSAROS replied:

(1) and (2) Yes. This was reported in *The West Australian* on Thursday, the 5th September, 1974.

(3) As a result of the newspaper announcement, an application was made this forenoon to the State Industrial Commission seeking a compulsory conference.

3. HEALTH

Lead Contamination

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

(1) Has the Minister seen the article in today's issue of *The West Australian* indicating that 8 per cent of the people tested in Tasmania had lead levels of 25 milligrams per 100 millilitres of blood?

(2) What research has been undertaken in Western Australia to ascertain the degree of lead contamination in the blood of Western Australian people?

(3) If no research has been done, will the Minister seek to arrange for research to be undertaken?

(4) If there has been some research, will the Minister table the results?

Mr RIDGE replied:

(1) to (4) I understand that notice of this question was telephoned to the Minister's office at 12.35 p.m. today. Unfortunately, there was not sufficient time available to conduct research so I request that the question be placed on the notice paper.

4. PROSTITUTION

Interview with Mrs Dorrie Flatman

Mr J. T. TONKIN, to the Minister for Police:

What is the name of the person who informed him that they had an interview with me at Parliament House?

Mr O'CONNOR replied:

In reply to the Leader of the Opposition, no-one stated that they had an interview with the

Leader of the Opposition at Parliament House. and nor did I. I said there was an interview with those people in connection with this particular matter.

I suggest to the Leader of the Opposition that he confer with some of his colleagues with regard to this matter, and I hereby table a statutory declaration.

The statutory declaration was tabled (see paper No. 212).

5. TRAFFIC

Shire Traffic Inspectors: Employment

Mr P. V. JONES, to the Minister for Traffic:

(1) Is it true that a decision has been made to enrol shire traffic inspectors into the new single traffic authority as first year constables?

(2) As reports have filtered to shire inspectors that their jobs are in jeopardy, can he advise the position so that inspectors will have a better understanding of their future?

Mr O'CONNOR replied:

(1) and (2) A final determination has not been worked out but shire traffic inspectors should not be disadvantaged by transfer to the new single traffic authority.

I would add that it will be necessary, in due course, for representatives of the Police Union and the MOA to discuss the details. However, I cannot see that anyone will be disadvantaged, and we will look after the inspectors as far as possible.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [2.44 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Main Roads Act is necessary to continue the procedures for annual road grants to be made by the State Government to Western Australian local authorities. The previous scheme expired on 30th June of this year. As the source of these funds is largely from Federal road grants, this legislation is also necessary in order that the proposed system of grants to local authorities conforms with the provisions and requirements of the Roads Grants Act, 1974, of the Federal Government.

The provisions of the Federal Roads Grants Act will result in a serious deficiency in Commonwealth funds for rural local and rural arterial roads in this State. The level of Federal grants to Western Australia for 1974-75 is $49 million compared with $49.2 million in 1973-74, so that after allowing for cost inflation there will be a substantial reduction in the actual roadworks which can be carried out from Commonwealth funds during the year. There is also very little escalation in Commonwealth funds for the next two years.

Also, in what may be likened to adding insult to injury and further compounding our problems, there is a serious imbalance in the allocations contained in the Federal legislation for specified classes of roads in Western Australia. The bulk of the Federal moneys—that is, $28 million out of $49 million—has been allocated by the Commonwealth for national highways and urban arterial roads in this State with the result that Federal moneys available for rural local roads and rural arterial roads have been cut back sharply from about $27 million in 1973-74 to $18 million for this year, a decrease of about 33⅓ per cent.

In order to overcome the deficiencies in Federal funds for rural arterial and rural local roads, it has been necessary for the State Government in complementary legislation to increase vehicle licence fees by an average of 65 per cent from the 1st October this year. This sizable increase will provide only sufficient funds to meet urgent demands for better roads in areas such as the Pilbara and other parts of the State and the need to allocate $5.4 million of State funds in the Main Roads Department programme of works to local authority roads, and to continue statutory grants to local authorities for the next three years at the same level as in 1973-74. Accordingly, this legislation provides for statutory grant funds totalling $13 962 390 per annum to be made available to local authorities for each of the next three years.

To provide some perspective on the level of these grants I should explain to members that the statutory grants scheme providing for these road grants to be made by the Western Australian Government to local authorities is more generous than in any other State.

Under the provisions of the Federal Roads Grants Act, 1974, the Commonwealth Government intends to exercise strict control on the expenditure of road funds with the requirement of submission of programmes, and in the metropolitan area the submission of projects for approval. This stringent provision will require all programmes of work to be carried out by the State road authority or the local government authorities from Federal funds to be submitted for approval of a Federal Minister. Furthermore, in regard to urban arterial roads, the Federal Minister for Transport may even require the State road authority and local authorities to submit projects to be financed from their own funds for his approval.

The total funds in the statutory grants system as provided for in this legislation amounting to $13 962 390 per annum for the next three years are made up of $7 561 930 for country and $6 400 460 for metropolitan councils. While the Commonwealth requirements now mean that details of programmes using statutory grant funds will have to be submitted to a Federal Minister for approval, it is proposed to allow local authorities to spend up to one-third of the statutory grants on road maintenance. This should provide local authorities with some flexibility in their budget arrangements.

For the information of members, details of the proposed new statutory grants system as contained in this Bill are that for country local authorities, an amount equal to the total amount they received in 1973-74—$7 561 930—will be provided for the next three years, and each country local authority will be entitled to an annual statutory grant equal to the statutory grant it received in 1973-74 or, in the case of adjustments in council boundaries, such amounts as determined from time to time by the Minister. The grants shall be divided into two parts with one-third being known as the "base grant" and the remaining two-thirds being known as the "additional grant". These grants are shown in the second schedule to the Bill. Members will note that the Serpentine-Jarrahdale Shire, because of its wholly rural composition, has been included with the country shires. Advance payments of these grants will be made each month.

The one-third base grant to country councils may be spent on either maintenance or construction of roads, and only a broad outline will be required for this part of a council's programme if the money is to be spent on maintenance. The two-thirds additional grant is to be spent on road construction and details of each construction project must be supplied in the programme. The programmes are to be submitted to the Minister for Transport for approval on the recommendation of the Commissioner of Main Roads and must meet the requirements of the Federal Roads Grants Act.

For the purpose of their statutory grants, metropolitan councils will be divided into two groups—inner councils and outer councils. This is because fringe councils are partly rural and therefore have different road needs from inner councils. The total grant available for expenditure by metropolitan councils as a group will be equal to the total 1973-74 metropolitan statutory grant —$6 400 460—with this amount being divided under the distribution formula and $4 869 684 will be available for inner councils and $1 530 776 will be available for outer councils. To provide future updating of the statistics in the distribution formula or adjustment in boundaries between inner and outer councils, the Minister may from time to time determine the apportionment between the two groups of councils.

The inner metropolitan councils are listed in zone A of the second schedule. Each inner council will be entitled to a base grant amounting to its share, using the updated formula, of one-third of the aggregate amount available for metropolitan inner councils. This grant may be spent on maintenance or construction and if on maintenance, only a broad outline will be required in a council's programme. Advance payments of this grant will be made each month.

The legislation provides for the balance of the moneys available for all inner metropolitan councils for that year to be placed in a common fund to be known as the inner metropolitan councils' urban road fund. This is to conform with the Federal requirements. Each year any metropolitan inner council will be entitled to submit details of projects for road construction on urban arterial and urban local roads which it wishes to carry out in its area to be financed from moneys allocated from this fund. The programme submitted by an inner council must be approved by the Minister for Transport on the recommendation of the Commissioner of Main Roads and must also be acceptable to the Federal Minister for Transport under the terms of the Federal Roads Grants Act.

A similar system to that proposed for inner metropolitan local authorities will apply for outer metropolitan councils which comprise Armadale-Kelmscott, Kalamunda, Kwinana, Mundaring, Rockingham, Swan, and Wanneroo. The separate pool of funds for outer metropolitan councils will be known as the outer metropolitan councils urban road fund. However, because of their semi-rural nature, where an outer metropolitan council can show that exceptional circumstances apply to a road project it has submitted and for which Federal urban arterial or urban local road funds cannot be applied, the legislation provides that the Minister, on the recommendation of the commissioner, may approve of other funds from State sources being used for this project.

As the Federal moneys in the two funds should be spent in accordance with the terms and within the time specified in the Federal Roads Grants Act, 1974, a provision is contained in the Bill to meet these requirements and for any unspent moneys in the two funds to be transferred to the Main Roads Trust Fund. This is a precautionary measure to ensure that the State will not lose any of its entitlement to Federal funds.

I should explain to members that in the Commonwealth Bureau of Roads report, which formed the basis of the Federal Government's decisions on road grants, serious criticism was made of the poor effort of local authorities in Western Australia in spending their own funds on

roads when compared with local authorities in other States. On a *per capita* basis, local authority expenditure in this State is only one-half of the Australian average. Therefore, it is proposed in this legislation to continue with a matching scheme which will apply to one-third of the funds being the base grant made available by the Government to local authorities.

The previous matching scheme was subject to some criticism that as the previous road expenditure of each individual local authority was taken as its base for increasing its expenditure, those local authorities with good expenditure efforts were penalised. Therefore, the new matching proposals as contained in this Bill are not based on an individual local authority's previous expenditure but are related to the average effort of comparable councils in relation to the statutory grants.

In the country—excluding local authorities in the more remote areas as listed in zone D of the second schedule, where the Minister may set a lower quota or grant exemption—councils will be required to match one-third of the statutory grant—that is, the base grant component—on a dollar for dollar basis. The remaining two-thirds will be free of the matching conditions. A similar scheme will apply in the metropolitan area except that fringe councils as listed in zone B will be required to spend $1.50 for each $1 of their base grant and inner councils as listed in zone A will be required to spend $2 for each $1 received from this grant. No matching will be required for funds allocated from the metropolitan pools. Under the new matching proposals, only about one-quarter of all local authorities—that is, those with the worst expenditure effort—will need to increase their road expenditure to receive their full entitlement to the statutory grants.

I want to conclude by saying that this Bill is necessary to maintain road construction and employment as an important service provided by local government in order to meet road needs. While our task has been made difficult by the financial and physical constraints contained in the new Federal Roads Grants Act, the provisions of this legislation provide for a system to continue grants to councils in order that we can assist local government to get on with the important job of improving local authority roads throughout the State. I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

JUNIOR FARMERS' MOVEMENT ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.58 p.m.]: I move—

> That the Bill be now read a second time.

This Bill has only one purpose and that is to change the name of the existing Junior Farmers' Movement Act to Rural Youth Movement Act.

For the information of members, I would like to give some explanation as to how this legislation has come before the House for consideration.

In January of 1973 the Annual State Conference of the Western Australian Federation of Junior Farmers' Clubs (Incorporated) passed a resolution changing the name of the organisation from "Junior Farmers" to "Rural Youth". It is now proposed that the organisation be known as the Western Australian Federation of Rural Youth (Incorporated).

The Council for the Advancement of the Junior Farmers' Movement, as constituted under the Junior Farmers' Movement Act, has considered the proposed change and fully endorses the concept of deleting all reference to "Junior Farmers" within the existing Act and replacing it with the term "Rural Youth".

The Bill presently before the House seeks to amend the Junior Farmers' Movement Act, re-entitling it the "Rural Youth Movement Act". Consequential amendments were necessary throughout the sections of the Act, deleting all reference to "Junior Farmers" and replacing it with the term "Rural Youth".

This will bring Western Australia into line with all Australian States except Victoria, which retains the name "Young Farmers", and with the national bodies with which the movement is affiliated; namely, the Interstate Conference of Rural Youth and the Australian Council of Rural Youth.

It is felt that the name "Rural Youth" is more appropriate to the general aims of the movement and the type of people it services.

The name "Junior Farmers" has never accurately described the membership as most of the girls, who comprise approximately one-third of the total membership, and 30 per cent of the boys, have not been farm occupied.

There are only four brief clauses to the Bill before the House and I feel that none of these requires any particular explanation on my part. However, I would point out to members that the schedule in clause 4 sets out the various sections of the existing Act which are amended by this Bill. These are the consequential amendments referred to earlier.

I have pleasure in commending the Bill to the House.

Debate adjourned, on motion by Mr T. D. Evans.

FUEL, ENERGY AND POWER RESOURCES ACT AMENDMENT BILL

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Mensaros (Minister for Fuel and Energy) in charge of the Bill.

Clause 1: Short title and citation—

Progress was reported on clause 1.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 41 added—

Mr MAY: In the opinion of the Opposition this clause is the most contentious of all the clauses in the measure. Whilst we will contest other clauses during the course of the Committee stage, we feel clause 4 is the one which is of most concern to us and to the community. It is our intention to vote against the clause.

One of the main reasons we ask for this clause to be deleted is that members on this side have been inundated with requests from organisations and the public generally, to have the Bill withdrawn from Parliament. If this were done the Government would have an opportunity to reconsider the legislation. Obviously the Bill was not designed in the best possible way, and if the Government co-operates in this regard we feel we will be able to draft a Bill which will adequately cover emergency situations.

One of the important considerations which have come to light within the last few days is the recommendations of the Law Society. The Minister castigated that society for even thinking about criticising this measure. Of course, we cannot countenance that situation. The Law Society is a body with which I have not been in contact in regard to this measure; as far as I am concerned it made up its mind after examining the Bill. We would like the Government to have another look at the measure after the recommendations of the Law Society have been before the full council of that body on Monday night, which is only a few days away.

If we delay the Bill until then we will have the opportunity to consider legal opinion in connection with it, and then the measure could be debated during next week. This is not an unreasonable request, and we feel that the Government should consider it. We are not so much concerned about the fact that the measure may be directed against a particular organisation; we are concerned about that fact, but we are more concerned with having the Bill withdrawn and redrafted so that it emerges as a Bill properly drawn up for the purposes of covering a particular emergency.

The Trades and Labor Council has been in contact with me. It has held emergency meetings. I believe the Minister received a deputation from the TLC last Friday and that the TLC indicated it is prepared to co-operate and to provide assistance wherever possible. Some Government members have commented that it is strange the galleries in this place have not been packed, and that no demonstrations have occurred. But, Mr Chairman, you can imagine what would happen if the galleries had been packed; it would then be said the Opposition was trying to incite the unions and the public. I point out that the unions have acted very rationally in so far as this measure is concerned. They should be commended for the attitude they have displayed during the course of the debate on this unpopular measure.

Four resolutions were presented by the Executive of the TLC, and each was carried unanimously. The second resolution was—

> We recognise that emergency powers may be necessary in given circumstances and offer to the Government our assistance in framing suitable legislation towards this end. We do not believe that the proposed Bill is designed to do this.

That indicates the co-operation the trade union movement is extending to the Government. The Government did not see fit to contact the trade union movement prior to the introduction of the Bill. The only occasion the Minister saw the movement was last Friday afternoon after the TLC had sought a deputation.

The TLC studied the Bill and considered its unfortunate wording, and it decided the measure definitely should be withdrawn from Parliament. I must admit that the Minister met the deputation and discussed the matter with it. However, the movement was given no undertaking that the Bill would be withdrawn and redrafted with the co-operation of the Trades and Labor Council, representing the majority of unions.

I have mentioned previously the parent Act provides that the Fuel and Power Commission should confer with industrial, commercial, and other organisations if any of those organisations are likely to be affected by the provisions of the Act. The Minister took no notice at all of that provision; he introduced an amending Bill without making reference to the trade union movement.

I would say certainly reference was made to the Chamber of Commerce or some other organisation, having regard for the remarks made by the President of the Chamber of Commerce, to which I referred previously. It is quite obvious that collusion between the Government and the private sector has occurred with regard to this Bill.

Clause 4 is the most obnoxious clause of the measure as far as we are concerned. It is far too embracing and gives far too much power to the Government. It overrides all other legislation. The Minister

said the other evening that the Government had received legal opinion on this matter. We, too, have received legal opinion.

We obtained legal opinion from our own solicitors which differs from the legal opinion given by the Minister in charge of the Bill. This is a definite instance where the Bill should be deferred until such time as the legal fraternity as a whole has a chance to have a thorough look at this measure. That is all we are asking; that the Bill be delayed until next week when we will get a decision from the Law Society, following which the Bill can be debated again.

I think we should report progress and seek leave to sit again. I sincerely hope when I resume my seat that some member will move accordingly. It is obvious we cannot proceed with this Bill in the present circumstances because no-one is sure about its provisions and even the Government back-benchers are not happy with the Bill. I go further and say that the Government is not happy with it because only in the last day it has seen fit to place further amendments to the Bill on the notice paper. Therefore it is obvious that there is concern among people everywhere in Western Australia about the ramifications of the measure and the only way we can overcome this apprehension is to ensure that every individual and organisation in the community is given ample time to review the Bill and when this is done it can be further debated in the Parliament.

It is of no use anyone saying this measure will receive consideration in another place. The Bill was introduced in this Chamber and it is our responsibility to ensure that the legislation which goes forward for review by another place is, in our opinion, sound legislation. This is not sound legislation. The provisions in proposed new section 41 are most extreme and if the legislation runs its course they can be applied against any employee. This has happened before and it could happen again. We have a situation where an employee could be told to work all hours of the day and every day of the week. He could be told he would not receive any remuneration for his services.

Sir Charles Court: Oh!

Mr MAY: I know that this would be taking things to the extreme, but this could happen; this is according to the legal opinion we have obtained. I am not saying the Government will do this and that it will send employees anywhere it so desires and override all the awards at present in existence. However, the provision is in the Bill and it represents a loophole by which the Government can do something. It takes away some of the very fundamental precepts of the democratic society. As a result we on this side of the Chamber will oppose most of the clauses in the Bill. The Government will be made aware of this in no uncertain manner.

There are other matters which I think should be raised in regard to proposed new section 41 which reads—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.

That provision is in the Bill in black and white. It provides that the Government can do away with all the awards or judgments made by any court or tribunal. This is a dreadful provision. We believe we should be given an opportunity to have another look at this provision after members of the legal profession have closely scrutinised the Bill following their meeting on Monday night next.

I am sure the member for Collie will agree with me when I say that in Collie we have a union where the employees have not had industrial unrest for 12 to 14 years. Therefore a situation could arise, if this Bill becomes law, where employees could be fined $500 or be imprisoned for six months for every day they commit the offence prescribed in the Bill. Further, if another union decides to come out in concert with this union, the employees of that union could be fined $500 a day and be liable to imprisonment for six months.

The Minister has said that we have to read each clause in conjunction with the others. Our legal advisers have done this and they have come up with the answers. They say that this Bill does override every other Act on the Statute book. I feel certain that this was not the intention of the Minister when he introduced the legislation. Therefore we on this side of the Chamber are most concerned about proposed new section 41. The Government has decided it will seek amendments to certain other clauses in the Bill, but it is obvious that these are only of a minor nature. They merely follow some of the sections in the principal Act which we have had on the Statute book for some considerable time. The Government should therefore realise that its proposed amendments are only an amplification of what we have already foreshadowed and it should seriously consider withdrawing this Bill with a view to having another look at the legislation, together with the trade union movement, and people in commerce, following which it could present a piece of legislation which will be certain to cover a specific emergency situation.

The CHAIRMAN: The member has three minutes.

Mr MAY: Thank you, Mr Chairman. There is another area about which we are most concerned. I mentioned earlier that the proposed new section 41 provides as follows—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.
>
> (3) All powers given by or under this Part of this Act or by or under the emergency regulations shall be in aid of and not in derogation from any other powers exercisable apart from this Act.

That means the Government, if this provision is enacted, will have power to do anything. We know that sometimes Parliament is in recess for six months and the Government could be in control of any situation without bringing the matter to Parliament for consideration. This is a shocking state of affairs and I suggest once again that the Government should withdraw the Bill and prepare another piece of legislation to cover a specific emergency.

Progress

Mr MOILER: I move—

> That the Chairman do now report progress and ask leave to sit again.

Motion put and a division taken with the following result—

Ayes—19

Mr Barnett	Mr Jamieson
Mr Bateman	Mr T. H. Jones
Mr Bertram	Mr May
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moiler
Mr Hartrey	*(Teller)*

Noes—24

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr McPharlin	Mr Young
	(Teller)

Pairs

Ayes	Noes
Mr Harman	Sir David Brand
Mr Bryce	Mr Laurance
Mr H. D. Evans	Mr Ridge

Motion thus negatived.

Committee Resumed

Mr McIVER: During the second reading debate I did not take the opportunity to speak as I felt that the subject had been adequately covered by previous speakers. I also felt that there could be a faint ray of hope in the announcement by the Premier through the media that sweeping changes would be made to the legislation. However, the problem was only partially solved. Therefore I feel I must support the member for Clontarf and all those who are opposed to the clause.

It is somewhat sad that the public—and even the great majority of the workers themselves—do not realise the consequences of the Bill, especially proposed new section 41(2) which contains the word "award". This is only a small word, but it is of great significance because the award is the workers' *Bible*. I cannot comprehend why the Government should attempt to make it null and void.

It is obvious that the Government intends to have a head-on conflict with the trade union movement and no doubt the increasing industrial unrest in our State and throughout Australia has motivated this action. However, this is certainly not the way to go about the problem. I have not at any time advocated industrial unrest or strikes of any sort, but if this is what the Government wants it will certainly get it. When speaking the other evening on the motion for the appointment of a Select Committee the member for Collie foreshadowed that industrial unrest would occur. I am vigorously opposed to proposed new subsection (2) especially in relation to the word "award".

I wonder how many members in this Chamber, and of the community, realise just how the unions go about getting awards. It is certainly no easy matter and is not something which is handed out overnight. It takes weeks of preparation and deliberation and the union advocate must present a watertight case before the Industrial Commission agrees to it. I have been associated with the trade union movement for many years and I am still a member of the West Australian Locomotive Engine Drivers', Firemen's and Cleaners' Union of Workers, a responsible union. I am sure the Minister for Transport will agree that it has a very long and distinguished record. Admittedly it has been involved in stoppages, but they have always been justified because they have been in relation to the safety of the travelling public of Western Australia.

This is a shocking piece of legislation when it can in one fell swoop disregard awards, and it certainly must be opposed at all costs.

Members of the Country Party should closely study the Bill. During the grievance debate yesterday the member for Moore made a commendable speech and I

agree entirely with his remarks. There is no doubt that many people in the city do not realise that when times are bad in agricultural areas the towns suffer economically and in every other way, as he stated in his speech last night. If this clause is passed instead of being deleted from the legislation everything will grind to a halt in Western Australia. Obviously this is what the Government wants. It desires to have a head-on conflict with the trade union movement.

Sir Charles Court: Nothing of the sort.

Mr McIVER: When things come to a halt and no stock or wheat is being carted it will be of no use the Government or rural people saying that industrial unrest is to blame. The solution is in the hands of the Government which has a responsibility to do something about the situation right here and now.

Sir Charles Court: Are you threatening the community?

Mr McIVER: The Government will not delete the clause because it wants it placed on the Statute book so that it will have the power to attempt to crush the trade union movement. That is the whole motivation behind the Bill.

Sir Charles Court: Are you threatening the community on behalf of the trade union movement?

Mr McIVER: The Government should put the facts in their proper perspective.

Sir Charles Court: If you are, you have made out a perfect case for the Bill.

Mr McIVER: I threaten no-one.

Sir Charles Court: You have today.

Mr Skidmore: We suggest the Government is doing the threatening.

Sir Charles Court: You have to say what you are saying.

Mr McIVER: If one pokes a stick in an ants' nest it is not long before an upheaval occurs and ants are running all over the place. Under clause 4 the Government is poking a stick right into the nest of the trade union movement. There will be nothing more provocative than this clause.

No reason exists for the legislation to be passed at this time, as the member for Clontarf has amply demonstrated. The Arab oil crisis has passed and therefore the legislation must have been introduced for one specific reason only; that is, to provoke a head-on conflict with the unions. It is most unfortunate that so many people, even the workers themselves, do not realise the significance of the legislation. The majority of the workers are so apathetic in their approach to the trade union movement that they allow themselves to be led by people who should not be leading them. I have said this on several occasions in this place. It is nothing new.

It is a shocking situation but it is a very delicate one and it must be handled very carefully. If the Government is genuine in its effort, it can prove it by removing this obnoxious clause from the Bill.

I have been in this Parliament only since 1968 but the reply to the Opposition by the Minister handling this legislation was the most shocking exhibition I have ever seen by any Minister in this Parliament.

Sir Charles Court: You have said that before.

Mr McIVER: If I have said it before, I mean it more than ever now. It is of no use the Premier interjecting; he was not in the House at the time. Had he been here he would have prevented it. He should have a look at the speech in *Hansard*. I am sure he will not be proud of the Minister's remarks—although I understand the Minister has rewritten his speech.

By way of interjection I asked the Minister to refer specifically to clause 4 but my request was completely ignored. He was taking us on a trip to his homeland and telling us how he suffered. That is history. We all know that. He was not on his own. I inform the Minister that the cream of this nation, men and women, between 1914 and 1918, between 1939 and 1945, and since, have made the supreme sacrifice because they held dear the democracy and way of life which we and the Minister enjoy. There is no doubt that he came to this country to enjoy this way of life, and that applies to all people, whether they be Liberal, Labor, Country Party, or anything else.

Through this Bill the Government has unified the trade union movement. Since this legislation appeared there has been more solidarity in the trade union movement than ever before. The Minister has certainly done the Opposition a favour, and I would say that if clause 4 remains it will have a greater effect at election time than any electoral sign on any tree from here to Noggojerring.

I think I have made it clear that I am very much opposed to clause 4, and particularly this subclause.

Mr Young: I hope the speech is printed in the newspaper.

Mr McIVER: The member for Clontarf, who is the shadow Minister, has strongly appealed to the Government to wait until the Law Society has had a meeting before further discussion takes place on the Bill. I support that suggestion.

Sir Charles Court: Why have you over there fallen in love with the Law Society all of a sudden?

Mr McIVER: I am not very interested in the Law Society but I honestly believe it is a body which is very judicious in its judgments and far more capable than I am of reading between the lines.

Sir Charles Court: I will remember those comments when we bring in some other legislation.

Mr McIVER: I am genuinely concerned. I do not speak with malice. I do not want to fall out with the Minister for Fuel and Energy—I do not want to miss my Christmas card from him this year. However, he is new to the job. We all know what a conscientious man he has been since he came to this Parliament but he has certainly gone off the rails with this Bill. We all make mistakes sometimes and I would say he made his greatest mistake the other night in this Chamber when he replied to the Opposition's submissions in the manner he did.

The CHAIRMAN: The honourable member has three minutes more.

Mr McIVER: It is all very well for the Minister to speak like that but one could put Mickey Mouse on a Liberal ticket and win Floreat. In this situation the lives of thousands of people will be affected. I would certainly like the Minister to bring the matter to a halt by having the courage to remove this obnoxious clause from the Bill. Before I sit down I appeal to the Minister to have the courage to go to the Premier and say, "This is just not on." I am sure I will be supported by my colleagues as the Bill is further debated. As one speaker for the Opposition, I sincerely appeal to the Minister to delete the whole clause because of the repercussions which may follow in Western Australia.

Mr MENSAROS: I am quite grateful to the member for Clontarf that he began this debate in a much more restrained manner than that which was displayed during some parts of the second reading debate. I am sorry that the member for Avon—from whom I would have least expected it—began on a personal basis. However, I will ignore that.

The member for Clontarf offered co-operation, which I heard with satisfaction. Indeed, I expected it from my discussions with representatives of the unions—and I emphasise that there was not only the one particular meeting to which the honourable member referred but also several other meetings.

Mr May: Would the Minister speak up?

Mr MENSAROS: I was quite happy with the offer of co-operation made by the member for Clontarf, and I expected it. I would only say in general terms that if the co-operation exists I would not contradict it as the Opposition tries very hard to contradict the goodwill, honesty, and responsibility of the Government. In discussing the Bill, when we get away from reasoning and onto emotional ground, the main argument we hear is that the Government is out to get the unions, or some such expression. I have refuted that accusation many times and I do so again because it came up again.

If the unions are responsible, which we expect them to be, and if they do not want to cause trouble just for the sake of trouble or for some sake which has nothing to do with industrial matters, then they have nothing to fear—not only because of the construction of the clause but because of the responsibility of both the Government and the Opposition. However, if I wanted to discuss the merits or demerits of the clause I should have heard a little more argument about the clause itself.

Mr May: You will.

Mr MENSAROS: The member for Clontarf has used a few adjectives in describing the clause—"obnoxious", "bad legislation", "not good", and that type of thing. But it falls on barren ground simply to argue that it is bad legislation or good legislation. That is not an argument. The only point I have detected in the argument of the member for Clontarf is his complaint that through this legislation the Government in power would be able to change all existing laws, contracts, agreements, awards, and the rest of it.

That is not my understanding of the legislation, and it is by no means the intention of it. The only possible cause of emergency that has been mentioned is that relating to industrial relations; the other possible causes have been ignored. However, when we talk about industrial relations, the possibilities I can see are not the extreme cases mentioned in the second reading speech of the member for Collie. They are just not possible.

Mr T. H. Jones: I am sorry, I missed the point.

Mr MENSAROS: The only possibility I can see is that there are certain conditions in awards which prescribe that an employee must work certain hours and must not work certain other hours. In a case of extreme emergency, quite obviously we would expect co-operation, and the Bill provides legal ground for making changes without the lengthy process which would otherwise have to be followed.

Generally speaking, and having answered this one argument—which was the only argument forthcoming—I reiterate that any responsible union, and we hope they are all responsible, has nothing to fear from this piece of framework legislation which is to be placed on the Statute book to cater for the people in a generally defensive way—

Mr Hartrey: They will be oppressed.

Mr MENSAROS: —to defend them against the effects of any emergency that might arise. I do point out, however—as the Premier has already said by way of interjection—the member for Avon is not being at all responsible by bandying around threats.

Mr Skidmore: Why don't you let the Industrial Arbitration Act take care of the situation?

Mr MENSAROS: I have answered that question on three occasions. The member for Avon said that if the legislation is passed we will see what the unions will do. I hope the honourable member spoke without authority, because what he says does not appear to be in keeping with what the unions have conveyed to me. They did not suggest that Parliament, which is elected under the Constitution by a majority of people, should legislate in a manner to suit only one or two sections of the community. As I have said this is not what was conveyed to me, and I am grateful it was not, because the union leaders whom I saw did not advance any such contention.

Mr McIver: You are trying to dodge the issue.

Mr MENSAROS: Contrary to the belief that this legislation was drawn up hastily I would point out that it was considered very carefully. It contains certain safeguards. Later we considered constructive criticism that had been offered among which was a paper from the Law Society, which has already been mentioned.

I did not scold the Law Society; I simply scolded those few members—only a few of them whether they were members of the society or not—who concocted a paper which I still say, and which I will continue to say, they did in a prejudiced way. I am sure this will be the opinion of any legal man.

Mr Skidmore: Including Richard Harding who said he had nothing to do with it!

Mr Bertram: What do you mean by "concocted"?

Mr MENSAROS: I refer to the document which was not up to the standard of any professional document. If the member for Mt. Hawthorn could not produce a better paper—and I am sure he could—which gives more expression to the legal side I am sorry for him.

This led me to call the document in question an expression of political belief rather than a professional document. It was not written in the way that professional documents should be written; members will see this if they compare it with any professional document, judgment brief, or submission.

Accordingly I condemn the document and those who concocted the document in a very short time. It is not the Law Society I condemn. After considering the constructive criticism that was offered we put forward amendments which constitute far more in the way of safeguards than those incorporated in the Bill; and which were called sufficient safeguards by the member for Clontarf who signed the Cabinet minute which contained these comments.

Mr Hartrey: There are no safeguards in section 41.

Mr MENSAROS: That was contained in the Bill which the member for Clontarf submitted.

Mr Skidmore: That does not make it good.

Mr MENSAROS: The honourable member will not let me argue.

Mr B. T. Burke: It is the same old argument.

Mr MENSAROS: The honourable member has not absorbed it.

Mr B. T. Burke: It is difficult to absorb.

Mr MENSAROS: It was in the Bill recommended to Cabinet.

Mr Hartrey: That does not make any difference. It was stupid then and it is stupid now.

Mr MENSAROS: The honourable member chooses not to listen to me; though usually he does. The honourable member should leave the debate on this subject to those who know about the facts; he does not know about the facts.

Sitting suspended from 3.45 to 4.05 p.m.

Mr MENSAROS: I was trying to say before being interrupted by my honourable friend opposite that we have all the safeguards in this Bill that the member for Clontarf considered were sufficient to prevent what he called a miscarriage of justice when he produced his own draft. In addition to this, we have listened to constructive criticism and have proposed amendments. In the light of the existing and the proposed safeguards, we are reasonably sure that we have produced a framework legislation which is necessary but which is not dangerous.

We have never adopted an attitude from which we would not move. Despite the fact that we have a reasonable majority in this House, we have never adopted an attitude of doing things for the sake of doing them. In addition to the safeguards which exist in the Bill and the proposed amendments, the measure will also be considered by the other place which, although it is not tremendously respected by members opposite, will still consider the Bill very seriously and will have the opportunity to do things which we might have omitted to do in our own serious consideration of the measure. With those remarks, I think I have answered the questions which have been raised so far in the Committee stage in connection with this clause.

Mr J. T. Tonkin: Not at all!

Mr HARTREY: I would like to have approached the Committee stage of this Bill in the frame of mind of trying to do the best we can with the legislation but I am afraid that is quite impossible in respect of proposed new section 41. It is impossible to make any sense of it or out of it. The only sense in which it can be interpreted is in the sense of absolute monarchy, absolute despotism, absolute

tyranny. As I have said repeatedly, the words are plain. They are extravagant, but not ambiguous; they mean precisely what they say and they say very much more than the people of Western Australia are prepared to tolerate. The words are irremediable and repugnant.

We have been asked, "Why did we draft this as our own Bill?" We did not draft the Bill, but suppose we had? Suppose I had drafted it myself? It would still be just as stupid if I had drafted it as it is now, when somebody else has drafted it. There are no English words that change their meaning because they are proposed by a particular political party. It does not matter what was the origin of the particular proposed new subsection. It simply means that if these words are enacted as a Statute law of Western Australia, we are creating not only an emergency but also the most despotic set of powers that have ever been claimed by or ascribed to anyone, at least since the days of Charles I, and he was a very mild tyrant by comparison with Henry VIII, who was a very mild tyrant when compared to the person in whom these proposed powers will be vested, provided he sees fit to exercise them.

I am not suggesting we have any Henry VIIIs in this House or even any people as despotic as Charles I. But I am suggesting that because there is a possibility of such things happening, it is ridiculous to propose legislation of a most obnoxious character to enable such persons to have such powers.

Let us take just one particular paragraph of the Bill. I do not think anyone has given much thought to this paragraph, although the Council of the Law Society has done a very good job of going over the Bill in the short time at its disposal and of producing very sagacious comments upon the legal implications of the Bill in that brief time. The council did not have time to take the entire measure to pieces and analyse it, and neither have I. However, I draw the attention of members to one paragraph that I have not already mentioned; I hate to be tediously repetitious if I can help it. I refer to subsection (3) of proposed new section 41. It states—

> (3) All powers given by or under this Part of this Act or by or under the emergency regulations shall be in aid of and not in derogation from any other powers exercisable apart from this Act. .

Practically speaking, people not instructed in the law would not be able to see the drift of that subsection. It is almost incomprehensible to a layman, however intelligent and well-educated he may be in other sciences or arts. But when one has had years and years of experience in the application of Statutes to various types of situations—I certainly can claim to have had that kind of experience; I claim no other merits but the merit of experience in this area—one can foresee contingencies which can arise out of those areas and one of them is that we may find another gross injustice to add to the ones that the Law Society has mentioned and that I mentioned in my first speech on this subject a fortnight ago. Another well known maxim of justice is to be overturned. That maxim, like all others, normally is expressed in Latin, so I will give it in Latin; I will also give it in English, as I know members prefer that anyway. It is *"nemo bis vexari debet propter eandem causam"*, which means "No man should be harrassed twice for the same cause" or, as it is more generally expressed in law, "No man should be proceeded against twice for the same offence".

He can be, under this Bill. True, it is possible for a man to be charged under the Traffic Act or possibly under the Police Act or even under the Criminal Code for the one thing. For instance, if a man is betting in the street, he can be charged under the Traffic Act for obstructing the traffic, under the Police Act for street betting, or under the Criminal Code. Members with long memories may recall that about 40 years ago an unlicensed bookmaker was charged in the Criminal Court, but those responsible very quickly backed out of that because they knew he would be acquitted. The Interpretation Act of 1918 provides for the situation that a man may not be convicted twice. Section 45 of the Interpretation Act states—

> Where any act or omission constitutes an offence under two or more Acts, the offender shall, unless the contrary intention appears,—

Mark those words—

> —be liable to be prosecuted and punished under either or any of those Acts, but shall not be liable to be punished twice for the same offence.

Even that is not wide enough to satisfy me; however, it is a great deal better than what we are going to get if we adopt subsection (3) of proposed new section 41.

If a man today were charged under the Traffic Act and punished for obstructing the traffic by street betting he could still be charged again under the Police Act, but he could not be punished a second time. However, if we agree to new subsection (3), this could be the case because it states—

> All powers given by or under this part of this Act . . .

This is the emergency part of the Fuel, Energy and Power Resources Act Amendment Bill, but the emergency need not necessarily have anything to do with fuel and energy. It may have to do with many other things.

If a person is charged with a breach of any regulations made under these powers, and the offence for which he is charged also happens to be an offence under the Police Act, the Criminal Code, or some other Statute such as the State Transport

Co-ordination Act, then he could be charged not only under each of those Acts but in succession of those Acts, and he could be punished under each Act in succession, because the powers provided in this clause are not in derogation from the other powers but in aid of the other powers.

It would appear that within the meaning of the Interpretation Act a person could be punished two, three, or four times for the same offence. The Minister might explain how silly it is to say this, but I would ask him why he has proposed a Statute which would enable that to be done.

Mr Mensaros: I am smiling at how clever you are to think of something like this.

Mr HARTREY: I am not clever at all. I am giving a warning to the Government that what I am saying could be right. What other meaning could these absurd words have? If they do not have the meaning that I have outlined, then I would be glad if the Minister could give me the true meaning. Proposed subsection (3) states—

> (3) All powers given by or under this Part of this Act or by or under the emergency regulations shall be in aid of and not in derogation from any other powers exercisable apart from this Act.

The powers conferred by the Police Act are exercisable under the provision in the clause, as are the powers conferred by the Criminal Code. If the powers given under the clause are not in derogation, but in addition, then they can be lumped together. One cannot turn to the Interpretation Act and say that a person cannot be punished because section 45 of that Act says "unless the contrary intention appears". The Minister should not ask me why I have not proposed an amendment.

States of emergency are not enjoyable, and apparently when the legislation before us is passed they will not be that rare. We should not be prepared to put ourselves under the boot of the policeman. This is not a police State, but it will be under the legislation before us.

Let me refer to proposed section 41(1). No-one can tell me that this provision is innocuous, because certain amendments have been proposed to other clauses in the Bill. If the Government proposes amendments to this proposed new section I would be very glad to hear them; and if there is to be any mitigation or any improvement in these provisions I would also be glad to hear it. Half a loaf is better than no bread, but we are not even offered a bite of the loaf to ameliorate the stringent provisions in this proposed new section.

The CHAIRMAN: The honourable member has three more minutes.

Mr HARTREY: We have the intention of the Government in proposed new section 41(1), which I shall quote again—

> Where the provisions of this Part of this Act are inconsistent with any of the provisions of any other Act, or of any regulation, rule or by-law made under any other Act, the provisions of this Part shall prevail.

This would include the Habeas Corpus Act, passed in England in 1678, by which procedure is laid down for obtaining the release of a man or woman under wrongful arrest or false imprisonment. It does not matter which Acts are affected. These emergency provisions will override the *habeas corpus* procedure or any other Act. No-one can tell me that this is what is intended; and I am sure the Government does not intend it; but it is what the Bill says. If that is the case then the Government should be prepared to delete the provisions in clause 4 for the sake of protecting the community. The community does not want the Constitution to be subverted.

I suggest that if the Government sends this legislation to a committee of some kind, or even to the first-year law students at the university they will interpret it in the way that I have interpreted it. The Government should not deliberately thwart the will and the liberties of the people through sheer political obstinacy. The Government should display some common sense.

Mr T. H. JONES: In the second reading debate I indicated that in my opinion the Government was mixing industrial legislation with emergency legislation in introducing the Bill. I still hold that view, despite the amendments that have been placed on the notice paper by the Minister.

It would be true to say that all sections of the community, including the trade union movement and the Law Society, are deeply concerned about the legislation. I assure the Government that the trade union movement of Western Australia is probably more concerned about it than any other section of the community.

I shall convey to the House an offer that has been made by the trade union movement to the Government, in an effort to arrive at agreement on this emergency legislation. In reply to the second reading debate the Minister indicated that this legislation was not framed substantially to get at the trade union movement. He cannot deny that.

Mr Mensaros: I would not have said that had you not alleged it was against the trade union movement.

Mr T. H. JONES: I cannot understand the two lines of thought adopted by the Minister. I refer to a report which appeared in *The West Australian* of the 16th August dealing with some comments made by the Minister, and I shall compare

that with what he is saying now. We find that the Minister has adopted two different attitudes. The report in *The West Australian* is as follows—

> Explaining the Bill to the Legislative Assembly the Minister for Fuel and Energy, Mr Mensaros, said that it provided for the maintenance, control and regulation of energy supplies and services.
>
> The Government did not have such power at present.

I do not go along with that. To continue with the report—

> Outside the House, Mr Mensaros said that last week's transport strike was an example of fuel shortages causing hardships and disruption.
>
> The Government was proposing the legislation to give powers to counter such industrial action and to minimise its adverse effects on the community.

It is quite clear what this legislation intends to achieve.

If the Government thinks that some of the trade unions are acting in a manner which is contrary to the interests of the community, it has a remedy. It should take steps to remove any anomalies that might exist, so that the powers conferred by the Industrial Arbitration Act can be availed of. In my view the Government should not include industrial legislation in emergency powers legislation. No-one can deny that that is precisely what the Government is doing in introducing the Bill before us.

As a prominent member of a trade union for many years, it is quite evident to me that the Bill contains penal provisions which provide for the imposition of a fine of $500, imprisonment for six months, or both. If this is not penal legislation, then what is it? Such a provision should not find its way into emergency powers legislation.

I plead with the Minister and the Government to look at the Bill again. I go along with the comments of the member for Avon, the shadow Minister for Fuel and Energy, and the member for Boulder-Dundas. The legal implications have been outlined clearly by the member for Boulder-Dundas, and the industrial implications have been outlined by the member for Avon.

The Government should be prepared to reconsider this legislation, in conjunction with the trade union movement. This movement is honest in its approach. It agrees that emergency industrial legislation is desirable, if it is introduced in a correct form.

I want to put this proposition to the Government on behalf of the Trades and Labor Council. The TLC is of this view: it recognises that emergency powers may be necessary in given circumstances, and it offers to the Government its assistance in framing satisfactory legislation towards this end. However, it does not believe that the proposed Bill is designed to do that.

There is nothing wrong with that proposition. The Government should be prepared to report progress so that it can meet representatives of the TLC to obtain the views of the TLC as to how this legislation should be framed. In support of this proposition I say that at the present time no state of emergency exists; so, there is no necessity to rush this legislation through.

The offer of the TLC is a reasonable one. It is possible that after discussion with the leaders of the unions some conclusions can be arrived at which will prove to be acceptable to the trade union movement and all other parties concerned.

In replying to certain comments which have been made in the Committee stage the Minister has said that following constructive criticism the Government introduced amendments which have been placed on the notice paper. When I became aware of the foreshadowed amendments and examined them, I realised they did not go nearly far enough. Clause 4, which is the kernel of the Bill, is not to be amended in any way. Whilst the Bill remains in its present form it is not acceptable to the trade union movement or to members on this side of the Chamber.

Several matters concern me; one is that the jurisdiction, and implementation of this legislation will rest with the Minister of the day. It might be the present Minister, but it could be a Minister of another political colour; and of course that Minister will implement the legislation as he sees fit. He is to be given sweeping powers.

As a result of the recent increases in the price of oil from the Arabian countries, Collie has assumed a more important position in this State in respect of the supply of fuel and energy. I should point out that there is in existence the Coal Industry Tribunal which has been set up under Statute to look after the industrial questions of that industry. When I was a union advocate, the companies at Collie brought forward a submission to the tribunal for the purpose of introducing night shifts at the open cuts. Naturally, I opposed the proposition on behalf of the union. As a result of the submissions that we made, we were successful in proving to the tribunal that such a scheme was not workable.

The tribunal then made a decision; but the coalmining companies lodged an appeal. On that occasion Mr Burt, who is now Mr Justice Burt, handled the case on behalf of the unions. The Industrial Commission rejected the appeal of the employers. It was proved to the satisfaction of this expert tribunal, which is designed to look after the coalmining industry, that night shifts should not be worked at the open cuts in Collie.

Is it right that in an emergency a Minister without a complete knowledge of a particular industry should be able to introduce a 12-hour night shift? That is what the Minister could do under the provisions of proposed new section 41. This is of concern to us, to say the least.

Many other aspects also concern us. The Minister, when he replied, did not mention his rights to override any safety provision, and this is of concern to the trade union movement. No provision has been made for safety in relation to the mining industry, generally. There is nothing to say that the safety aspect cannot be overridden, and that is dangerous.

I do not challenge the knowledge of the Minister for Fuel and Energy, but I do not think it would be wrong to say that his knowledge of safety provisions in the mining industry would not be as great as that of those who work in this very important industry. It must be appreciated that under proposed new section 41 the Minister will have the power to override any award, agreement, or decision.

We do not deny that we on this side of the Chamber are the voice of the trade union movement. We join with that movement and the Council of the Law Society in expressing grave and deep concern at the provisions of the Bill. To introduce legislation is one thing, but to implement it is another. I warn the Government of what happened with regard to the Federal penal provisions. The trade union movement is not looking for an opportunity to strike. In many situations strikes do not do anyone any good.

The CHAIRMAN: The member has three minutes.

Mr T. H. JONES: It will be appreciated that these are matters which are exercising the minds of the trade union leaders of Western Australia. I have not looked at the Bill from a legal angle, because that has been handled by members better qualified in law than I am. However, I understand that the Council of the Law Society will examine the proposed amendments next Monday night. I am confident that the Law Society will take an impartial view of those amendments.

I ask: What is wrong with the two propositions that, firstly, the Government should meet with the trade union movement to discuss what it considers to be reasonable legislation to cover an emergency and, secondly, that it should wait for the decision of the Law Society? The decision from the Law Society will be brought down after its meeting next Monday night and its views with regard to the legislation can then be canvassed.

I repeat: this legislation—and the amendments which appear on the notice paper—do not go far enough as far as the Opposition and the trade union movement are concerned. Unless the Government is prepared to re-examine clause 4, which is the crucial part of the Bill, unrest will be the order of the day so far as I am concerned. The trade union movement does not want unrest and it is prepared to co-operate with the Government in an effort to get on the Statute book legislation which is workable and acceptable to the Government, the Opposition, and the unions.

I urge the Minister to report progress and allow discussion to take place with the Trades and Labor Council and the Law Society.

Mr J. T. TONKIN: The Minister made no attempt whatever to deal with the criticism of this clause made by the Council of the Law Society. I would say there is a distinct obligation on him to argue those points and to show and establish that the opinions expressed are incorrect.

The Minister said he would deal with what was said in general terms, but that is not good enough. Every one of the criticisms which has been levied calls for specific detail. I am not a lawyer but I have studied a lot of law in my time. I agree absolutely with every statement made by the Council of the Law Society in connection with proposed new section 41 —every statement.

The Minister endeavours to defend his attitude, and the attitude of the Government by saying, "You have nothing to fear." What on earth is the good of that when a Statute is in the process of going through Parliament? What has to be accepted is the interpretation of the Statute when it gets to the court. However, proposed new section 41 specifically prevents any court from making any judgment at all which would be contrary to the intention of that section; that is to say, if an appeal were made to a court against the issuing of an emergency declaration, and the court decided that it was not properly issued, the proposed provision will prevent any notice being taken of that decision.

The Minister made no attempt at all to deal with these aspects of the measure. He said, "This is my understanding of it." What on earth is the good of that? The Minister has not been practising law for years and his only assurance to the members of this Chamber is his understanding of the Bill; that is, he wipes out completely the opinion of practising lawyers of the Council of the Law Society. He wipes out that opinion and says, "It is not what they think at all; this is my understanding of it."

There is a very well-known saying by Sir Owen Dixon, one of the outstanding jurists of the country. He said, of constitutional law, that what is clear is not understood and what is understood is not clear.

Mr Young: There is a better saying than that: He who acts as his own lawyer has a fool for a client.

Mr J. T. TONKIN: That is very true. The member is applying it to the Minister, of course.

Mr Young: No, I am applying it to you.

Mr J. T. TONKIN: I appreciate, very much, the perspicacity of the member for Scarborough, but what he overlooks is that I am simply supporting the opinion of practising lawyers. They have gone into this matter thoroughly and they have expressed their opinion.

So that members will have a full appreciation of the opinion of the Council of the Law Society I intend to take it, statement by statement, as the Minister should have done in his endeavour to establish that what the Law Society is saying is wrong—and the Minister cannot dispose of the statement by saying, "You have nothing to fear." The Minister will have to demonstrate that the measure will not do what these lawyers say it purports to do, and if the measure purports to do what they say—and I agree with them —then one has plenty to fear.

If this measure is to go onto the Statute book, in certain circumstances it will wipe out every law which may be in conflict with it; every rule or regulation and, what is far worse, any judgment of a court with respect to this matter. In view of that, for the Minister to say, "You have nothing to fear" is very naive indeed. It places too great a strain on my credulity for me to accept that argument. Let us examine the opinion. It states that the Act and the regulations made under it are to prevail over all other laws, judgments, and agreements. If that provision does not mean what it says what is it doing in the Bill? What is it there for?

We have been told by the Premier that the prime and only purpose of this legislation is to ensure the proper control of the source of fuel and energy in the interests of the people—the prime and only purpose. However, is it necessary to set aside every law, every rule, every regulation, and every judgment of the court in order to achieve that primary purpose?

Who said, "Yes"? I would like him to stand up and be counted. God help him.

Just imagine that in a so-called civilised country, which claims to be a democracy and not under the control of a dictator, there is a representative of the people who is prepared to come here and say he will agree that all the laws, rules, and regulations extant in this country can be set aside by legislation, and that everything can be controlled by regulations made under the provisions of this Bill. Frankly, Mr Chairman, I did not believe I would ever hear such a statement made in this Parliament; a democratic Parliament representing the rights of the people. That is what we are here to protect.

Mr Hartrey: That is right; the rights of the people.

Mr J. T. TONKIN: Our prime responsibility is to protect the rights of the people. Are we to agree to a proposition which will not only override every law, every rule, every regulation, and every by-law, but will even override a judgment of the court?

The opinion of the Law Society is that it appears subsection (2) of proposed new section 41 will limit the power of the courts with respect to the Act and its regulations. The opinion is that on a proper construction it may be that there is no power for the courts to entertain any challenge to the Act, a declaration of a state of emergency under it, or regulations then brought down.

Mr Mensaros: That is an opinion; that is not the Bill.

Mr J. T. TONKIN: The Minister, in defence, has said, "You have nothing to fear".

Mr Mensaros: I said that is an opinion; not the Bill.

Mr J. T. TONKIN: Well, is it the opinion of the Minister?

Mr Mensaros: No, it is not my opinion.

Mr J. T. TONKIN: Well, I think there was an obligation on the Minister to stand up and give the reasons that his opinion differs from that of the Law Society, and then we could argue the point. However, we did not get a reason from him.

Mr Mensaros: I dealt with those propositions brought up by the lead speaker from the Opposition, but I did not touch on other matters.

Mr J. T. TONKIN: When replying to the discussion on this proposed new section I followed every word the Minister said. I was waiting to see if he would deal with the arguments which were advanced by trained lawyers, as was his responsibility.

Sir Charles Court: No, arguments advanced by the council.

Mr Mensaros: I dealt with everything that was brought up during the Committee stage.

Mr Taylor: You mean, during the second reading stage.

Mr J. T. TONKIN: I am telling the Minister that his responsibility is not only to deal with the arguments of any one member, but also to deal with the criticisms of the legislation in such a way that he can establish in the minds of members an appreciation of his point of view and a readiness to support it. However, he made no attempt to do this when he got up to deal with the remarks on this clause. He made no attempt to deal with the particular arguments, and as a matter of fact I wrote down his relevant statements. He said, "In general terms", and that is just not good enough.

Mr Mensaros: Referring exactly to the member for Clontarf.

Mr J. T. TONKIN: It is not good enough o say, "in general terms". I expect the Minister, if his opinion differs from that of the members of the Council of the Law Society, to say in what respect and why it differs. Opinions must be backed up by logical arguments.

The CHAIRMAN: The Leader of the Opposition has three minutes.

Mr J. T. TONKIN: At this stage! The Minister absolutely failed to do this. He said the Government intended to move certain amendments to this Bill, and the opposition is that the amendments will overcome the objections to this clause. I ask you, Mr Chairman, are you going to accept that any one of these amendments on the notice paper will overcome the objections so clearly set out by the Council of the Law Society? I read the amendments very carefully, and they do not touch the argument at all. They do nothing to say that any judgment of a court, given under this legislation and these rules, will not be overridden by this particular clause; that is our objection. I do not care whether the provision is to deal with one emergency or 50 emergencies, while I have a breath in my body I will not sit here and agree to a proposition that the Minister in charge of this legislation may advise His Excellency the Governor to issue an emergency order. On that basis every law, rule, regulation, and judgment of the court shall be pushed aside and the Government of the day shall govern the State by regulation month after month if it suits it to do so.

Mr SKIDMORE: Obviously I suggest to the Committee that this clause has no room in the Statutes of Western Australia.

I would like to refer to the remarks made by the Minister the other night. He said he felt that the Government could be regarded as adopting a responsible attitude to the measure. He went on to say, "I do not even know what Opposition members said, apart from mouthing adjectives." I thought I spent a fair bit of time showing that if this clause remains in the Bill and becomes law, it will be inoperative in the industrial area, although I am not unmindful that it will affect all sections of the community. However, I am taking up a brief on behalf of that section of the community which has awards and working conditions under which it operates in normal circumstances. We know that for a worker to be covered by an award a contract of service is required and that means that a master-servant relationship must prevail. I would like to read from a document which sets out very clearly just what this relationship is in law. It says—

> A contract of service, as with any contract, is marked by the following features:
>
> (a) one party must agree to perform an undertaking and the other party be prepared to accept the performance (i.e., there must be offer and acceptance);
>
> (b) both parties must intend that the agreement shall give rise to a legally recognised obligation;
>
> (c) both parties must be persons whom the law recognises as competent to enter into contracts (i.e., there must be capacity);
>
> (d) the agreement must be supported by consideration;
>
> (e) the objects of the contract must be legal.

I feel a little disappointed that the Minister did not even bother to listen to my remarks in regard to the unworkability of the measure he proposes to force upon the people of Western Australia. To have a contract of service, the worker under an award must come within the definition of the word "worker" in the Industrial Arbitration Act. Because of limited time I will not deal with that particular interpretation.

I wish to put to the Minister an example of a situation which could easily arise in a state of emergency. Let me say that I agree in some instances these powers should be given to a Government. However, I would like to make this particular analogy.

Let us assume that a dispute has arisen and the Transport Workers' Union is refusing to move fuel—thus creating the very situation that the Minister envisages under the Bill. Two truck drivers, members of the union, take different views on the dispute. One says, "I will work", and the other one says, "I will not work". The regulations will then prevail and this clause provides that the award will not operate. What is the result then? If that is the proposition the Government has in mind, the provisions will apply to both workers —they cannot be treated separately. If the Government proposes to separate the workers it will have to abolish the Industrial Arbitration Act by regulation because that particular Act does not allow for separation. I challenge the Minister to question the validity of my statement if he wishes to do so.

The point I am making is that in this situation a worker would be denied his rights simply because of the emergency state. One worker wants to disobey the law and the other worker wants to obey it.

Let us take the case of the worker who says, "I will work." What employer does he approach for work? He has no award. Perhaps it is the Government's intention in the regulations to draw up some rules for the law-abiding worker. If this is so, why not let the award stand; why destroy

it? For what purpose does it propose to do this—sheer hypocrisy, stupidity, duplicity, or what?

Sir Charles Court: Do all unions obey awards?

Mr SKIDMORE: I am suggesting, if Government members will listen to me—

Sir Charles Court: I listened to you in the second reading debate.

Mr SKIDMORE: If the Premier had any nous at all, he would see that I am citing the example of a lawbreaker and a law-abider. If he listened to me he may get a lesson in industrial law.

Sir Charles Court: I am asking: Do all unions abide by the law? Very few do!

Mr SKIDMORE: In the example I have given one worker would be denied justice because he would have no award. If the Government proposes to set up terms and conditions of employment, why not let the award stand?

Let us look at the other worker—the man on strike. Once the award is removed, who will control him? Of course the Government wants to control him in an emergency situation. So I ask the Minister a fair question: How is this worker to be controlled? The Government will destroy the basic fundamentals of industrial law by putting workers outside the Industrial Arbitration Act. The Government would have to abolish that Act to achieve the objectives set out under this clause.

It could not be said that such a worker is on strike—he cannot be on strike when he is not covered by an award. This clause must be unworkable in law, and particularly in industrial law. I say this not because the unions will be against it in any conflict, but because its provisions will override the Industrial Arbitration Act. The provision has no place on the Statute book for this reason alone.

Let us look at some other arguments to illustrate the impracticability of these provisions. When the contract of service of a worker is changed, his employment is terminated. Whether the Minister likes that or not, it is the precise legal position. The law-abiding worker loses all his entitlements. For example, who will provide his annual leave? The worker will not benefit from this part of his contract of service because he does not have a contract.

If the Government becomes the employer, and obviously under this legislation it will have that power, it then becomes the master in the master-servant relationship. If the Government sets up terms of employment, will it accept the responsibility for the worker's *pro rata* annual leave, sick leave, and all the other accrued benefits? If that is the intention of the Government I have no quarrel with the situation so far as the law-abiding worker is concerned.

What about the man who does not wa to work? The Government will have draw up different regulations for him. W it say to him, "You are not entitled all these things that are part and parc of your union, your award, and your indu trial life"? He may have worked for t one employer for 14 years but because industrial action by his union he will mi out on his long service leave if he say "I am not going to scab on my mates It is no exaggeration to say he could lo his long service leave because if his co tract of service is terminated, so is his en ployment. What responsible Governme wants to do that?

No wonder the trade unions are co cerned about this legislation; they oug to be concerned. I certainly questi whether this Bill will provide the ve essence of control that the Minister seel I agree that the Government should ha some powers in a state of emergency su as an earthquake or some natural disast However, the provisions for that pow have no place in the fuel and ener legislation.

No matter how the Government attemp to gerrymander or draft the regulations, will not be possible to cover both the la breaker and the law-abider. The Gover ment cannot make one regulation for o and another regulation for the other. W not let the award stand, as I say?

I say to the Minister that his remar about my mouthing adjectives were n fit and proper. I suggest that he ta notice of our arguments and does wh the Leader of the Opposition has su gested: he must give serious considerati to the valid arguments which have be put forward by the Opposition. I consid that my knowledge of industrial law ca not be bettered by anyone in this Chamb I do not say I am always right, but n knowledge of this subject is certainly equ to that of other members who have spok in this debate.

If the Minister wants to, let him an wer that very question. If he can fi within the proposed new section anythi which will solve this problem, I might more amenable towards allowing it remain. However, I will oppose it if includes an all-embracing provision th unions will be included in this emergen situation. It appears to me there is room for this. I have taken only one fac of industrial disputation which could ar if the Minister proceeds with his intentio I suggest that he should bow to t wisdom of the Leader of the Oppositio who suggested that the Minister shou not be obstinate—

The CHAIRMAN: The member h three minutes.

Mr SKIDMORE: —and that he shou take a good look at this proposed secti and remove it from the Bill. If that

lone the worker will be protected by the mendments we have foreshadowed and he objective of the Government will be chieved. If it is not done then I will fully nderstand the dismay of the trade union novement and the industrial unrest which vill obviously occur if the first action of he Minister is to enforce this provision gainst the workers. This provision will unish not only the lawbreaker, but also he law-abider. A Bill which creates a ituation like that surely has no place on our Statute book.

Mr B. T. BURKE: There is no doubt hat I am one of the members to whom he Minister referred when he said that previous debate on this Bill consisted mainly of adjectives and emotive talk. I ntend to refer to that later.

I deal firstly with the clause and the argument the Minister seems to propose in his efforts to justify that it should persist. Firstly, let me state my position. It is simply this: I believe that if this clause becomes law the Minister or his properly delegated representative will be able to do anything at all at any time, provided firstly the Governor is satisfied that a state of emergency exists and makes the necessary declaration. That is my understanding of the clause, and we have no way of knowing that the Governor is in fact satisfied. However, discussion of that topic properly belongs to another clause.

To my mind the defence of proposed new section 41 was most precisely put by the Minister when speaking in the second reading debate. At that time he discussed the relative merits of countries which have Bills of Rights and what he called common law countries. Whilst I am not a lawyer, and whilst I may also be accused of being a fool for being my own lawyer, my understanding of the situation is that common law countries are those which persist under laws that are not always made by Statute and not always incorporated in a Constitution, but under laws which are often the result of practical courtroom decisions. My understanding is that common law is often replaced by Statute law. It is also my clear understanding and belief that the Minister handling this Bill was confused between the American Bill of Rights—which is part of the American Constitution and quite clearly cannot be overriden unless certain procedures are carried out—and a common law which just as clearly can be overriden by any Statute which becomes law after properly passing through the Parliament of the country concerned.

So it is no defence to say that any person aggrieved by a regulation passed subsequent to the declaration of an emergency has recourse to some mythical, all-protecting common law; because that common law does not at any time assume the dimensions of anything which might be included in the Bill of Rights under the American Constitution. Remember, too, that the Bill of Rights is only part of that Constitution, and is not a separate document. Common law cannot provide any person aggrieved under regulations provided subsequently to the declaration of an emergency with any redress at all.

Without checking the *Hansard* report, to my knowledge the Minister has referred only very briefly, if at all, to the Emergency Powers Act passed by the Lloyd George Conservative Government in the United Kingdom in 1920. It is very interesting to refer once again to this Act and to see whether its proponents believed—as the Minister does—that it was necessary to sweep away every vestige of protection enjoyed by the people by giving to a Government—any Government—a power so pervasive that no recourse to common law, to any previous decision, or to any previous regulation, Act, or by-law, was available.

The Emergency Powers Act of 1920 states, in part, that the regulations made after the declaration of a state of emergency may provide for the trial, by courts of summary jurisdiction, of persons guilty of offences against the regulations. It continues to say—

> Provided that no such regulations shall alter any existing procedure in criminal cases, or confer any right to punish by fine or imprisonment without trial.

So quite clearly the absence of protection which was inherent in the initial provision of power under that Act had to be safeguarded against later by that subsequent provision.

I want now to deal with some of the statements of the Minister when he alluded to the emotive comments and to the use of adjectives by members on this side. We have only to go back to 1971 to find who in that year spoke of Salazar, Peron, and Stalin. It was not a member from this side of the House; it was the Minister for Fuel and Energy.

If a man comes into this Chamber and says, "We are proposing legislation which is intended to deal not with the unions, but with genuine black marketing situations and with genuine shortages of fuel", that is all very well. But if then that man goes outside this Chamber and says, "The Government is proposing the legislation to give powers to counter such industrial action and to minimise its adverse effects on the community", and "The Government is seriously concerned about industrial unrest like that which caused the fuel shortage last week", that is a different matter.

If a man tells us in this Chamber that the reasons for certain Bills are A, B, and C, we would accept his reasons; but if that man goes outside the Chamber and says to the public that the reasons he gave in this Chamber are not the real reasons,

then we say he is guilty of misrepresentation. If that is emotionalism or an emotive turn of phrase then it is a bad state of affairs that forces us to use that sort of statement to bring home the truth.

Mr Mensaros: You have been a journalist, and you would know how they pick out of a Press release only those parts they want to use. They used only a small part of the Press release.

Mr B. T. BURKE: Mr Chairman, you would know there is no doubt that one of the reasons this Government has staggered from crisis to crisis, culminating in the situation we have before us today, is that people outside this Chamber have felt sufficiently motivated to express their opinions and to take a strong stand against the Government. People who normally might not be found in support of the Opposition are now saying to the Government, "Hold back; take it easy; you are doing the wrong thing." And one of the reasons for this is that they have been motivated emotionally to realise that their liberties and rights, which they value so preciously and dearly, are now being clutched up and grasped away from them. It is all very well for the Minister to say that he has heard no worth-while argument propounded from this side of the Chamber.

But do not expect us to believe the Minister when the next day the Government presents not to this Parliament but to newspapers a series of amendments which justify our position and our statements. Do not tell us that our arguments are worthless and then move to pre-empt our position by changing legislation to fit into what we believe should be the case.

The Premier has boasted that if he brings legislation into this Chamber it will not be changed—only the Tonkin Government would be responsible for having to change and amend its legislation. However, the Premier's legislation will be introduced and passed.

Sir Charles Court: Who said that?

Mr B. T. BURKE: The Premier said it.

Sir Charles Court: When?

Mr B. T. BURKE: During the life of the Tonkin Government; the Premier said that several times in this Chamber in the short time I was present.

Sir Charles Court: Well, I will be amazed if I said exactly that phrase.

Mr B. T. BURKE: The further the Premier opens his eyes the more amazed he will become.

Sir Charles Court: Of course legislation introduced by Governments is amended; it is always being amended.

Mr B. T. BURKE: We have established quite clearly that emotionalism and emotive language often is very necessary to stir those forces which should become involved when certain actions occur; those forc which rightly should be cognisant of ever thing that action or proposal will involv

Mr Rushton: You have a vested intere in stirring.

Mr B. T. BURKE: The Government proposing its amendments has attempt to circumvent the normal process throug which this Parliament debates, consider and passes legislation. I instance t example of the Minister for Transpo conducting an eloquent defence of t measure on behalf of the public and t Minister for Justice—another man involv in the legislation—saying on Saturd evening that the Bill was a good one a that its provisions were sound.

The CHAIRMAN: The member has thr minutes remaining.

Mr B. T. BURKE: We had the Minist handling the Bill saying that he has hea no worth-while amendments and we ha the Premier foreshadowing amendmen not in this Chamber but to the Press.

Sir Charles Court: Well, where else you think you would do that over a wee end?

Mr B. T. BURKE: I do not really b lieve—

Mr May: Why don't you do us t courtesy of giving it to us first?

Sir Charles Court: How many times d your Premier announce that legislati would be changed, other than to the Par ament?

Mr B. T. BURKE: No matter how t Premier tries to deny it, the truth of t matter is that the Premier was not pr pared to place his amendments before th Chamber; he released them to the Pre first. Should I wish to use emotional lang age, I would say that the Premier w squirming, but I will not say that becau I do not want to use emotional languag

Sir Charles Court: You are such a chil ish smart aleck! You are like Billy Bunte you have never left the fourth form.

The CHAIRMAN: Order!

Mr B. T. BURKE: This proposed ne section is a bad one; it is one that h very little in common with legislation exis ing in similar countries. It is thorough reprehensible and this Parliament shou not agree to its passage.

Mr HARTREY: I regret that I mu again enter the breach. But we beleaguer folk on this side of the House are de perately defending the castle of the liberti of the people against overwhelming odd Now, we are defending those liberties against the portcullis of the castle; that where we must make our stance.

Sir Charles Court: Oh, goodness me, h very emotive!

Mr HARTREY: When proposed new section 41 is adopted, our position will really fall, the liberties of the people will fall, and the Constitution will be subverted. Those are not extravagant or emotive words; I am not the least bit excited about them. I am not likely to offend against the laws of this State. I do not think I will be confronted by a policeman with a baton or strikers with pickets. So I am not excited about this matter.

I am not trying to be deliberately unreasonable. I am not always as clearly right as the Premier thinks he is but at least I am always reasonable. What I would like to do is once again draw the attention of the Chamber to this matter in a last desperate effort to get members to use their brains instead of their emotions, because it is only emotionalism that makes them vote as a team. People who are reasoning a matter affecting the interests of the entire community and who just put up their hands in the same way as their fellows are not voting with their intelligence. Whenever intelligent people get together and discuss a subject, they are bound to have a difference of opinion because they are acting other than emotionally. That is to be found in the case of the highest judges, the leading surgeons, the most intellectual of scientists, and so forth. People with the best brains—if they use those brains to the best of their ability—will not arrive at the same conclusion. It is only when they are told that they must follow the "South Perth Football Club" whether it is winning or losing that we get the sort of mass result that we get in this Chamber and with which, no doubt, we will be confronted this afternoon.

Mr Clarko: Can you define "Caucus"?

Mr HARTREY: "Caucus" is an American expression which has nothing to do with this situation.

Mr Clarko: It has something to do with people voting the way they feel.

Mr HARTREY: I will discuss the matter with the member out of the Chamber. I will be very happy to discuss it with him at any time; he is quite a decent sort of fellow. I appeal to the reasoning capacities of members opposite; I consider the stand taken by our side to be justified. However, members opposite have been deliberately put to sleep by the unfortunate attitude adopted by their Government due to the exigencies applying in this Chamber. Frankly, I do not like party politics: I am not afraid to make that confession. I would much sooner have a system where one used one's intelligence more freely.

Mr Clarko: I didn't ask whether you know the meaning of "Caucus", because I knew you did.

Mr HARTREY: I will give the member a demonstration of that shortly.

Mr Clarko: I asked you whether you could define Caucus.

Mr HARTREY: I will not discuss that matter now; it has nothing to do with the Bill. I should like to refer again to the "opinion of the Law Society" which has been quoted repeatedly in this debate and to correct members. We are not referring to the opinion of the Law Society, but to the opinion of the most qualified and respected members of the Law Society, because those members have the highest prestige and degree of popularity amongst their colleagues and, therefore, are elected year after year to lead the society and to be members of the council. It is the opinion of the Council of the Law Society to which we have been referring.

I should like to correct an interjection which appeared in *Hansard*. I was reported as saying, "I have never had anything to do with the Law Society". In fact, I did not say that; what I said was, "I have never been a member of the Council of the Law Society". That is perfectly true. I do not think I have enough influence with the Law Soviety to become a member of its council and I certainly have no influence with the council itself. I would be very proud to be a member of the council, but I have never been regarded as being worthy of that position. I did once contest a position on the council, but was unsuccessful. I merely want to point out to members that when the weekly *Hansard* comes out it will credit me with having said that I had nothing to do with the Law Society when in fact that was not the case. I have been a member for well over 20 years.

The Law Society made a few comments in relation to proposed new section 41. It states—

> It appears—

It certainly does, in plain English language—

> —the effect of subsection (2) is to limit the power of the Courts with respect to the Act and its regulations.

Let us see if that is right. Subsection (2) of proposed new section 41 reads as follows—

> (2) Emergency regulations made under this Part of this Act shall have effect notwithstanding anything, whether express or implied, in any other Act or in any law, proclamation or regulation or in any judgment, award or order of any court or tribunal or in any contract or agreement whether oral or written or in any deed, document, security or writing whatsoever.

Does it appear that that is what those words mean? What else can they appear to mean? What else could a judge say they mean, excepting what the Council of the Law Society has said?

The CHAIRMAN: The member has two minutes. I ask the honourable member to speak up a little as *Hansard* is having difficulty in hearing him.

Mr HARTREY: I am almost roaring but I will speak up a little louder if the Chairman so desires.

The CHAIRMAN: Perhaps if there were a little less conversation going on in the Chamber we may be able to hear you.

Mr HARTREY: I agree with you, Mr Chairman. The Council of the Law Society also stated—

> On a proper construction it may be that there is no power for the Courts to entertain any challenge to the Act, a declaration of a state of emergency under it, or regulations then brought down.

That is perfectly true; I cannot see how anyone can fault that. That is the opinion of intelligent, experienced men without any bias one way or the other. Yet an attempt was made to say that four members of the Law Society of Labor persuasion have prevailed upon these intelligent and experienced men; men of outstanding integrity in their profession. One of the members named is definitely not a member of the Labor Party.

When I spoke to him in the courts this morning he told me something I do not wish to repeat in this Chamber, but it was certainly not to the effect that he was a member of the Labor Party. However, that is the sort of argument that is being used against the Council of the Law Society; that it was influenced by members of our party, and one of the named Law Council members at least is not a member of our party and does not wish to be.

Sir CHARLES COURT: I felt it was time that I should say a few words on this particular clause, because a great deal of emotiveness has been generated this afternoon on the other side of the Chamber without any proper relationship to this clause, other clauses in the Bill, and the amendments on the notice paper. They must all be taken into account by members of the Opposition and, in fact, by members of the whole Committee when considering the Bill.

Mr T. H. Jones: We will see what the Law Society thinks of it.

Sir CHARLES COURT: All of a sudden the honourable gentlemen on the other side of the Chamber have fallen in love with the Law Society.

Mr T. H. Jones: No, I have not, but we will see what it thinks of the Bill.

Sir CHARLES COURT: I can readily recall the comments that were made by some prominent members of the ALP about the Law Society, but not on the subject we are discussing today, so I will return to the Bill.

First of all, we are dealing with a Bill to meet an emergency situation if it arises.

Mr Skidmore: I agree with you.

Sir CHARLES COURT: We are not dealing with something that will be in operation permanently, in spite of what may be said by members on the other side of the Chamber. This is legislation that will come into effect only in certain circumstances.

Mr May: And will remain in effect.

Sir CHARLES COURT: If we had tried to give the impression that this Bill will be effective for all time and be operating every day, then, of course, people could genuinely get upset about it. However, if it is accepted that it will be emergency legislation only and apply only to an emergency, it has to be looked at in an entirely different light. We have to look at the measure as a whole; not only the Bill itself, but also the amendments on the notice paper. Let me draw the attention of members opposite to two very important amendments.

Mr Hartrey: What about the provisions contained in proposed new section 41?

Sir CHARLES COURT: I respect the views of the honourable member as a lawyer, but I ask him to respect our views as simple-minded people in trying to read the words contained in the Bill. Over the years I have found that that is not a bad way to function in this life, and I believe that is a very sound way to view what is contained in the Bill.

If we consider the Bill and the Government's proposed amendments, we will find that if an emergency is declared, three important things happen. One is that Parliament has to be called together within 14 days.

Point of Order

Mr MAY: On a point of order, Mr Chairman, I do not think we should be discussing amendments that come after clause 4, containing proposed new section 41; we should be dealing only with clause 4.

The CHAIRMAN: There has been a fair amount of general discussion on this clause and I am prepared to accept the submissions being made by the Premier in the light of the fact that similar submissions were made by the Opposition.

Mr MAY: The Premier is talking about foreshadowed amendments and not clause 4. That is the point of order I wish to make.

The CHAIRMAN: I adhere to my ruling. Reference has been made to the amendments that have been foreshadowed by the Opposition and I will allow the Premier to continue in that vein.

Committee Resumed

Sir CHARLES COURT: Thank you, Mr Chairman. In dealing with the point raised by the member for Clontarf, I have no

desire to canvass the Bill, but we cannot discuss the effects of this clause unless we take it in conjunction with the whole Bill, and this is what members opposite are failing to do. This is not a clause that stands in isolation.

Mr May: But you were going to do that prior to placing amendments on the notice paper. You did not have any amendments on the notice paper last week.

Sir CHARLES COURT: We are dealing with a situation that exists. We cannot consider this clause in isolation. We have to consider it in conjunction with all the provisions that will go into the Bill. That means that Parliament has to be called together within 14 days which, in turn, means that Parliament has complete control over the Government of the day.

Mr Skidmore: But the Government is in charge of the legislation.

Sir CHARLES COURT: No-one suggests it is not, but this provision places the Government under the control of the Parliament, and that is what is being overlooked. This is not a question of giving to a dictator control which will be exercised every day. If a state of emergency arises Parliament will be compulsorily convened within 14 days. Once Parliament is in session, under the foreshadowed amendment a positive resolution has to be passed within 30 days to retain a state of emergency. It is not a motion for the disallowance of, say, regulations; it is a positive motion that has to be passed, otherwise the complete emergency terminates and the legislation to all intents and purposes does not have any effect at that time unless another emergency arises and then the whole procedure is revived.

In addition, a motion can be moved for the disallowance of any regulations made under this legislation in either House of the Parliament. This is the point; the whole of proposed new section 41 is completely under the control of the Parliament of the day.

I return to the point that members opposite are debating this clause in an emotive way; they are under intense pressure from the militant section of the trade union movement.

Mr May: That is ridiculous! Have a look at all the trade union members.

Sir CHARLES COURT: I have had a look at the signatories to the pamphlet that was put around which mentioned something about "gun butt on the door in 1974". The reason members opposite are acting in an emotive way is that it all comes back to the question of who are the persons who feel guilty about this legislation and who is frightened of it. Some members opposite are also overlooking the fact that there are some very important members of the militant section of the trade union movement here and in the Eastern States who are prepared to defy the law, and they have said so. One union in this State said that even if an order were issued against it by the Supreme Court it would take no notice of it. I emphasise it was the Supreme Court—and not even the Industrial Commission.

In dealing with a situation like this the Government of the day has to have some power. I emphasise that we cannot take clause 4 containing proposed new section 41, in isolation in considering this legislation. I would remind members, and particularly the new members, that during the last session of Parliament the Tonkin Government brought in a Bill to amend the Industrial Arbitration Act to place union officials above or outside the law. That is why we are getting this emotive reaction from the opposite side.

Mr J. T. Tonkin: It is not sufficient for you to say that. Establish it.

Sir CHARLES COURT: We have discussed that by the hour in this Chamber.

Mr J. T. Tonkin: I have seen you at this game before.

Sir CHARLES COURT: Any member who does not believe me should read the *Hansard* of last session. The Government of the day knew full well that the Bill introduced in the last session was by direction and not because that Government wanted it.

Mr J. T. Tonkin: Rubbish!

Sir CHARLES COURT: The then Government introduced the Bill knowing full well that the Opposition and the Legislative Council were vigilant, and were not prepared to allow one section of the community to be placed above the law. Members opposite should consider the arguments that have been advanced in respect of this clause with full regard for the arguments that were put forward by the members of the then Opposition, when the present Opposition was in Government last year, in opposing the amendments to the Industrial Arbitration Act to place a large number of union officials above the law. As for the shop stewards, they were to be placed above the trade union officials themselves. There were some very relieved members, who are now on the opposite side of the House, when they knew that the then Opposition objected to the clause and the Legislative Council was certain to throw it out.

Mr Bertram: Who directed the members of the Legislative Council?

Sir CHARLES COURT: They make up their own minds. The member for Avon has talked about industrial awards being the *Bible* of unions.

Mr McIver: So they are.

Sir CHARLES COURT: In saying that he had his tongue in his cheek; it was sticking out so far that it was embarrassing to us on this side to see! He was right in

saying that in respect of most unionists—but not in respect of the militant, left-wing unions to whom industrial awards mean absolutely nothing.

Despite all the emphasis that the member for Swan placed on awards, he was completely off the beam. He seems to think that we were born yesterday! Of course, the member for Avon knows only too well that to the moderate unionists their industrial award is their *Bible*. It is their rightful means of obtaining their pay and conditions. However, in the case of some militant, left-wing unions, industrial awards are merely pieces of paper to be torn up; they do not even bother to go to the courts to get awards.

Mr B. T. Burke: Why not enforce these provisions through the Industrial Arbitration Act?

Mr May: Who is doing the inciting now?

Sir CHARLES COURT: I was very pleased that the member for Boulder-Dundas put the record straight in respect of the Law Society. The Law Society members, as a body, have not expressed their views on the Bill. The member for Boulder-Dundas made it clear that it was the Council of the Law Society which had expressed its views; and that is mighty different from the Law Society itself expressing views which have been properly considered and canvassed, and then put forward officially.

I want to confirm what the Minister handling this Bill has said in respect of the document we have received from the Council of the Law Society. I believe that the Law Society will live to regret that the document ever came to us. I am sure that society would much rather have a more considered, more sober, and more legal document placed before us, because the society comprises members who hold positions of tremendous responsibility in our community, bearing in mind that from their ranks in due course some of the judges of this community are appointed.

Mr J. T. Tonkin: You have not said much about the clause on which you are supposed to be speaking.

Sir CHARLES COURT: I have done nothing else but speak on the clause.

Mr J. T. Tonkin: I would like you to tell me whether the opinion of the Council of the Law Society on this clause is right or wrong.

Sir CHARLES COURT: I shall not comment on its opinion. In fact, the Law Society itself has not expressed an opinion on the Bill. I come back to this point, and this is where the Labor Party should counsel some of its members to have more sense. We cannot take in isolation this clause in an emotive atmosphere being generated by certain left-wing people, without considering the total Bill, because the clause we are discussing will be completely under the control of Parliament, as would be the emergency regulations and the decision to declare a state of emergency. Surely this is a protection for the people.

Mr B. T. Burke: What about the first 14 days?

Sir CHARLES COURT: What can be done before 14 days? I would remind the honourable member who is rather new in this Parliament that some practical problems exist in getting the Parliament of this State together earlier.

Mr B. T. Burke: What are they?

The CHAIRMAN: The Premier has three more minutes.

Sir CHARLES COURT: Firstly, there is the problem of fuel; and, secondly, there are remote areas of this State which are cut off for days in times of severe flooding and cyclones. I think that a period not exceeding 14 days is a very sensible and a very desirable one.

I now wish to deal with something which the member for Boulder-Dundas said. He pooh-poohed the provision in subsection (3) of proposed section 41. This provision states—

> All powers given by or under this Part of this Act or by or under the emergency regulations—

Then followed the words which the honourable member lampooned—

> —shall be in aid of and not in derogation from any other powers exercisable apart from this Act.

He tried to create a situation under which an extraordinary monster would be created; but then he destroyed his argument by saying it would be completely stupid wording.

The fact is that these words mean what they say. It is not an unusual provision; it merely states that those powers shall be in aid of and not in derogation from any other powers exercisable apart from the Act. If we did not include those words the whole provision could become ineffective. As it is worded, it is effective, workable, and sensible. I support the clause.

Progress

Progress reported and leave given to sit again, on motion by Mr Young.

OFFICIAL PROSECUTIONS (DEFENDANTS' COSTS) ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

MR J. T. TONKIN (Melville—Leader of the Opposition) [5.40 p.m.]: Believing that words mean what they say, we are prepared to support the Bill.

Sir Charles Court: That is fair enough.

Mr J. T. TONKIN: However, I would like some clarification on one or two aspects of it. I would like to know, first of all, how the Government, by administrative act was able to do something which now requires a Bill to enable it to do it; that is, to grant exemption from the payment of duty. I question whether the Government was acting within its constitutional authority to do by administrative act something for which it now finds it must legislate.

It does not satisfy me that because New South Wales and Victoria—the home of big business—decide to grant exemption, the Western Australian Government should have done it by administrative act without bringing legislation to Parliament. I would like that point explained.

I can appreciate the necessity to have a uniform position throughout the Commonwealth because it is obvious that if we do not grant exemption on these loan transactions, the same as is being done in other States, the transactions would not be carried out in Western Australia and the operations of the short-term money market we are trying to establish in this State would be seriously affected.

Another aspect of this exemption from duty on which I am not able to satisfy myself concerns why the exemption applies only to loans above $50 000 and not to the smaller ones. Surely if it is right to exempt these loans for the reasons given by the Premier, they ought to apply equally to all loans and not only to loans over $50 000. That is another point I would like explained.

The second provision in the Bill is designed to vary the rates of duty imposed on bills of exchange and promissory notes. I think this is fair enough. Previously the bills and promissory notes carried a certain duty irrespective of the terms of the bills and this seems to me to be somewhat contrary to the exemption applied to loan transactions because here the alteration is made to try to provide some equality of treatment between short-term and long-term bills so that those for a longer term will pay more duty than those for a shorter term, which seems to be fair enough.

The other proposed amendment in the Bill is designed to give effect to a number of desirable administrative changes to which I see no objection. I can understand that with changing rates of taxation and the action being taken in the various States with regard to stamp duty on cheques it is more expeditious to be able to provide an emblem on the cheque which will meet the requirements of the various States and so obviate the necessity to vary the duty from time to time.

I can also appreciate that in country districts difficulty could arise at times in providing the required stamps for cancellation and this would hold up the business transaction. It seems to be a desirable improvement to adopt a system under which a coupon can be stamped by a cash register and affixed to the document. That is quite a reasonable procedure.

All in all, we have no objection to what is proposed, but I would like to have clarified the points I have raised because I am not satisfied at the moment that what has been done should have been done in the way it has been done. Therefore, I would like the Treasurer when he replies to satisfy me on those points. I support the Bill.

SIR CHARLES COURT (Nedlands—Treasurer) [5.45 p.m.]: I thank the Leader of the Opposition for his co-operation in respect of the measure. As he rightly said, a great deal of it involves administrative corrections and the sorting out of a number of anomalies. When amending an Act like this, it is not a bad idea to clear up the many small items which on their own do not warrant the introduction of a Bill. We are trying to look at a number of measures in this way, particularly when they affect taxing and fund raising and cause unnecessary irritation. I thank the Leader of the Opposition for his support.

The two main points he raised are in respect of retrospectivity and the fact that an announcement was made in the various States, including Western Australia, that the provisions would be retrospective to the 1st June. The simple reason is that first of all the officers in consultation found that if a State had a favoured position because it could deal with a matter by regulation or administrative decision, money would flow from other States and essential money for the money market of those States would be lost. Money is very mobile and it does not have to be very much of an advantage for people to do business in any one State in preference to another. This is clearly to our disadvantage.

At the time I questioned the propriety of doing this, as did the Leader of the Opposition, because by administrative action no Government can override a Statute; and the answer given to me was that this was an announcement it was felt should be made at the time to stop the flow of money from our State into other States which had taken the initiative, and particularly those which I understand can take action administratively or by regulation. The announcement was made to avoid a situation of complete imbalance in Australia which would have been to our disadvantage. I raised the very point referred to by the Leader of the Opposition and I asked what would occur if the Parliament does not pass the Bill because obviously the law

has been broken, at least in my opinion, and I presume in the opinion of the Leader of the Opposition.

Mr J. T. Tonkin: Definitely.

Sir CHARLES COURT: I was told that in that case the people would have to pay and they would understand this. They were told that in the meantime, pending the actual consideration of the legislation and to avoid this money flowing out of the State and creating an imbalance throughout the whole of Australia with the concentration of all this sort of money in perhaps one State, it was better to make this decision and hope Parliament would condone it. It is not a decision which can be taken lightly. I understand that there are other instances in which this has had to be done in anticipation of a situation and in those circumstances the people concerned must understand very clearly that if Parliament decided it would not accept the legislation—and that is not beyond the realms of possibility, although perhaps not of probability—the Government of the day or the Commissioner of Stamps of the day would have to collect the revenue from all those concerned.

So I readily accept that it is not within the province of a Government to endeavour administratively to amend the law, but it can make, and has on many occasions made, an administrative decision which is subject, of course, to the passing of the law to deal with the practical situation in a practical way.

So far as the $50 000 limit is concerned, this is not something new but has existed because it does categorise the market. Off the cuff, I cannot give the Leader of the Opposition the historic background as to why this division was made at that point, but I will be only to pleased to do so, later.

Mr J. T. Tonkin: Previously they all paid duty.

Sir CHARLES COURT: I do not think so. Previously they had a cut-off level, but I will give the background at the third reading stage concerning why the cut-off point was originally agreed to. I cannot recall the exact circumstances, but I will find out for the Leader of the Opposition.

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.

EXPLOSIVES AND DANGEROUS GOODS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd August.

MR MAY (Clontarf) [5.53 p.m.]: It is the intention of the Opposition to support this measure. We feel it is an extremely good piece of legislation. It was contemplated when the Tonkin Government was in power and, as a matter of fact, was brought practically to finality at that time. The present Government continued with the work and we now have the Bill before us.

It is a very important measure and will remove certain anomalies from the Explosives and Dangerous Goods Act. The original Act was framed in 1961 and it was intended, at that time, to control all explosives and dangerous goods. Since that time it has been found that a number of pieces of legislation contain certain provisions relating to explosives and dangerous goods.

It was felt that provisions should be consolidated in one Act so that those concerned would have ready access to the requirements of the law. I think members will have noticed that there have been a number of accidents involving explosives during the past few years. Perhaps the reason has been the mining boom where many people have been employed using explosives. This legislation will help to resolve the unfortunate situation which has developed. The officers and inspectors of the Mines Department have endeavoured to keep an eye on all the areas where explosives are used. The Minister assured me, only recently, that the inspectors were doing their utmost to ensure safety in areas where explosives are used.

The original discussions with regard to this Bill took place between members of the AWU, representatives of the Chamber of Mines, and officers from the Department of Labour, and the Mines Department. Those representatives got together and decided there was a need for legislation along the lines set forth in this Bill. Fruitful discussions took place between the various representatives of the departments and the industry and, as a consequence, amendments to the Act were drawn up and we now have them before us.

I am sure members will appreciate this type of legislation. A very good feature of the Bill is that the police will continue to issue permits to approved persons who are known to be of good repute. This is a very good move. There has been a lack of confidence in the Police Force in recent years, and it is a good thing that the police will be given this power to issue permits to people of good repute. The police have been maligned on too many occasions and the quicker we can restore confidence in the Police Force, by means of this type of legislation, the better it will be for all concerned.

Another worth-while provision is that which provides for the requirement of a shotfirer's permit. These people used to be

called powder monkeys. That was the term used when I was with a private company. Some of the powder monkeys which I recruited, unfortunately, were employed only because we could not get anybody else. The situation was that persons handling explosives were inexperienced, but they had to be employed in those days because of expediency. I think the provision for a shotfirer's permit will go a long way towards ensuring safety in the mining industry.

Another provision of the Bill will require State Government employees who handle explosives to hold a shotfirer's permit. I do not see why a State Government employee—and I am only speaking academically—should be different from anybody else. This is a good move to ensure that State Government employees will be required to have a shotfirer's permit.

A matter which I would like the Minister to look into is that in the Eastern States the practice of vehicles carrying workers and explosives, at the same time, is frowned upon. A small quantity of explosive is allowed, but I believe it is a bad principle for vehicles which carry passengers to transport explosives also. I am aware that there are situations where such a practice has to occur, especially in isolated areas. However, this is something which we should examine.

Most of the major Government departments in New South Wales provide separate transport for employees and explosives. Usually a truck will go around to the Government building sites each morning and drop off the explosives.

Mr O'Neil: Very carefully, I hope!

Mr MAY: Yes. In the evening the trucks again go around and pick up explosives which are not used and they are returned to the stores. Such a practice allows a closer check to be kept on the explosives, and that is desirable to prevent explosives getting into the hands of people who misuse them. I again ask the Minister to examine that point. I have had a look through the Bill but I cannot see any definite reference to the transporting of explosives.

The consolidation of control over explosives, in the one Act, is commendable. The legislation is to be lauded, and we have much pleasure in supporting the Bill.

MR THOMPSON (Kalamunda) [6.00 p.m.]: I wish to make brief reference to the Bill. I support the legislation because clearly we must have safeguards when materials such as these are being used. I represent an electorate where, because of the nature of the terrain, I imagine more explosives are used in the construction of homes, streets, and services than in any other electorate in the State. I believe we should have regulations and persons qualified to use such explosives.

I want to draw attention to the fact that in the metropolitan area not many shotfirers are available. I recently had occasion to get some work done and had great difficulty in finding someone to do it. When finally I did find someone his mode of operation was such that it took him several hours to do the job. Because there are so few of these people, the price they can ask is very high. Consequently, it costs a lot of money to have such work done.

I suggest to the Minister that perhaps some action could be taken by his department to try to have more shotfirers appointed or recognised in an endeavour to bring down the cost of this service to the community. In my electorate the need to blast increases the cost of home building by hundreds and sometimes thousands of dollars, and I believe the cost of this work is inflated because so few of these people are available to contractors in the area. I draw this matter to the Minister's attention.

MR MENSAROS (Floreat—Minister for Mines) [6.02 p.m.]: I thank the member for Clontarf and the member for Kalamunda for their support of the measure. Of course, these are matters which would come up with any Government because they involve technicalities and the experience of the people who use the provisions of the parent Act as it is amended from time to time.

Another feature of the Bill which makes it noncontroversial is, as the member for Clontarf mentioned, there was wide consultation with interested parties before the final drafting of the Bill to ensure it would give the maximum satisfaction to all who will use it.

I was glad the member for Clontarf mentioned the necessity to have trust and respect for the Police Force. I heartily endorse his remarks. I am rather sorry that the negotiations with the representatives of the State Government employees which resulted in the extension of the permits could not include Commonwealth employees, who are many in number and, as things are developing today, may become more numerous in the future. However, we could not hold up the legislation and we proceeded with it.

The matter of passengers in vehicles, which was mentioned by the member for Clontarf, has not been overlooked. It was discussed and the example relating to New South Wales and Victoria, which the honourable member gave, was mentioned. The difficulty in this State is its much larger dimensions and the different conditions. Unfortunately, we have fewer workers on jobs for which explosives might be needed and the method of using a separate truck could not be applied in most circumstances. In the case of shotfirers and their teams, the people travelling in the vehicles are not just passengers; they are workers in the team.

The matter mentioned by the member for Kalamunda is causing concern. I can assure him I have had as much if not more practical experience than he has in connection with constructing buildings in places where the rocky subsoil necessitates blasting, not only for foundations but also for plumbing, sewerage, and drainage work. For quite some time it has been difficult to get shotfirers. The question here is whether from a practical point of view we should lower the standard set down in the regulations in order to get more people and therefore play with safety, or whether we should maintain the safety level and thereby perhaps have fewer people available to do this work.

Departmental officers do not consider it is their job to recruit people, as suggested by the honourable member. One must agree with them. They live by the rules in the book. However, if in my capacity I can do anything through technical education or other means to spread the word that it might be worth while to acquire a license in order to take up this occupation, I shall do so.

Again I thank members for their contributions to the debate.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 6.11 p.m.

Legislative Council

Tuesday, the 10th September, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTION ON NOTICE

SHIPPING

Payment to Unions

The Hon. I. G. PRATT, to the Minister for Justice:

(1) Has the Minister read the article in *The West Australian* of Wednesday, the 4th September, 1974, headed "$35 600 paid to appease union", in which it is alleged that this sum was extorted from the Australian Newsprint Mills in Tasmania by the Seamen's Union?

(2) Has the Minister read the article in *The West Australian* of Thursday, the 5th September, 1974, in which the secretary of the Fremantle branch of the Maritime Workers' Union, Mr C. Wells, is quoted as saying "that there was not one shipping agent who had not paid unions to allow ships to move"?

(3) Will the Government consider instituting an inquiry in order to uncover—

(a) the extent to which extortion of this type is practised by unions within Western Australia;

(b) the extent to which moneys gained by such extortion have been used by the Australian Labor Party in State and Federal elections as claimed in the above article by Mr E. V. Elliott, the federal secretary of the Seamen's Union?

The Hon. N. McNEILL replied:

(1) Yes.

(2) Yes.

(3) In view of the fact that the Commonwealth Government has set up a Royal Commission to inquire into this matter it is assumed that the Western Australian practices will be covered by the Commission. If we find that the Commission's terms of reference are not adequate to deal with the position in Western Australia the State Government will give consideration to conducting its own inquiry into the matters covered by the Hon. Member's question.

DAYLIGHT SAVING BILL

Third Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.35 p.m.]: I move—

That the Bill be now read a third time.

THE HON. V. J. FERRY (South-West) [4.36 p.m.]: I believe that the issue of daylight saving is a social rather than a political one. In other sessions over the last three years or so we have heard many arguments for and against daylight saving. We often hear arguments about whether it is better to do something in daylight or in darkness.

I recall that quite a few years ago I was frequently obliged to indulge in aerial gymnastics in order to preserve my state of good health in those hostile days. It was my experience that the hours of darkness had a good deal of advantage over the hours of daylight.

There were a number of reasons that darkness had such an advantage over daylight, and one of these was that when flying in conditions of darkness, there