

The Hon. A. F. GRIFFITH: What the Minister means is that in Cabinet he did have a look at it, but the second time he had a proper look at it.

The Hon. J. Dolan: I had a better look at it a couple of minutes ago.

The Hon. A. F. GRIFFITH: Now we understand each other. I repeat that the Minister has simply convinced me he can alter his mind on things.

The Hon. J. Dolan: You can too. It all depends whether you are over there or over here.

The Hon. A. F. GRIFFITH: It will not be very long.

The Hon. J. Dolan: Probably only about 20 years.

The Hon. A. F. GRIFFITH: I do not think we should go into that tonight.

The Hon. R. H. C. Stubbs: Not after Tasmania, anyhow.

The Hon. V. J. Ferry: They changed.

The Hon. A. F. GRIFFITH: In a minute, you, Sir, will be asking the Chief Secretary where that is in the Bill or at least if you do not you ought to. If I said anything about the Tasmanian elections you would pull me up.

The Hon. R. H. C. Stubbs: I did not say anything about the elections. I merely referred to Tasmania.

The Hon. A. F. GRIFFITH: We all know what the Chief Secretary meant.

The Hon. R. H. C. Stubbs: That shows how intelligent you are.

The Hon. A. F. GRIFFITH: I do not like the clause and I know how inconsistent the Minister can be.

The Hon. J. Dolan: I do not agree with you, of course.

The Hon. L. A. LOGAN: Perhaps it was unfortunate the Minister dealing with this Bill used the example of bikes on Rottnest.

The Hon. A. F. Griffith: That is what he meant.

The Hon. L. A. LOGAN: Whether or not he meant it, if we read all the offences which can be committed, the increase to \$100 which I suggested would be fair and reasonable.

The Hon. A. F. Griffith: You tell us the other offences on Rottnest Island which worry the board.

The Hon. L. A. LOGAN: This deals with other places like the zoo and King's Park.

The Hon. A. F. Griffith: Have a look at the speech the Minister made.

The Hon. L. A. LOGAN: I said it was unfortunate he used the bikes on Rottnest as an example.

The Hon. W. F. Willesee: It is unfortunate I took the Bill at all.

The Hon. L. A. LOGAN: If we looked at the by-laws under this legislation, we would find that some offences do probably deserve a fine of \$100, which is the figure I mentioned, not \$150. I thought I had better put the record straight. This penalty will apply to a lot of other by-laws and not only the bikes at Rottnest.

The Hon. A. F. GRIFFITH: My last word on the matter is that I and every other member except Mr. Logan, but including the Minister who introduced the Bill and the Minister for Police, are under no illusion whatever that the penalty is intended to be imposed for any other purpose than to catch up with the people who steal bikes at Rottnest Island. Do not let us kid ourselves about this.

Certainly other by-laws are covered by the same offence; but no worse an offence exists than this one unless it is the spearing of quokkas at the island and that occurred some time ago. I could not find any penalty too great for a person who does that. We know what we are talking about and it is the penalty for stealing bikes at Rottnest.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.10 p.m.

Legislative Assembly

Wednesday, the 26th April, 1972

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

QUESTIONS (13): ON NOTICE

1. LEGAL CONTRIBUTION FUND

C. R. Hopkins: Defalcation

Mr. LAPHAM, to the Attorney General:

(1) What steps, if any, are being taken to enable payments to be made to persons who are entitled to be compensated for moneys stolen from them by solicitor C. R. Hopkins?

(2) What is the total sum presently available from—

(a) solicitor C. R. Hopkins' Trust account; and

(b) the Legal Contribution Fund, for distribution to persons having a claim thereon?

- (3) Will such claimants ultimately be paid in full, and, if so, what is the estimated date?

Mr. T. D. EVANS replied:

- (1) Claims are now under consideration by the legal trust which administers the solicitors' guarantee fund.

- (2) The total sum cannot be determined until matters are finalised with the trust's insurers.

- (3) It is not possible to determine when and what amounts will be paid to claimants until all claims have been determined.

Legislation has been drafted to enable the trust to make interim payments in respect of admitted claims.

The legislation referred to was the subject of the notice of motion I gave this morning.

Mr. H. D. EVANS replied:

(1) and (2)—

Schedule of Forfeited Conditional Purchase Leases

1/1/1969 to 7/4/1972

Year	Shire	No. of Leases	Total Area		
			Acres	Roods	Perches
1969	Canning	1	30	0	10
	Coorow	1	4,895	1	37
	Denmark	2	332	2	27
	Gnowangerup	1	3,238	1	6
	Kulin	2	3,032	1	26
	Lake Grace	2	6,271	3	26
	Manjimup	1	42	0	8
	Mukinbudin	1	3,783	0	12
	Mundaring	1	55	0	11
	Nannup	1	2,458	2	39
	Nyabing-Pingrup	1	2,536	3	37
			26,606	1	1
1970	Boyarup Brook	1	69	0	34
	Coorow	1	5,088	1	5
	Dandaragan	1	653	0	15
	Denmark	2	533	1	33
	Dumbleyung	1	2,735	0	8
	Esperance	1	1,004	0	2
	Gnowangerup	1	3,232	3	36
	Lake Grace	2	6,070	2	26
	Manjimup	2	346	1	4
	Merredin	1	1,976	1	8
	Mukinbudin	1	4,320	2	27
1971	Ravensthorpe	1	2,519	1	0
	Westonia	1	1,324	0	12
			30,279	2	8
1971	Carnamah	1	4,758	2	29
	Dandaragan	1	440	0	0
	Denmark	1	744	0	32
	Dumbleyung	1	1,857	0	21
	Gingin	1	4,325	2	2
	Gnowangerup	1	3,250	3	32
	Lake Grace	1	3,512	2	28
	Mt. Marshall	1	4,333	0	22
	Mullewa	1	2,240	0	19
	Ravensthorpe	2	5,380	3	35
	Yilgarn	1	4,176	2	3
			35,018	3	23
			1/1/72 to 7/4/72		
1972	Chapman Valley	1	987	3	31
	Gnowangerup	1	1,093	3	30
	Lake Grace	2	7,339	2	13
	Ravensthorpe	1	2,689	3	14
	Yilgarn	2	8,241	1	32
			20,352	3	0

2. ROAD MAINTENANCE TAX

Non-payment: Legal Action

Mr. W. G. YOUNG, to the Minister representing the Minister for Transport:

In view of the answer given to question 20 on Wednesday, 19th April and a subsequent question without notice regarding road maintenance tax payments, in which the Minister for Works stated that it was Government policy not to pursue warrants for transport operators who have failed to pay their road maintenance tax contributions, would he consider applications for refunds to those operators who have complied with the law and paid up?

Mr. JAMIESON replied:

No, because the position does not differ from that which obtains regarding non-payment of income tax.

3. CONDITIONAL PURCHASE LEASES

Reversion to Crown

Mr. W. G. YOUNG, to the Minister for Agriculture:

- (1) How many conditional purchase leases have reverted to the Crown in each year since 1969?

- (2) Could he detail—

- (a) the number of leases reverted per shire;
(b) the total area per shire?

4. MINING

Offshore Resources

Mr. RUSHTON, to the Premier:

- (1) What is the Government's attitude to the control of offshore mining resources?
(2) Does it support—
(a) Commonwealth control;
(b) State control?
(3) Does it support the view that the Commonwealth and State should come to agreement as was the case with offshore oil?

Mr. J. T. TONKIN replied:

- (1) to (3) The Government supports the comprehensive development under Government control of Australia's mineral resources with emphasis on the need for discovering of new deposits and the direct

Commonwealth and State participation in oil and mineral search and exploitation throughout Australian land and off-shore territories.

5. NATIVES

Number in Western Australia

Mr. MENSAROS, to the Minister representing the Minister for Community Welfare:

What was the number of Aborigines (persons of half or more than half Aboriginal descent) in Western Australia—

- (a) according to the last census;
- (b) if the figure for (a) is not available, according to the 1966 census;
- (c) according to the agreed estimated figure of the last conference of the State and Commonwealth officers of Aboriginal affairs?

Mr. T. D. EVANS replied:

- (a) Not available.
- (b) 18,439.
- (c) It was agreed at a conference of State and Commonwealth Ministers held in Melbourne on 12th July, 1968 that a figure of 26,000 should be accepted as the number of persons in Western Australia at that time with some degree of Aboriginal descent.
The question of how many of these persons were of half or more than half Aboriginal descent was not considered; nor has it since been officially considered at such a conference.

6. TOWN PLANNING

Maylands High Density Housing Project

Mr. MENSAROS, to the Minister for Town Planning:

Referring to part (4) of his reply to my question 15 of 19th April, 1972, concerning high density housing development on the river foreshore at Maylands, would he please state how many of those of the proposals described in part (3) of my question which have reached his department for decision (either because of modification of general residential codes or by reason of appeal) have been agreed to, how many have been rejected, and for what reason?

Mr. GRAHAM replied:

None of these proposals has been received by the department.

7.

PUBLIC TRUSTEE

Loans to Government

Mr. MENSAROS, to the Attorney General:

- (1) What proportion of the common fund of the Public Trustee was accommodated in loans to Government departments and semi-Governmental instrumentalities during the last completed accounting year?
- (2) Which are these departments and semi-Governmental instrumentalities?

Mr. T. D. EVANS replied:

- (1) 52.8%.
- (2) Commonwealth stock and bonds—\$622,600.
W.A. State Electricity Commission—\$2,730,271.
Metropolitan Transport Trust—\$860,000.
R. & I. Bank—\$1,454,189.
Local Government debentures—\$104,204.

8. MIDLAND RAILWAY TERMINAL

Roadworks

Mr. MOILER, to the Minister for Works:

- (1) What is the purpose of the work being carried out by the Main Roads Department in the area of and adjacent to the rail and bus terminal, Midland?
- (2) Was the railway department advised that a commencement would be made on Thursday, 20th April?
- (3) Is he aware that due to the works being performed a considerable portion of railway patrons' parking area is now unavailable to rail patrons?
- (4) What percentage of previously available parking area has now been lost to patrons?
- (5) Is it considered works being carried out will, for a time, inconvenience rail patrons through lack of parking area?
- (6) If (5) is "Yes" for what duration of time?
- (7) Will the Main Roads Department provide suitable alternative parking area for railway patrons?

Mr. JAMIESON replied:

- (1) The road work is being done by the Shire of Swan as part of the proposals for general development in this area associated with the sale of railway land.
- (2) Yes.
- (3) to (7) Some inconvenience is unavoidable, but the total area available for parking at or near the terminal is not less than was available previously.

9.

EDUCATION

The Little Red School Book

Mr. LEWIS, to the Minister for Education:

- (1) Is it not a fact that *The Little Red School Book* is being used in at least one State secondary school?
- (2) Is it departmental policy to approve of controversial books of this nature before they can be used in schools?
- (3) Was this policy followed in the case of (1); if not, why not?
- (4) If it is established that the book is being used will it be promptly examined by the department in order to determine its suitability?
- (5) Will he subsequently advise the House of the decision arising from consideration of (4)?

Mr. T. D. EVANS replied:

- (1) The department is not aware of any such cases.
- (2) The department has a policy governing the placing of controversial books in school libraries.
- (3) Not applicable.
- (4) Yes.
- (5) Yes.

10. AGRICULTURE PROTECTION BOARD

Additional Employees

Mr. NALDER, to the Minister for Agriculture:

- (1) How many additional employees have been engaged by the Agriculture Protection Board since the Commonwealth employment grant to be used for unemployment in rural areas was announced?
- (2) What is the total amount of money used to date?
- (3) In what districts have the personnel been employed, and for what purpose?

Mr. H. D. EVANS replied:

- (1) 43. 39 are currently engaged.
- (2) \$33,777 to 20th April, 1972.
- (3) Esperance—starling control and rabbit control.
Albany—noxious weed control and rabbit control.
Mt. Barker—rabbit control.
Bunbury—noxious weed control and rabbit control.
Nannup—rabbit control.
Lake Grace—rabbit control.
Southern Cross—fencing.
Merredin—noxious weed control and rabbit control.
Northam—noxious weed control.
Dalwallinu—rabbit control.

Geraldton—noxious weed control, rabbit control and grasshopper survey.

Kalgoorlie—wild goat survey.

Leonora—wild goat survey.

Sandstone—wild dog control.

Meekatharra—wild dog control and wild goat survey.

Yalgoo—fencing.

Murchison—wild goat survey.

Carnarvon—wild dog control and wild goat survey.

Port Hedland—wild goat survey.

11.

RAILWAYS

Dams

Mr. W. A. MANNING, to the Minister for Water Supplies:

- (1) Referring to the reply of the Minister for Railways to question 36 on 18th April, what use has been made of each of the 30 ex-railway dams since transfer to the Public Works Department?
- (2) Of the 42 dams listed as available for country water supply, which will be accepted under the option to be given?
- (3) What will be done with those refused?

Mr. JAMIESON replied:

- (1) The following dams have been incorporated into a water supply:

Bardoc
Beacon
Bencubbin
Bonnie Rock
Burngup
Cranbrook
Chinocup
Dudinin
Esperance
Koorda
Kwobrup
Laverton
Malcolm
Muntadgin
Newdegate
Pithara
Pioneer
Salmon Gums
Tambellup
Widgiemooltha
Wyalkatchem
Wyening

The following have yet to be incorporated:

Bodallin
Boondi
Burracoppin
Karalee
Kellerberrin
Moorine Rock

The Kununoppin and Merredin dams have been leased.

- (2) It is proposed that the following will be incorporated into water supplies:

Amery
Buntine
Caron
Manmanning
Qualtrading
Wongan Hills
Broad Arrow
Bromus
Kalgoorlie
Scaddan
Woolganglie
Yellowdine
Congelin
Corrigin
Duggan
Formby
Wickepin
Yornaning
Perenjori
Koolanooka

Possible use of the remainder is still under investigation.

- (3) Not known.

12. *This question was postponed.*

13. KWINANA-BALGA POWER LINE

*Environmental Protection Authority:
Action*

Mr. McPHARLIN, to the Minister for Electricity:

Has the Environmental Protection Authority taken any action under section 8 (1) of the Environmental Protection Act, 1971, in respect of the route or any part of the route of the Kwinana to Balga power line?

Mr. MAY replied:

No. Section 8 (1) of the Environmental Protection Act 1971 permits the authority to declare that all or any of the provisions of the Act do not apply in respect to areas, premises, acts or things as specified in the exemption order.

QUESTIONS (5): WITHOUT NOTICE

1. CLOSE OF SESSION: FIRST PART

Consideration of Legislation

Mr. NALDER, to the Premier:

Further to a query I raised last week concerning Bills which will not be dealt with in this part of the session, is the Premier in a position to make this information available to the Leader of the Opposition and myself at an early date? I might add that today notice has been given of a number of Bills. I understand that notice of Bills is to be given in the Legislative Council also. If we could have this information it would be helpful to us.

Mr. J. T. TONKIN replied:

There are two Bills on the notice paper which will not be proceeded with if time does not permit. The Government desires to have the other Bills, including those of which notice was given today, passed if possible. As near as I can judge there are 15 Bills to be introduced, and that number is to be reduced by the number of which notice was given today. At the moment 15 appears to be the outside number of Bills to be introduced between now and the closing of this part of the session.

2. ROAD MAINTENANCE TAX

Nonpayment: Fines

Mr. O'CONNOR, to the Attorney-General:

- (1) Of the 523 convictions referred to in the answer to question 20 on Wednesday, the 19th April—

(a) how many individuals were involved; and

(b) how many individuals have not paid fines imposed?

- (2) What is the total sum of unpaid fines imposed for offences related to road maintenance tax?

Mr. T. D. EVANS replied:

- (1) and (2) I thank the member for Mr. Lawley for what would appear to be, *prima facie*, quite adequate prior notice of the question.

However, I have to advise that the information is not readily available. To collect the information would require the recruitment of overtime staff; and, as I understand the motive for the question, it would appear that the compilation of the information would not be completed in time for the occasion on which he desires it.

3. CLOSE OF SESSION: FIRST PART

Consideration of Legislation

Sir DAVID BRAND, to the Premier:

Further to the question asked by the Leader of the Country Party, am I to understand that 15 Bills are to be introduced in addition to those already listed on the notice paper—and there are 22 Bills on the notice paper to be discussed? Having regard for the question I asked recently regarding when the Premier hoped to complete this part of the session, and to which he replied about the middle of May—and it is rumoured

that the 11th May is a more precise date—does he expect to introduce those Bills and deal with them, as well as those already introduced, in that short time?

Mr. Nalder: Plus private members' business.

Sir DAVID BRAND: Yes, plus private members' business?

Mr. J. T. TONKIN replied:

If one looks down the notice paper one will see that there are several third readings which can be discarded from the point of view of calculation.

Sir David Brand: Yes.

Mr. J. T. TONKIN: A number of those on the notice paper are Bills of a noncontroversial nature which, although it is necessary to have them passed, will not take up very much time unless the Opposition thinks otherwise.

Sir David Brand: That is right; but in my experience they might think otherwise.

Mr. J. T. TONKIN: Provided there is a reasonable desire on the part of all of us to conclude the business by the 11th May, I expect that the business to be introduced and that already on the notice paper will be dealt with comfortably in that time. If it is not I have no objection to sitting another week or fortnight, or even three weeks—

Sir David Brand: Neither have we.

Mr. J. T. TONKIN: —if it is the desire of the Opposition. I think we should go along quietly and see what we are doing. If we strike any snags we can deal with them accordingly. I have been taught from very early years not to jump hurdles until I come to them.

4. ROAD MAINTENANCE TAX

Nonpayment: Fines

Mr. O'CONNOR, to the Attorney-General:

Referring to my previous question without notice: In view of the grave public concern about this matter, I would appreciate it if the information I seek could be compiled and presented to the House, even if at a later stage.

Mr. T. D. EVANS replied:

Having regard for the urgency the honourable member attaches to this matter, I will undertake to have the information made available. I cannot guarantee to have it available in time for the debate on the motion which appears on

the notice paper. In fact, it may not be available before the House rises.

5. ROAD MAINTENANCE TAX

Nonpayment: Government Policy

Mr. O'CONNOR, to the Premier:

In view of the Government's advice on road maintenance tax warrants, will the Government treat other matters such as traffic fines or failure to pay Government taxes in a manner similar to road maintenance tax warrants?

Mr. J. T. TONKIN replied:

I thank the honourable member for adequate notice of the question. The present Government will treat the unpaid taxes referred to in this question in precisely the same manner as did the Government of which the honourable member was a member; that is, no imprisonment for nonpayment.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

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

PLANT DISEASES ACT AMENDMENT BILL

Third Reading: Defeated

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.18 a.m.]: I move—

That the Bill be now read a third time.

MR. NALDER (Katanning) [11.19 a.m.]: Mr. Speaker, I know you will not agree to my going over the ground covered during the second reading debate on this legislation; however, I want to indicate to the Government that the views of those on this side of the House have not changed at all. As a matter of fact, in discussions since this Bill was introduced, we have reinforced our opposition to it. Local authorities are incensed at this legislation. So I wish to indicate to the Government that we intend to oppose the third reading of this and the following measure.

MR. RUSHTON (Dale) [11.20 a.m.]: As a result of the Opposition's having fought this issue very strongly over the last week of the sittings of this House, and after conveying the message to many people as to how drastic was the measure which the Government had introduced, and how it would affect local government, it is now evident that the message has got through and people have reacted very strongly against the Government's legislation.

From memory, I do not think the Minister has told us the real reason for introducing the measure; or who was pressing for the legislation—whether it was the Director of Agriculture, or the Minister for Works who for a long time has had a “thing” about this legislation. Does the Minister think so little of local government as to impose the provisions of this legislation on it?

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.21 a.m.]: I would like to inform the member for Dale that the reason for bringing forward this measure resulted from the attitude which was adopted by the present Opposition when it was in Government; and in many ways this attitude was the same as its attitude to the abattoirs fiasco. There has been a deterioration in fruit-fly control, and the time is long overdue when something needs to be done about the matter. The deterioration has been reflected in many ways, and it is rather obvious that the Opposition has kept quite clear of this. It can be shown that the number of fruit-fly control schemes has fallen from 55 to 45, and there is a possibility that several other schemes will also fold up.

Mr. Nalder: They will fold up under this legislation!

Mr. H. D. EVANS: I ask: Why have the schemes folded up up to this stage? I suggest it was as a result of the attitude of the present Opposition when it was in Government. The previous Government neglected fruit-fly control, or to make any substantial efforts towards it; and the result has been shown all down the line.

The major problems that have arisen emanated from finance, administration, and supervision; and these are very closely interrelated. The member for Dale is still not able to perceive—and I am not surprised at this, knowing his performance in the past—that the takeover of fruit-fly control in the way indicated can be achieved very readily and, indeed, the present system can be maintained if it is so desired. The honourable member has suggested an attitude of compulsion, but this does not exist; he suggested it purely as a legal expediency to effect the transference of control.

Mr. Rushton: This measure is an expediency; that is all it is.

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

Ayes—20

Mr. Bateman	Mr. Graham
Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. Sewell
Mr. Burke	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman

(Teller)

Noes—21

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neill
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. Nalder	(Teller)

Pairs

Ayes	Noes
Mr. McIver	Mr. Court
Mr. Cook	Mr. Gayfer
Mr. Hartrey	Mr. Stephens
Mr. Moller	Mr. Reid

Question thus negatived.

Bill defeated.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Third Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.27 a.m.]: I move—

That the Bill be now read a third time.

MR. O'NEIL (East Melville) [11.28 a.m.]: I feel it is now opportune for the Government to withdraw this Bill and the following one on the notice paper, in view of the fact that the Plant Diseases Act Amendment Bill has just been defeated.

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

Ayes—21

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. Moller
Mr. Bryce	Mr. Sewell
Mr. Burke	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman
Mr. Graham	(Teller)

Noes—21

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neill
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. Nalder	(Teller)

Pairs

Ayes	Noes
Mr. McIver	Mr. Court
Mr. Cook	Mr. Gayfer
Mr. Hartrey	Mr. Stephens
Mr. Fletcher	Mr. Reid

The **SPEAKER**: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a third time and transmitted to the Council.

PLANT DISEASES (REGISTRATION FEES) ACT REPEAL BILL

Second Reading

Debate resumed from the 11th April.

MR. NALDER (Katanning) [11.33 a.m.]: This Bill is designed to do away with the necessity to register orchards. The Government announced this decision some months ago and I understand that the reason given by the Minister for the discontinuance of the registration of orchards was that the cost involved was greater than the fees received for registrations.

During the debate on another measure I asked the Minister to indicate who would be responsible for ascertaining the whereabouts of orchards when the proposed legislation came into effect. It is now obvious that it will not come into effect in the near future, but I believe my question has still to be answered.

I understand that a considerable sum of money is being spent by the Government on fruit-fly inspections, and I presume that this operation has been independent of the registration of orchards which has been effective up to this time. The Minister has indicated that inspections will continue and, on the basis of his statement, I expect it will be necessary to increase the inspectorial staff. The department will have greater responsibility than is the case at the moment.

I return to the point: Who will be responsible for locating orchards or fruit trees in backyards? It seems to me that the local authorities will have to appoint inspectors to locate the orchards, or else send out notices requesting that backyard orchardists supply the information. It strikes me that there will be some duplication of responsibility in this field. The Minister has indicated to me, by a nod of his head, that inspectors will still be employed by the department. I ask: For what reason will those inspectors be employed? Will they be appointed to locate trees and shrubs which are hosts to fruit fly?

As I indicated in an earlier debate, this point should have been a matter of discussion between those who will be responsible for fruit-fly control. The Minister has indicated that he intends to proceed with this legislation and I make an appeal that the information which is at present available to the department regarding registrations and the location of backyard orchards be kept for some time, at least.

The information which is already in the hands of the department will be helpful to local authorities if they become responsible for fruit-fly control, and it could save

a tremendous amount of additional work. The existing rolls should be kept intact and I mention this point because it could be a decision of the department to destroy them. I request the Minister to hold the existing information during a settling-down period so that it can be made available to local authorities, if necessary.

I believe the Government has already reached a decision and it has been announced that no registration fees have been collected for 1972. The proposed legislation is designed to validate the Government's decision. I believe it is still an important question as to whether or not an increase in fees would make fruit-fly control a payable proposition, and on this basis I have some doubt. The Government, through the Department of Agriculture, should make this information available, even though more expense could be involved. This principle is accepted in a number of other Government departments where a service is provided by the Government, at a loss, so that it can be informed of certain situations. In this case, we are dealing with fruit trees.

I regret that the Government has made its decision before deciding on a satisfactory system to replace what we already have. The present situation is unsatisfactory, as has been indicated. However, I believe it would be far better to extend the present system even though there is some confusion as a result of the Government deciding not to enforce the registration of backyard orchards during 1972. It seems the *status quo* will have to be maintained.

As I say, I am not very happy with the position, but if the Minister can indicate the solution to the existing confusion, I will be grateful to hear what he has to say.

MR. O'NEIL (East Melville) [11.41 a.m.]: Shortly after a vote was taken on Order of the Day No. 2, I suggested the Government should consider dropping the remaining Bills which relate to the same matter—that is, fruit-fly control. We are now discussing a Bill for an Act to abolish the registration fees which are currently paid. In essence the Bill contains one operative clause which I propose to read. It says—

2. On the coming into operation of sections one, two, three, four, and six of the Plant Diseases Act Amendment Act, 1972 the Plant Diseases (Registration Fees) Act, 1941-1958 is repealed.

There is no hope of the "Plant Diseases Act Amendment Act, 1972," coming into operation, because the measure has just been defeated. We are wasting the time of Parliament by passing a Bill which will have no effect whatsoever.

My understanding of Standing Orders is that when a Bill is defeated in one session of Parliament another Bill containing precisely the same provisions cannot be introduced in the same session. You, Mr. Speaker, may correct me if I am wrong, but this has always been my understanding.

The measure we are discussing, if it becomes an Act, cannot be operative until the Bill, which we have already defeated, becomes law. This is a farcical situation. I suggest that the Government should once again give consideration to my initial suggestion of not proceeding with these Bills.

MR. RUSHTON (Dale) [11.43 a.m.]: Unless you, Mr. Speaker, rule that we are not to go further with this legislation, or unless it is withdrawn, I must continue on the assumption that the Government intends to press on with parts of the legislation at least.

During all the discussion on this matter it has been emphasised time and time again that the legislation will not be effective. All those with knowledge of the legislation openly admit that it simply cannot work.

We debated this issue at length when speaking to the other measures. This is, as it were, the scuttling of the ship in that it would force upon local government and ratepayers something which is not warranted. The Leader of the Country Party has already said that we need an effective fruit-fly baiting scheme. This we support.

During last weekend and at the Anzac Day Service I had the opportunity to discuss this matter with many people who are deeply interested in it. Of course, some would prefer no schemes at all and would rather do the work themselves, but many others want the continuance of an effective scheme. Some backyard fruit growers, which term is mentioned in the Act, feel that the scheme has not been effective in some ways.

Mr. Nalder: Does the Minister suggest he will have to go ahead with orchard registration?

MR. RUSHTON: It is up to the Minister to tell us this in a moment. The Leader of the Country Party has wisely pointed out that an unsatisfactory situation will arise if we dispense with orchard registration fees and at the same time hand the whole problem over to local government. This will be forced upon ratepayers in the various shires and will be very expensive for them.

Even at this late hour I ask the Minister to reconsider and to withdraw the legislation. I know members on the other side, including the member for Canning and the member for Maylands, are quite

concerned at the way the legislation will work. I hope wiser counsel will prevail and the Minister will withdraw the legislation.

There is nothing party political in this; if we examine the legislation in a practical way we must see that it simply cannot work. The Leader of the Country Party has already said that the income from registration fees will be lost.

Surely the Department of Agriculture should have the responsibility for this matter and, until something better is brought forward, I believe the Government should encourage the existing schemes to work more effectively. Everyone accepts that there are several weaknesses in the present structure, but when we look at what they have had to contend with it will be seen that those responsible for the different schemes have performed magnificently. Some schemes are most effective and others are not.

The present Bill comes at the end of a series of similar Bills and highlights the need for the Government to reconsider all of the legislation which relates to forcing local government to take over fruit-fly baiting. Local government continues to object to this idea.

Although we have spent many hours in debate I sincerely ask the Minister to withdraw the legislation and bring down next session something which will work.

Mr. Jamieson: Nothing will work as far as you are concerned if it is brought down by the Government.

MR. RUSHTON: I close on that note. Unfortunately the Minister for Works has a real "thing" about fruit fly.

Mr. Jamieson: You have a "thing" about the Minister for Works.

MR. REID (Blackwood) [11.46 a.m.]: I would like to add to the comments of previous speakers my own opposition to the repeal of this legislation. Research shows that orchard registration fees were first introduced by legislation in 1935 to provide a source of funds for the control of fruit fly. This was the purpose of the measure introduced at that time.

In his second reading speech the Minister said the emphasis has now changed from protection of the commercial orchardist—which was the reason for the measure being introduced in 1935—to something which is more suburban in nature and part and parcel of the metropolitan area, which, of course, is somewhat removed from the commercial orchard-growing areas.

I beg to differ and I think the procedure to be adopted is most unwise. We all recognise that the fruit fly has a wide range of hosts. We also recognise it has a wide range of preferences. Fruit fly will

not sit on a prickly pear bush if there is a nice ripe apricot tree to sit upon. Quite obviously fruit fly will continue to build up while we have nice ripe apricots and other soft fruits which fruit fly relish.

I consider the existing system, with help and extensions, gives us a chance in the long run to eradicate the pest in Western Australia. I stress the importance to the commercial orchardists in the State. We must look to long-term trade and the securing of new markets for our fruit.

Last year the income from registrations for backyard orchards was \$17,208.

Mr. J. T. Tonkin: It cost more to collect than we received.

Mr. Nalder: The Government has other services.

Mr. REID: Did the department make retrenchments from its staff?

Mr. J. T. Tonkin: The information which the Government had available to it was that this money was a dead loss because it cost more to collect than we actually received.

Mr. O'Neil: Purely for registration.

Mr. H. D. Evans: It has been tying up professional staff on noneffective duties.

Mr. REID: The Department of Agriculture has changed its preferences with regard to the priority of importance. It has not led to a retrenchment of staff. Taking last year's figures alone, Treasury funds will be less by \$17,208 than they would be if the fees were continued. This amount of money has not been saved in any other area. Have all the staff employed in collecting these fees been transferred to another section in the Department of Agriculture?

Mr. H. D. Evans: No, it releases inspectors for further duties.

Mr. REID: In the Department of Agriculture?

Mr. H. D. Evans: Yes.

Mr. REID: That is the point I was making: The Department of Agriculture has changed its order of priorities. I stated at the beginning of my speech—and emphasise again—that we should consider it of prime importance for the pest to be controlled.

There has been no saving by discontinuing the registration scheme. There has been a change of emphasis, perhaps to research work, in the Department of Agriculture.

Mr. Jamieson: There has, because many of the inspectors checking on registrations were, in effect, policemen. Now they are applying themselves to fruit-fly eradication.

Mr. REID: I quote from questions I asked on this subject, which has been a matter of concern to me for some months. On the 12th August, 1971, I was informed—

No retrenchments occurred but there have been resignations for other reasons and transfers to other positions.

Quite clearly there has been a change of emphasis from collecting registration fees to other fields in the Department of Agriculture. Perhaps it was a fiddly and awkward job but it returned \$17,000, and we will not obtain that \$17,000 elsewhere.

At the last conference of the Fruit Growers' Association a motion was put forward for substantially increasing the cost of registration of backyard orchards. Unfortunately, a senior officer of the department addressed the meeting and said he thought it was to be regarded as a taxing measure, and the motion was narrowly defeated. I think this is misleading because the alternatives to orchard registration are not equitable. There is no justice whatsoever in the scheme that has been proposed to replace the registration scheme. On what grounds are we dispensing with the registration scheme? In the interests of commercial growers it is vitally important to know where the trees are.

The member for Fremantle said he finally cut his trees down because he was sick of having fruit fly in them. Previously he paid rates or registration fees for the few trees he had in his backyard. Now that he has cut them down he does not pay anything but under the proposed alternative scheme he will have to pay. There is no justice, common sense, or logic in these proposals.

Another point which leads back to one of the fundamental objectives we are trying to achieve is taking the necessary steps towards total eradication. The cost to Western Australia of this pest must be astronomical. We know some of the factors contributing to the cost but we do not know what the total all-up cost is to the State. The cost for inspectors to go around and inspect backyard orchards in Western Australia is \$101,500 a year. That is an annual, recurring expense. The member for Fremantle said he had never seen an inspector. Either he was asleep when the inspector came or the inspectors of the Department of Agriculture were asleep on the job, but \$101,500 a year is the cost of inspection of backyard orchards.

Until two years ago the Fruit Growers' Association was contributing to this cost. For this reason, commercial orchardists have a responsibility to make their voices heard in this matter. We were actually contributing towards this \$101,500 a year. It has been estimated that an eradication programme will cost more than \$1,000,000. If this programme had been undertaken 10 years ago we would now be just about at the point of having no fruit fly.

Mr. Jamieson: Growl at the previous Minister for Agriculture for that.

Mr. REID: We live in the present day, and in the present day we are considering repealing the legislation, which is a retro-grade step that has been taken without consulting the fruit-growing industry in Western Australia. Other aspects of this Bill have also met with hostility because the local authorities in question were not consulted. When co-operation in a proposed plan is required, the proposals should be discussed. This proposal was wheeled in in a wheelbarrow and dumped on the community. The local authorities are worried about it because they had no warning of it and no discussions took place with them. The Fruit Growers' Association, which represents commercial growers, was not called upon for discussion. It was simply announced that the scheme would be discontinued.

I think enough has been said on this matter to show clearly that the anomalies in the proposed scheme and the injustices that would result from repealing the Act would far outweigh the possible advantages of a slightly more cohesive administration. That is all the legislation will achieve—it will be slightly easier to administer—but it will unjustly call on local authorities to accept an area of responsibility and will necessitate their having to impose additional rates on the people they represent.

I can see no grounds for repealing the Act. It appears to me that the only reason for it is to relieve the officers of the Department of Agriculture of an awkward and tiresome job so that they can devote their time to other matters. I am opposed to this Bill.

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.56 a.m.]: I would like to reply to several points that have been raised, even though they are perhaps outside the scope of this Bill. I suggest that an amendment of the Bill in the Committee stage would be appropriate.

I wish to refer to the existing schemes. In the first place, they are not operating successfully. If they had been operating successfully, why would a dozen of them have folded up? It is no good trying to tell me they are operating effectively. One or two are going well, and these are to be commended.

Mr. Reid: How different it would be under the proposed scheme!

Mr. H. D. EVANS: Apparently the honourable member has not fully appreciated what is involved. The reason for the difficulties with the existing schemes involves three interrelated matters: finance, administration, and supervision. Without supervision and administration there is no finance and the scheme is ineffective, with consequent loss of public support.

Apart from the direct, unproductive cost of registration, not all owners of fruit trees are registered at the moment. Something like 75 per cent. are registered. Notice should be taken of that point. The rolls comprise about 75 per cent. of fruit-tree owners. This is an inherent weakness in the present scheme.

Funding is the major problem but several almost deliberate attempts have been made to point out the difficulties involved in the changeover. The existing schemes may continue under the auspices of local authorities, if desired. No alteration has been made to the present structure. There has been an extension of the powers of local authorities but there is no compulsion in regard to accepting responsibility. It has been demonstrated very clearly that schemes are much more effective when the shire councils participate.

Mr. Rushton: Who is pressing for this change that the Government is introducing? Not the local authorities.

Mr. I. W. Manning: What prompted the Government to present this legislation?

Mr. H. D. EVANS: This Government and the horticultural authorities are sick and tired of the inadequacies of the present fruit-fly control. It is as simple as that.

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

Ayes—22

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Graham
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. Moller
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman

(Teller)

Noes—21

Mr. Blakie	Mr. O'Neill
Sir David Brand	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	

(Teller)

Pairs

Ayes	Noes
Mr. McIver	Mr. Court
Mr. May	Mr. Gayfer
Mr. Hartrey	Mr. Stephens

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Repeal of Acts Nos. 33 of 1941, 9 of 1944, 32 of 1952, and 50 of 1958—

Mr. O'NEIL: I wish again to point out to the Committee the farce which is taking place in this Chamber.

Mr. J. T. Tonkin: If you sit down I think we will clear up the point for you. Let the Minister have a go.

Mr. H. D. Evans: I told you I was going to move an amendment, or will you do it?

Mr. O'NEIL: I was unaware of that. However, I still wish to make a point which I think is very relevant.

Mr. J. T. Tonkin: You want to make a point irrespective of whether or not it is relevant.

Mr. O'NEIL: In doing this I am acting in the same way as the Premier when he was on this side of the Chamber. I intend to make my point.

Mr. J. T. Tonkin: Of course you do, irrespective of whether or not it is relevant.

Mr. O'NEIL: It is relevant at the moment.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! The member for East Melville.

Mr. O'NEIL: It is relevant at the moment. Very recently we suspended as much of Standing Orders as is necessary to enable Bills to be introduced and passed through all stages in one sitting. However, we have only suspended sufficient of Standing Orders to do that. The remaining Standing Orders still apply, and Standing Order 179 says—

A resolution, or other vote of the House, may be read and rescinded;—

Point of Order

Mr. J. T. TONKIN: Mr. Deputy Chairman, on a point of order, I call upon you to ask the member for East Melville to explain the relevance of Standing Order 179 to clause 2 of this Bill. I submit to you that in discussing Standing Order 179 in relation to this Bill he is out of order.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Will the member for East Melville explain the relevance?

Mr. O'NEIL: I will explain it most definitely. We have already defeated a Bill to which this measure refers. Clause 2 of this Bill reads as follows:—

On the coming into operation of sections one, two, three, four, and six of the Plant Diseases Act Amendment Act, 1972 the Plant Diseases (Registration Fees) Act, 1941-1958 is repealed.

Clause 2 refers to an Act which cannot exist unless—

Mr. J. T. Tonkin: You have said nothing about Standing Order 179 as yet.

Mr. O'NEIL: I am saying something about Standing Order 179.

Mr. J. T. Tonkin: You are out of order.

Committee Resumed

Mr. O'NEIL: The only way in which the Act to which this Bill refers can come into operation is for the Government, with an absolute majority—

Mr. Jamieson: You are wrong.

Mr. O'NEIL: Mr. Deputy Chairman, the Government is not open to reason and, in order to use the traditional method of killing a Bill, I move—

That the Deputy Chairman do now leave the Chair.

Point of Order

Mr. J. T. TONKIN: Before you put that motion, Sir, I pointed out that the member for East Melville was out of order. Now I submit to you that what he said with regard to Standing Order 179 was distinctly out of order with reference to this Bill, and I ask for your ruling on that.

Mr. O'Connor: The fact that he did not rule it out of order surely indicates it is in order.

Committee Resumed

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): I will put the motion that I do now leave the Chair.

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

Ayes—21

Mr. Blaikie	Mr. O'Neill
Sir David Brand	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	(Teller)

Noes—21

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Graham
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Moller
Mr. Bryce	Mr. Norton
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. J. T. Tonkin
Mr. H. D. Evans	Mr. Harman
Mr. T. D. Evans	(Teller)

Pairs

Ayes	Noes
Mr. Court	Mr. McIver
Mr. Gayfer	Mr. May
Mr. Stephens	Mr. Hartrey
Mr. Coyne	Mr. Lapham

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal, I give my casting vote with the Noes.

Motion thus negatived.

Mr. H. D. EVANS: For the life of me I still cannot see what relevance the previous speaker's remarks had to the Bill—

Mr. O'Neill: Neither could the Premier.

Mr. H. D. EVANS: —particularly as I indicated during the second reading it was my intention to move an amendment.

Mr. O'Neill: Is it in writing?

Mr. H. D. EVANS: I move an amendment—

Page 1, lines 9 to 11—Delete all words commencing with the word "On" down to and including the numerals "1972".

If this amendment is passed, clause 2 will state, "the Plant Diseases (Registration Fees) Act, 1941-1958 is repealed."

Mr. NALDER: Mr. Deputy Chairman, may we have a copy of this amendment, please? I think we are entitled to that courtesy.

Mr. Jamieson: If you got out your Bill and marked it you would have no trouble.

Mr. H. D. Evans: It is a pure deletion.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Facilities are not immediately available, so I will read out the amendment in order that the honourable member may follow it. The Minister for Agriculture has moved to delete all words from and including the word "On" in line 9 down to and including "1972" in line 11.

Amendment put and passed.

Mr. J. T. Tonkin: How much relevance does that have to Standing Order 179?

Mr. O'Neill: That part of the debate finished long ago.

Mr. I. W. MANNING: I would like to ask the Minister for Agriculture what the situation is now with regard to the three measures. If we proceed with this measure will the whole picture of fruit-fly control and eradication be altered?

Mr. H. D. EVANS: The position has become a little occluded in the light of events which took place a little earlier. However, it does not necessarily mean there will be a major or drastic change. This will be determined by future events.

Mr. NALDER: It is obvious from the Minister's statement that the Government was not particularly keen to have this legislation passed. The suggestion now is that the Government was hoping it would be defeated in the Legislative Council.

Mr. H. D. Evans: Rubbish.

Mr. NALDER: That is the inference I drew from the Minister's statement.

Mr. H. D. Evans: Don't you think that I was referring to the earlier vote?

Mr. NALDER: Yes, but I am referring to the statement just made by the Minister. I give the Government full marks for putting up its case; but now there is a suggestion that this is merely a try-on in an effort to satisfy some people who wanted a change, and that the Government is hoping it will be defeated in the Legislative Council. This leaves me absolutely speechless.

Sir David Brand: This is not the first time it has happened.

Mr. NALDER: I am surprised, disappointed, and disgusted.

Mr. H. D. EVANS: I do not think I have ever heard the Leader of the Country Party speak such utter nonsense. He is fully aware of what happened to the Plant Diseases Act Amendment Bill a short time ago. Naturally this necessarily brings about some difference for the time being. I thought even he would have been able to understand that.

Mr. REID: I rise again to protest about the abolition of this registration provision. I have already mentioned that the Fruit Growers' Association of Western Australia is not happy with the situation.

Mr. Jamieson: They voted against any increase in the fee.

Mr. REID: Yes, but that was an interesting exercise. If we got down to the reasons I am sure the Minister would not want them brought to the light of day.

Mr. Jamieson: Well, bring them out; don't hide anything.

Mr. REID: Undue emphasis was placed on the fact that this was a measure to tax backyard orchardists.

Mr. Jamieson: All licensing measures are taxing measures to some extent.

Mr. REID: Yes, but this was an undue tax.

Mr. Jamieson: Everybody would have his own opinion as to whether a particular taxing measure was undue.

Mr. REID: The point is that the commercial growers of Western Australia were ridden over roughshod in this matter. I say again this is not in the best interests of commercial fruit growing in Western Australia. It does nothing to protect fruit growers in the future; it does nothing to help the working of the scheme; and it creates much injustice.

Mr. J. T. TONKIN: I think it is as well that the Committee should understand what we are proposing to do at this moment. There is in existence a Bill which imposes a statutory obligation upon certain people to pay registration fees. A handful have been paying, but the majority have not.

Mr. W. A. Manning: Say that again.

Mr. Nalder: Because you announced—

Mr. J. T. TONKIN: Never mind about the reasons; I am stating the facts. At present there is a statutory obligation to pay legislation fees, and the majority are not paying them. Is that true or not?

Mr. Reid: Yes.

Mr. J. T. TONKIN: So far we agree.

Mr. Lewis: You said the majority were not paying.

Mr. J. T. TONKIN: In order to collect the fees under the statutory obligation the cost entailed is greater than the money the Government receives.

Mr. Hutchinson: That is not the sole criterion.

Mr. Nalder: That is nothing new.

Mr. J. T. TONKIN: I know it is nothing new, because this is the system we had under the administration of the previous Government. However, because it is not new it does not mean to say that the system should continue. All the Government seeks by this Bill is to ensure it does not continue to lose money by the registration of orchards. It would be better to go through a simple exercise; namely, for the Treasury to say to the Department of Agriculture, "Here is the difference between what it costs to collect this money and what is actually received."

Mr. Nalder: That is not the point.

Mr. J. T. TONKIN: That is the point. We seek to repeal the Act which imposes a statutory obligation to pay fees when people are not paying them.

Mr. RUSHTON: The Premier's comments show his total irresponsibility towards the measure before us. We have asked for information as to why this Bill is necessary to implement a scheme we already have, but he is trying to avoid the question. The Leader of the Country Party has said that the present Government works by default. It expects a council to carry out the administration of a scheme the Government brings forward.

Mr. Jamieson: That is only your opinion.

Mr. RUSHTON: We each have our own opinion, but I would point out that the Fruit Growers' Association, the local government bodies, and others are objecting to this legislation.

Mr. Nalder: Strongly objecting.

Mr. RUSHTON: As the Leader of the Country Party says, they are strongly objecting. The Minister for Agriculture has not told us who is pushing for this legislation—apart from the Minister for Works, and we all know what side he is on.

Mr. Jamieson: I think I had better take over the Agriculture portfolio and then you would all be happy.

Mr. RUSHTON: The Government is forcing this legislation onto the people and passing the buck to those bodies which have to implement it, because the Government does not have the capacity to bring forward a better scheme.

Mr. J. T. Tonkin: You are talking about the Bill that was defeated.

Mr. HUTCHINSON: We have now reached a farcical situation and I think the Government should take steps to correct it immediately to see what the posi-

tion is in relation to all Bills before the Chamber dealing with the question of fruit-fly control. Before the Minister introduced the three Bills dealing with fruit-fly control he said that each measure was complementary to the other. This is quite so and, ever since they were introduced, members have treated them accordingly; but the fact is that the first of the three Bills was defeated. This was because of the Government's inability to have present in the Chamber the requisite numbers to put the Bill through. This Bill depended on the other two, but one of those Bills has now been defeated.

Mr. J. T. Tonkin: This does not depend on any Bill.

Mr. HUTCHINSON: It does.

Mr. O'Neill: It is a reason for qualifying the Bill when it becomes an Act, and we are removing the qualification.

Mr. HUTCHINSON: In all good faith the Minister told the Chamber that each of these Bills depended on the other.

Mr. J. T. Tonkin: But not now.

Mr. HUTCHINSON: That is why I think it is important, at this stage, to have another look at this measure. I would like to have another look at it, and I am sure members of the Country Party would like to review the situation further as a result of what has happened in this Chamber today. Is it illogical for an Opposition to request the Government to adjourn the debate so that we can have another look at the measure and, presumably, so that members of the Government can have another look at it?

Mr. J. T. Tonkin: What point do you want to look at?

Mr. HUTCHINSON: We would like to study the situation in so far as it relates to the other complementary legislation. At the moment the effect of the Bill—

Mr. J. T. Tonkin: There will be only one effect of the repeal of the Act in question.

Mr. HUTCHINSON: We would like to study the impact of the repeal of the Plant Diseases (Registration Fees) Act. This was a decision reached in the heat of the moment a few minutes ago when, as a result of its own folly, the Government had one of its Bills defeated. As it is a hot decision, how do we know it is the correct one?

Mr. J. T. Tonkin: If you were the Treasurer you would know it is the correct decision.

Mr. HUTCHINSON: I do not want to be a party to embarrassing the Government still further, so again I suggest that

the Government should adjourn the debate on this measure. If not, it should agree to one of the members on this side of the Chamber seeking the adjournment.

Mr. O'NEIL: I appeal to the Government on grounds similar to those put forward by the member for Cottesloe. The Premier has indicated that the sole purpose of the Bill now is to repeal the Plant Diseases (Registration Fees) Act. However, I doubt whether the words proposed to be deleted qualify the date upon which this repeal will become effective. There must have been a reason for placing in the Bill the qualification contained in clause 2. Therefore, I think members of the Opposition—and I feel certain I can also include members of the Government—would want to have a look at what would result if this Bill becomes law and the Plant Diseases (Registration Fees) Act is repealed. I appeal once again to the Minister and to the Premier to report progress and ask for leave to sit again.

Mr. REID: I support the remarks of the previous speakers. So much has happened here today that it would be wise and prudent to have another look at the legislation. The Premier has asked: "What do you want to look at?"

Mr. J. T. Tonkin: That is fair enough.

Mr. REID: I can give one answer. On the 10th August, 1971, I asked the following question:—

How will the inspectors be able to maintain adequate control while now not knowing where the fruit trees are growing?

The answer to that question was—

Inspectors will have more time for inspections and checking control measures now that they are no longer concerned with registration matters.

However, I still say the inspectors will continue to walk around and incur cost.

Mr. H. D. Evans: Yes, but only to carry out their inspectorial duties.

Mr. REID: We are already spending over \$100,000.

Mr. H. D. Evans: For that expenditure this will be provided in addition. It is not intended to reduce the expenditure by the department, and this has been made clear all along.

Mr. REID: In view of the confused state which the debate has now reached, and in view of the conflicting statements—

Mr. H. D. Evans: You are the ones who are confused.

Mr. REID: We on this side of the Chamber are united.

Mr. Jamieson: There is united confusion opposite.

Mr. H. D. Evans: You want us to bumble along as your Government did in its 12 years of office.

Mr. REID: For 18 months we have had a new Government. This is adequate opportunity to enable the Government to live not in the past, but for today and the future. The fact is that the legislation requiring the registration of backyard orchards is to be repealed against the desires of the community and the fruit-growing industry of Western Australia.

Mr. NALDER: The Premier has shown no interest other than that of saving money for the Treasury.

Mr. H. D. Evans: There is better control, and that is the purpose of the legislation.

Mr. NALDER: What a shocking statement from a responsible Minister!

Mr. H. D. Evans: Are you suggesting that the legislation has been completely satisfactory up to date?

Mr. NALDER: The further the Minister goes the more confused he becomes. He is now talking about control, but he has been attempting to get rid of control that is exercised by somebody else.

Mr. H. D. Evans: Over the last 12 years of the term of the previous Government fruit-fly control deteriorated, and we are trying to resurrect it.

Mr. NALDER: The fact that this amending Bill has been placed before us indicates that the Premier wants to get rid of this scheme at any cost. It is costing the Government about \$15,000 a year, and the Premier said it would be better for the Treasury to hand the money over to the department. The object of this legislation is to enable information to be obtained, so that the department knows where the backyard orchards are. It is now proposed by the Government to get rid of that means of obtaining information.

Mr. H. D. Evans: Under the present scheme we are not getting the information.

Mr. NALDER: What happened was that the Premier announced this—

Mr. H. D. Evans: In the past it has only been 75 per cent. effective.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! The Leader of the Country Party will proceed.

Mr. NALDER: The Premier wants to get rid of this, because it is costing the Treasury money.

Mr. H. D. Evans: And because it is ineffective.

Mr. NALDER: The reason is not the value of orchard registration. In the past this information has been of value to indicate where the backyard orchards are located. From my experience I found that the inspectors involved required the information on the location of the backyard

orchards to be set out; but this scheme will be abolished completely, on the ground that it will save the Treasury a few thousand dollars a year.

Mr. H. D. Evans: That is not the reason. The reason is that it is ineffective.

Mr. W. A. MANNING: We can understand the Premier being upset with having the main Bill defeated, but that is no reason for the Premier to continue with the confusion. As a result of the loss of the main Bill he seems to be trying to vent his spite on the House.

Mr. J. T. Tonkin: You know very well that if we had not lost that Bill in this Chamber we would have lost it in another place, in view of the attitude adopted by members opposite. Why then should I be upset?

Mr. W. A. MANNING: The Labor Party has been advocating the abolition of the Legislative Council, but on occasions like this we are fortunate to have the Council, because it looks as though we need it to bring about some sanity. The Government has not shown any sense of responsibility in respect of this Bill. I cannot understand why the Minister for Agriculture, backed up by the Premier, wants to proceed with the measure.

Mr. H. D. Evans: Are you satisfied with the existing situation?

Mr. W. A. MANNING: I cannot understand the Minister's attitude, because this Bill is dependent on the passage of the main one. I cannot understand the Minister's reason for saying that registration of backyard orchards is of no value.

Mr. H. D. Evans: You are putting words into my mouth. All I am saying is that it is not effective.

Mr. W. A. MANNING: The Premier has told us that the majority of people concerned do not pay this fee. It seems that confusion exists amongst the members of the Government, and yet they expect us to pass the Bill. I only hope it will be thrown out in another place.

Mr. J. T. TONKIN: So far as the Government is concerned I want to make the situation perfectly clear. I would say to the Treasury or to anybody with any responsibility at all that the position ought to be perfectly clear. All that the Bill now under discussion seeks to do is to repeal the statutory obligation which is placed on the owners of orchards to register them and to pay a fee when they do that.

When this legislation was introduced in 1935 its purpose was to provide a source of revenue for fruit-fly inspection. There are in excess of 100,000 properties liable for backyard registration, and the collection and administrative cost amounts to \$34,000 a year. That is the expenditure by the Government to obtain this revenue of \$18,000. Common sense would suggest that instead of fiddling around with the

legislation and trying to get \$18,000 revenue by expending \$34,000, the Government ought to say that it will provide \$34,000 to have this work carried out.

Mr. W. A. Manning: How would you be able to find out the number of trees, and other information?

Mr. J. T. TONKIN: They are not finding out those particulars, and they have not been able to do that for years. That has been the trouble. If this had been an effective system, and if for a cost of 20c a year for registering a backyard orchard it had been possible to get nearly 100 per cent. registration, the situation would be different; but it has been a farce and it has been an unnecessary and a wasteful use of public money.

Mr. W. A. Manning: Tell us where you will find the information.

Mr. J. T. TONKIN: The reason for this Bill is to not allow the existing farce to remain, under which a statutory obligation is placed on people to pay registration fees which cost more for the Government to collect than it receives, and to remove that obligation. That does not preclude this or any other Government—

Mr. Reid: But it is a change of policy.

Mr. J. T. TONKIN: Oh, shut up!

Mr. Hutchinson: That is unparliamentary language.

Mr. J. T. TONKIN: That does not preclude this Government or any other Government from finding the necessary funds for an effective registration system if the member for Blackwood can come up with one.

Mr. O'Neil: Why was there a qualification placed on the repeal of this registration fee?

Mr. J. T. TONKIN: Simply to make it coincide with legislation aimed at effecting a certain purpose.

Mr. O'Neil: If you want to repeal the legislation why not repeal it on its own?

Mr. J. T. TONKIN: I am not pretending that initially this legislation was introduced to stand on its own. It was intended to operate in conjunction with the other legislation.

Mr. O'Neil: All we want to know is what effect the amendment will have.

Mr. J. T. TONKIN: I am telling the committee what the effect will be. The only effect will be that the statutory obligation which the people are not now meeting will no longer be there.

Mr. Reid: But you have changed your priorities. At the risk of being told again to shut up, I say you have not saved any money. It has not been a farce.

Mr. J. T. TONKIN: What I am trying to do is to—

Mr. O'Neil: Get the Minister out of the soup.

Mr. J. T. TONKIN: —relieve those orchardists of the possibility that if a change of Government occurred, they could be sent to gaol for not paying the registration fees.

Sir David Brand: They would not believe you.

Several members interjected.

Mr. O'Neil: What the Premier is trying to do is get the Minister out of the soup.

Mr. J. T. TONKIN: Let me make it clear that this Bill must be considered as it stands, and its only purpose is to remove the statutory obligation which, while this legislation is on the Statute book, remains on orchardists to pay a registration fee.

Mr. NALDER: I have already asked the Minister, but he would not commit himself at all, and so, now that the Premier has been on his feet, I will ask him whether this amendment means that the inspectors with the Department of Agriculture will carry out further inspections and record the names of the properties on which fruit trees are to be found? If this is the case then I am sure those on this side of the Chamber will have no objection. I have asked this question of the Minister several times, but he has evaded it.

Mr. Rushton: They want the local authorities to do that.

Mr. NALDER: That is right. The Premier came very close to saying that was what was intended. All we want to know is who will be responsible for ascertaining and recording where these fruit trees are. Up to this point the Minister has evaded the question. If the Minister or the Premier will indicate that the Department of Agriculture will be responsible, then those on this side will be quite satisfied.

Mr. Hutchinson: The Government has been trying to avoid the responsibility.

Mr. NALDER: That is the point. I will therefore give the Premier or the Minister the opportunity to answer that question now.

Mr. W. A. Manning: No answer!

Mr. RUSHTON: It concerns me a great deal that the Minister did not answer that question.

Mr. T. D. Evans: The Minister did not get an opportunity. You were up like a Jack-in-the-box.

Mr. O'Neil: The Premier has not given him a chance. He has taken over the debate.

Mr. RUSHTON: Of course one must be very wary of the Premier's proposition, particularly—

Mr. J. T. Tonkin: I did not put any proposition. I was dealing with what is on the notice paper.

Mr. RUSHTON: The Premier was elucidating for us. He was making it clear for us to understand! A little while ago the Premier said that he would make sure that people had the benefit of education. But what did he do? He put up the charges for students, collected \$1,200,000, and gave out—

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! That has nothing to do with the Bill before the Committee.

Mr. RUSHTON: I am elaborating on the point—

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The question before the Chair—

Mr. RUSHTON: —the Premier has raised.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! Excuse me while I am speaking! The question before the Chair is that clause 2 stand as amended.

Mr. RUSHTON: Thank you, Mr. Deputy Chairman. I am making the point which must be made. However I will put it this way: Surely the Minister has an obligation to explain the situation, especially after the flasco which has taken place this morning as a result of the fact that the Government does not know what the legislation is about, or is not prepared to disclose what it is about. Time and time again the Minister has been asked what is intended. Certainly now he does not know where he is. We would like the Minister to explain what will take place. Does he expect local authorities to appoint inspectors to run around the place to obtain this information? The Premier tries to say this is a close little issue. It is not a close little issue. It is all related. It is all very nice for him to say that we will do away with registration. The information is required. In connection with many aspects of health, information is necessary, and the obtaining of that information costs money. The Premier is right off the beam.

We want this question answered. Surely it is up to the Minister to tell us now what will take place, who will obtain the information, and who will carry the cost—the ratepayers or the Government.

Sitting suspended from 12.46 to 2.15 p.m.

Mr. H. D. EVANS: I would like to make a few observations in reply to some of the points raised by members opposite. The purpose of the roll is something which no member opposite has explained and, indeed, I have not done so myself. A roll of fruit growers is used as a basis for conducting a referendum to see whether a scheme should be established. It has virtually no other purpose. It is not required in areas where there are no schemes, because it has no use. In areas where schemes have been established again it is

not required because the basis of operation is provided from the list maintained by the committee itself.

The roll is costing the Government quite a considerable sum of money and indeed, as the Premier indicated, it cost in the order of \$34,500 to administer for a return of \$16,500.

Do not let us forget that the number of registered fruit growers in any one area is less than 75 per cent. of the total. Therefore, the efficacy of the roll is in grave doubt. It does not provide an adequate indication for the purpose for which it was intended.

Bearing in mind that 75 per cent. at best register, on top of this something like 20 per cent. of fruit growers actually poll at any time for the implementation of a scheme. This is one of the inherent weaknesses in the present system. The intention of the proposal is to give local authorities the opportunity to implement schemes, with the option to retain or divest themselves of those already in existence. There is no suggestion that local authorities would be compelled to retain a scheme where it was not wanted. This point has been made on a number of occasions.

The assistance given by the Department of Agriculture would in no way be diminished. As a matter of fact it would be increased very considerably by way of inspectorial duties, technical advice, guidance, and intensified research. This is the principle which is under examination at the moment. I ask the Committee to accept the proposal.

Progress

Mr. HUTCHINSON: I move—

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

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

Ayes—21

Mr. Blaikie	Mr. O'Neill
Mr. Coyne	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. E. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	

(Teller)

Noes—21

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Graham
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. May
Mr. Brown	Mr. Moller
Mr. Bryce	Mr. Norton
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. J. T. Tonkin
Mr. H. D. Evans	Mr. Harman
Mr. T. D. Evans	

(Teller)

Pairs

Ayes	Noes
Mr. Court	Mr. McIver
Mr. Gayfer	Mr. Jamieson
Mr. Stephens	Mr. Hartrey
Sir David Brand	Mr. Lapham

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal I give my casting vote with the Noes.

Motion thus negatived.

Committee Resumed

Mr. RUSHTON: The Minister recently made the statement that the roll was of no value.

Mr. H. D. Evans: That is, in the effective operation of the scheme—apart from conducting a referendum.

Mr. RUSHTON: This is another nail in the coffin of the Government—it is not realistic in relation to this legislation.

Mr. H. D. Evans: Did you not know this?

Mr. RUSHTON: I was just intending to point out where the Minister is a little wrong again. The point is that the inspectors use the roll to identify the growers.

Mr. H. D. Evans: The only reason for the roll is to check to see whether they have paid the registration fee.

Mr. RUSHTON: How else will the inspectors find the growers? Will they go from house to house?

Mr. H. D. Evans: The inspectors will not need to go to the houses if names are not recorded on the roll.

Mr. RUSHTON: The Minister is getting more and more confused. The sooner this debate comes to an end the better. The Minister has not disclosed what the Government is attempting to do. The Premier has even indicated that the Government expects the Legislative Council to throw this measure out.

Mr. J. T. Tonkin: And don't you?

Mr. RUSHTON: No.

Mr. J. T. Tonkin: You do not?

Mr. RUSHTON: I hope it does.

Mr. J. T. Tonkin: You are more naive than I thought you were.

Mr. RUSHTON: I will not go into this because you, Mr. Deputy Chairman, would disallow it as a side issue.

Mr. Graham: That is convenient, isn't it?

Mr. Williams: Interjections are so unruly!

Mr. RUSHTON: This is obviously an attempt by the Government to force the Legislative Council to throw the measure out and thereby discredit that Chamber. Of course, if the Legislative Council does not act responsibly, we will be in a very bad situation in this State.

The Minister has not told us what will happen. We are asking him to make this clear and he has again made the statement that the roll is of no value. How is the local authority to function?

Mr. Nalder: What about control of the inspectors? Who will control them?

Mr. RUSHTON: The Minister has made the statement that the inspectors are to carry on.

Mr. H. D. Evans: Naturally.

Mr. RUSHTON: What are they going to do? Will the Minister answer these queries?

Mr. Graham: He would be better advised to ignore you.

Mr. H. D. Evans: For goodness sake—the three aspects of control were explained. I thought even you could understand that.

Mr. RUSHTON: The interjections are becoming rude again, Mr. Deputy Chairman.

What part will the local authorities play in the fruit-fly baiting schemes? The inspectors will carry on, but under what legislation will local authorities have power to act?

Mr. H. D. Evans: Under the Plant Diseases Act the individual is responsible for his own backyard and the trees he grows therein. The shires are involved in supervision and administration. The inspectors will ensure that the householder carries out his responsibilities. I explained this several times.

Mr. RUSHTON: So there will be a little bit of authority here and a little bit of authority there.

Mr. H. D. Evans: What is the situation now?

Mr. RUSHTON: The shire will be obliged to take the blame for bad administration if the scheme does not work. The inspectors get off scot-free. This is not good enough. It has become obvious to the Committee that we are getting nowhere by asking the Government to look at this legislation again.

Mr. Graham: You can say that again. If you sit down we might get somewhere.

Mr. RUSHTON: The Minister has not told us what will happen to the inspectors in the future. It behoves him to do so now.

Mr. W. A. MANNING: The Minister made a speech before the luncheon suspension which leaves us with the impression that there is no reason to pass this Bill. Why delete the record of people who have fruit trees when attempting to bring in a proposal to improve the effectiveness of the scheme? There will be all the more reason to have a register of people who have fruit trees. If these records are destroyed, there will be no records at all.

The Minister told us that only 75 per cent. of fruit-tree growers are registered. How does the Minister know that 25 per cent. of the growers are not registered? If he has a list of these growers, why have they not been made to pay the registration fee?

Mr. H. D. Evans: They have been made to pay from time to time and this is how the estimate is compiled by the inspector.

Mr. W. A. MANNING: Surely the inspector can see that fees are paid.

Mr. H. D. Evans: We have had instances of people who would prefer to go to gaol rather than pay the registration fee. Would you like to continue on that line?

Mr. W. A. MANNING: It is a mystery to me how the Minister can know the percentage of people who have not paid the registration fee. What is the purpose of registration except to discover the number of growers and the number of fruit trees? If the Minister intends to intensify the campaign against fruit fly, surely it is necessary to have a register?

Mr. H. D. Evans: What is the use of the register at present?

Mr. W. A. MANNING: The register provides a list of people who own fruit trees and the number of fruit trees on each property.

Mr. H. D. Evans: What are you going to do with that list? What is its purpose?

Mr. W. A. MANNING: The committee or council which organises the baiting for fruit fly uses that list.

Mr. H. D. Evans: And once they have that they operate through their committee records.

Mr. W. A. MANNING: They can if they like, but someone has to provide the records and, at present, the department has those records.

Mr. H. D. Evans: And they would be available.

Mr. W. A. MANNING: But if this Bill is passed and the Act is repealed there would be no registration of fruit growers.

Mr. H. D. Evans: That would be correct only in regard to a new scheme. The only value of the roll is to conduct a referendum on whether a scheme could be established.

Mr. W. A. MANNING: No, it is not; the value is to know who are the growers of fruit trees. If we seek to encourage the establishment of schemes by local governing bodies, surely we should have a register of those who grow fruit trees; but by this Bill the Minister proposes to wipe the register out.

Mr. O'NEIL: The Minister has said that the only reason for registration of properties on which fruit trees are grown is to

establish a roll so that some sort of referendum can be conducted. I live in an area which is not subject to a local fruit-fly control scheme and last year I had the experience of a fruit-fly inspector calling at my place. He just did not drop out of orbit. He knew I was a registered grower of fruit trees. He carried out his inspection, found infested fruit on my property, and issued to me instructions by which I could eradicate the fruit fly. He then returned to see whether I had carried out his instructions. That is one reason for having a roll.

Mr. H. D. Evans: Do you think that is the only kind of inspection an inspector makes?

Mr. O'NEIL: Do the inspectors call at every house whether it is registered or not?

Mr. H. D. Evans: They do not call at only the properties held by registered fruit-tree owners.

Mr. O'NEIL: I asked that question merely to make the point that the Minister is wrong in saying there is only one reason for having a roll.

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

Ayes—21

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Graham
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. May
Mr. Brown	Mr. Moller
Mr. Bryce	Mr. Norton
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. J. T. Tonkin
Mr. H. D. Evans	Mr. Harman
Mr. T. D. Evans	

(Teller)

Noes—21

Mr. Blaikie	Mr. O'Neill
Mr. Coyne	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	

(Teller)

Pairs

Ayes	Noes
Mr. McIver	Mr. Court
Mr. Jamieson	Mr. Gayter
Mr. Hartrey	Mr. Stephens
Mr. Lapham	Sir David Brand

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal, I give my casting vote with the Ayes.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

CONSTRUCTION SAFETY BILL

Second Reading

Debate resumed from the 11th April.

MR. O'NEIL (East Melville) [2.37 p.m.]: I am sure the Government, and the Minister in particular, will appreciate the fact that I do not anticipate any major difficulties with this Bill which is a most important one. It is far more important than those that have taken up so much of today's sitting.

I believe if there is one reason the Minister should not have difficulty it is that the Bill took over two years to prepare and it was prepared during the term of the previous Government. In his preliminary remarks the Minister did say that the Bill was virtually word for word in the form of the draft prepared by the previous Government, but he has advised me that some relatively minor changes have been made to the Bill but these are virtually technical matters. I thank the Minister for this advice and indicate that we on this side of the House agree to those slight changes.

One of these changes is to insert words which will allow inspectors of construction safety to give directions regarding the use and storage of explosives on construction sites. This was not provided for in the original draft. Another change is to limit requests for particular inspection reports required by contractors to be made whilst the inspector is on the site. This is quite a reasonable proposition, because if the reports are required some time after the inspector has visited a site they could interfere with certain processes, such as common law claims, and so on.

The other changes are relatively minor in nature, and perhaps if there is any need for discussion the Minister may refer to them in Committee. The Bill before us, of course, seeks to break new ground in Western Australia and I think that perhaps it may be the first Construction Safety Bill of its kind in Australia. I am not too sure of this. I know that many other States are looking towards updating and modernising their safety laws, and this Bill is designed to replace the Inspection of Scaffolding Act of 1924.

Mr. Taylor: The other two pieces of legislation were roughly paralleled with this one.

Mr. O'NEIL: That is right. The States of the Commonwealth generally have seen the need for improved safety provisions, and each State has worked towards the production of a modern Bill.

As I mentioned, this measure was before a tripartite committee representative of all people, including the Government, concerned in the matter of safety on construction sites. It was under study for some two years, and finally it is now before us. I am not too sure, but I think it was the present Minister for Works who took me to task when I was Minister for Labour for being so tardy in not having the Bill before Parliament. However, it was a

matter of necessity that a Bill of such importance be given the type of study it underwent.

I make the point, too, that the effectiveness of safety on construction sites will rely heavily on an adequate system and series of regulations. The Minister has indicated, following an interjection from me, that since this Bill was prepared in draft form the Department of Labour has been revising and amending all the regulations dealing with safety in construction. The Minister has also advised that these regulations naturally cannot be finalised until this Bill becomes law; and we have his assurance, which was the same as the assurance I gave to industry, that once this Bill becomes law the regulations themselves will be submitted to the committee which prepared the draft of this Bill.

In general terms I think we will find the Bill has the approbation of this side of the House. I do not propose to deal with the measure clause by clause. I merely wish to indicate to the Minister that in Committee I propose to move an amendment. I do not think it is necessary that this be submitted in writing. I have indicated to the Minister what it is, which is simply to correct the name of one of the organisations to be represented on the construction safety board. The amendment will therefore occur in clause 19.

The fact of the matter is that the W.A. Branch of the Australian Federation of Civil Engineering Contractors has, since this Bill was drafted, changed its name and I simply propose at least to give the legislation a fair start by giving in the Bill the correct name of that organisation.

We on this side support the measure in the hope that it will serve the interests of the worker and improve the situation with regard to safety in construction. No more distressing circumstances can occur to a family than to have the breadwinner injured at his work. Apart from his normal physical pain and the anxiety of the family, the possible reduction in earning capacity must be considered, even though some assistance is given in the form of worker's compensation. All these things we regret and here is an offer by Government, management, and labour to try to obviate this. Other motives exist, of course—and valid ones—one being that if we can cut down the incidence of lost time caused by accidents at work, we will improve the efficiency of the industry and the economy, and in so doing cut costs.

MR. MENSAROS (Floreat) [2.44 p.m.]: My very brief remarks on this measure are more concerned with a question to the Minister. As the member for East Melville said, we do not have the regulations in front of us, but considering this matter from a practical point of view, I understand that under the definition of "scaffolding," which includes almost everything

used at erecting buildings, ultimately anyone handling scaffolding will require qualifications.

Mr. Taylor: I do not think the Bill says that.

Mr. MENSAROS: I was referring to the regulations, which we do not have. If this is so, I would like the Minister to enlighten us on this matter because the practical position is that if everything is called scaffolding, as it is under the Bill, and those handling this type of scaffolding—even for, say, a single-storey building—will require qualifications, then, of course, the cost of building will go up. This will be so because the bricklayers and other tradesmen who work on this type of building would not, in all probability, acquire qualifications. So the contractor or builder would have to resort to hiring the scaffolding in order to obtain the qualified people because they are not available today unless the hiring firms are utilised.

This, in turn, will mean added expense because many small contractors or builders do have drums, planks, trellis and so on, needed for scaffolding in the erection of single-storey or other buildings not higher than 20 feet. So, I would be grateful if the Minister would clarify this point. If the aim of the department is to have qualified people then it should be done gradually; in time apprentices could acquire the qualifications. They could acquire a certificate during their term. Perhaps another method, although not a desirable one, would be to have inspectors closing an eye to small jobs for which so far no qualified people have been employed.

Another small matter concerns a clause which makes a director of a body corporate responsible for certain offences. This might not be acceptable for people who are used to the English law, but it is not strange to me at all because on the Continent most of the company laws make the director responsible for any action of the company, and this responsibility is not only under common law but, indeed, under all criminal law, so I personally welcome this amendment. I support the second reading.

MR. TAYLOR (Cockburn—Minister for Labour) [2.48 p.m.]: After listening to the earlier three Bills dealing with a very small insect, and remembering the time taken, I think this particular Bill emphasises a facet of Parkinson's law—that time spent by committees in debating matters is inversely proportionate to their degree of importance. The fact that members on the other side have chosen to be very brief in their remarks and have evidenced support for this measure is the sense in which I am using the example and is an indication that they, too, as do those on this side of the House, accept this as a very important and far-reaching measure.

Certainly it does a great deal to update what has been a weakness in a major industry in this country. It incorporates a great deal of modern thinking and it assists towards the development of a uniformity in safety measures and construction activity within Australia.

The member for East Melville, whom I thank for his support and comments, made reference to some relatively minor changes. He chided me for saying that the Bill had not been changed, that is by not one word—

Mr. O'Neill: That comment was not in the prepared speech.

Mr. TAYLOR: No. It was in some remarks I made off the cuff prior to beginning my speech. Actually half a dozen minor amendments have been made to the original Bill, but these are small in nature and arose only as a result of problems which appeared to develop as the regulations were being prepared.

To enable the regulations to fit into a pattern, it was thought desirable to make one or two very minor alterations, and copies of these have been passed on to both the Liberal Party and the Country Party.

Certainly, the regulations are being currently prepared, and here I comment on the remarks of the member for Floreat who asked for some assurances regarding the erection of scaffolding and the qualifications of the workers. I point out to him, and remind the House, that the regulations, when prepared, will go before a committee which will be set up under this legislation; that is, the construction safety advisory board.

This board, again, is a tripartite group and will have employer, employee, and Department of Labour representation. Incidentally, it will comprise the major groups who originally worked on the measure and came forward with its contents in consequence of their deliberations. The group will be able to look at the regulations and advise the Government on them before they come to the House.

Mr. O'Neill: I think the current regulations provide for an exemption of work up to a certain value, anyway. If this is carried on, perhaps some of the matters to which the member for Floreat referred may be catered for in the regulations.

Mr. TAYLOR: I expect this is so but, in any case, the board will look at them first before they are tabled. I can give that assurance, because they will be new regulations under a new Act.

One of the great values of the legislation is that there is a special philosophy behind it. Groups of trade unions, employers, officers of the Department of Labour and of the Industrial Safety Council have worked on this, and there has been a real

desire on the part of all concerned to make it work. Consequently it is unlikely that there would be any animosity in connection with the regulations. We all hope they will be successful and make this a worth-while piece of legislation.

With those words I again thank the Opposition for its support and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A.R. Tonkin) in the Chair; Mr. Taylor (Minister for Labour) in charge of the Bill.

Clauses 1 to 18 put and passed.

Clause 19: Construction Safety Advisory Board—

Mr. O'NEIL: During the second reading debate I indicated that I proposed to amend this clause. Probably it will be more convenient for the Minister if I do not follow that course. I understand the measure is likely to pass this place without any other amendment and since the amendment I proposed to move is relatively minor it may be preferable, in the interests of expediency, to allow the Bill to pass so long as the Minister gives an undertaking that he will have the amendment made in another place.

There is another reason, too. I have discovered I am not at all sure of the real name of the organisation referred to in the clause. The name given in clause 19 is the W.A. Branch of the Australian Federation of Civil Engineering Contractors.

The Master Builders' Association, when commenting on the Bill, mentioned that this organisation is now known as the Australian Federation of Civil Contractors, but the letterhead of the organisation carries the title, "Australian Federation of Construction Contractors incorporating the Australian Federation of Civil Engineering Contractors, Western Australian Region." Consequently there are three or four different designations for this organisation.

In those circumstances I indicate to the Minister that, to expedite the passage of the Bill, I do not propose to move the amendment foreshadowed and I hope he has better success in finding out the correct name of the organisation.

Mr. TAYLOR: I thank the member for East Melville for drawing the attention of the Committee to what, *prima facie*, appears to be an error. I cannot inform the Committee of the correct designation or say definitely that the one in the clause is inaccurate, but I expect it could be.

I give the assurance requested by the member for East Melville; this will be checked out and, if necessary, an amendment made when the Bill is discussed in another place.

Mr. O'NEIL: I have one other comment to make in relation to subclause (5) on page 19 of the Bill. It states—

(5) If the Chairman of the Board is unable to attend a meeting thereof, he may appoint the person for the time being holding the office of Assistant Secretary for Labour or some other person to attend and act in his place at that meeting and that person, when so acting, shall for all purposes, be deemed to be the Chairman.

The chairman of the board which is, of course, the construction safety advisory board, is the Secretary for Labour. The clause provides that if he is unable to attend a meeting of the board, he may appoint the Assistant Secretary for Labour to attend in his stead. However, it goes on a little and includes the words, "or some other person." The implication is that the other person need not necessarily be an officer of the Department of Labour, but I think it is important that he should be.

The idea is that the Secretary for Labour or his Assistant Secretary will act as chairman of the board. If neither one is available certainly there should be some other person present, but the way the clause is worded it leaves it open for that person to be other than a Government officer. I think this needs clarification to ensure that the chairman is an officer of the Department of Labour. The other two members are, of course, members appointed from time to time by the Governor. I would be grateful if the Minister would inquire into this point and clarify it for me.

Mr. TAYLOR: I follow the point made by the member for East Melville and acknowledge that, on the face of it, there is some doubt. However, this is certainly not the intention. The honourable member would be aware of the structure of the Department of Labour and, under the present structure, the Assistant Secretary for Labour is not necessarily a person with qualifications within this area.

There is the possibility of some restructuring of the Department of Labour at which time the Assistant Secretary for Labour could well be the person envisaged to act as the assistant in all cases. However, for the next 12 months or so there could be within the department a man, other than the assistant secretary, with better qualifications in this area who would be more desirable. The intention is that the Secretary for Labour would be the man in the best position to appoint someone to act in his place in the event of not being able to be present. The Secretary for Labour would fully understand the impor-

tance of having someone from the Government sector, completely impartial, as chairman of the board.

I hope the Committee will accept this as the explanation. Those are the reasons which caused the Bill to be drafted in this way. As I say, after a short period of time the assistant secretary will be the most qualified person and will always be two-I.C. to the board.

Clause put and passed.

Clauses 20 to 46 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

POLICE ACT AMENDMENT BILL

Second Reading

MR. BICKERTON (Filbara—Minister for Housing) [3.02 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains four separate amendments to the Police Act, 1892-1970.

The first amendment deals with section 61 and concerns amusement centres. Under the current provisions of this section, amusement centres are not permitted to remain open to conduct business on Sundays. With the present-day trend the emphasis of regarding Sunday as a day of rest is fast disappearing and modern young people now seek various avenues to occupy their leisure hours. Various deputations have been received from youth groups and businessmen seeking some relief to enable these amusement centres to remain open on Sundays, and it is for this purpose that the present amendment has been formulated.

It is intended that permission be granted to allow amusement centres to remain open on Sundays for the prescribed period from 10.00 a.m. to 6.00 p.m. but not including Good Friday or Christmas Day. The opportunity to tidy up this section of the Act to meet modern-day requirements has also been taken and minor alterations to the wording have been included in the Bill.

The second amendment concerns section 75 which deals with the sale of unclaimed stolen goods. Owing to lack of suitable space to house property, plus the fact that there has been a considerable increase in the accumulation of unclaimed stolen property recovered by the police, the Commissioner of Police now desires the holding period of such property before disposal to be reduced from 12 months to

six months. This would then place the holding time for unclaimed stolen property on the same basis as unclaimed found property, which is dealt with under section 76 of the Police Act. As both types of property in the hands of the police receive the same fate if not claimed—sale by a Government auctioneer and the proceeds paid to revenue—it is considered that a holding period of six months is sufficient for the purpose of section 75.

The third amendment concerns the unlawful use of motor vehicles. Concern is being felt at the increased incidence of unlawfully assuming control and unlawful use of motor vehicles now occurring in this State, particularly in the metropolitan area.

Prospective car thieves with jumper leads or other vehicle-starting implements in their possession have been interviewed by police at late hours and in the vicinity of motor vehicles; but, despite their obvious intentions, no offence has been committed, although certainly contemplated.

It is desired to add another subsection—(4b)—to section 65 of the Act to give police the power to intercede against would-be car thieves similar to that contained in subsection (4a) dealing with would-be assaults against the person and breaking and entering offenders.

A minor amendment is also necessary to subsection (4a). If dangerous weapons are found in the glove box or concealed in other parts of a car, no action can be taken against the offender as the legislation at present specifically states "has on or about his person." A slight addition is desired to overcome this anomaly and for this purpose the words "or in his possession" have been added to rectify any doubts that may arise. I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Connor.

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th March.

MR. JAMIESON (Belmont—Minister for Works) [3.07 p.m.]: During the course of debate on this Bill certain points were raised by members who contributed to the debate. I have had a good look at those points since that time. Most of them seem to have arisen from over-emphasis of the purpose of the Bill and I feel some comments by way of explanation will probably clear up any misunderstanding on this issue.

The Bill was proposed in order to bring up to date the definition of a "Public work" to cover present-day conditions and needs, to make alterations to the wording, and to give the Act greater clarity.

Incidentally, the section of the Act dealing with compulsory resumption is very rarely used. During 1970-71 the State acquired land valued at over \$6,700,000, 98 per cent. of which was acquired through negotiation with the owners, and the resumption section of the Act was used only for a very small percentage.

Mr. Hutchinson: I made somewhat the same point when I was Minister for Works, and it was largely disbelieved.

Mr. JAMIESON: These are statistical figures resulting from a reappraisal of the situation. The amendment is intended to provide protection for individual land-owners in order that negotiations can proceed in a way which protects their rights as well as giving the Government power to take over land necessary for public works that are determined from time to time. This is a wide field. The Government now undertakes many works that it did not undertake previously.

Instead of using the words "not specifically provided for in the legislation," perhaps I should have said "where the department was in doubt that the Act was being wisely used in certain fields."

The new definition of "Hospital" is designed to meet the expanding functions and responsibilities of the Government in the field of medical welfare. The new definition ensures that the term covers such establishments as clinics, hospitals, and institutions for the care and treatment of outpatients.

Of course, when the original Act was introduced many of these features were not thought of and so they are not completely defined in it. Again, the definition of "Public schools" is to be altered to cover land which is required for education purposes in addition to sites for Government primary and secondary schools. There may be some legal doubt in the present definition that the word "school" applies to places of learning such as universities, technical colleges, and so on. Another instance which comes readily to mind is that of institutes of technology. When this Act was passed originally such institutes were not thought of. If it is necessary to acquire land in the interests of the efficient running of an institute of technology we should have power to take the necessary action under the Public Works Act to acquire the land, and in some cases where it is not acquirable for some reason or other, to resume the land.

Specific reference was made by speakers to the inclusion of buildings for Aborigines within the definition of "Public work." There are several good reasons for this, not the least of which being that Aboriginal welfare is a legitimate function of Government. I should point out to members that land has been purchased for this purpose in the past, and that mutually satisfactory negotiations regarding the price have been

concluded with the owners. It would be expected that this will be common practice in the future. However, this amendment will give owners the protection of the Public Works Act in future.

I understand a problem has arisen regarding a hostel or some other establishment for natives wherein the flow of septic effluent runs onto a private property. The owner of the private property was last registered way back in 1915, and we have no way of tracing him. Technically, it is easier to protect the interests of the owner and the interests of the Government by way of resumption. If there are any claimants then claims may be made against the Government. On the other hand, the Government knows that it will have the legal right to take any action necessary in order that the land may be used for the purpose for which, technically, it is probably being illegally used at the moment.

The matter of tracing original owners of land with very old certificates of title has always been a problem. The previous Minister will be well aware that in town planning schemes of various local authorities often it has been necessary to take action to resume laneways which still remain in the title of the person who originally subdivided the land. That person has not had any interest in the laneways for a long time; but they must be secured in order to protect the local authority or whoever is drawing up the town planning scheme for the area involved. It is necessary to secure the laneways so that the subdivision may be redesigned. Often in the past it has been found advisable to do this.

In regard to the case I mentioned relating to Aboriginal welfare, unnecessary delays have occurred because it was impossible to trace the rightful owners of several properties. It is felt that if the amendment is included in the definition the rightful owners of the land will be given the right to claim against the department in regard to any such land which has been taken.

Reference was made by speakers to the question of compensation. I recall that during the debate I gave an assurance that acceptance by a claimant of two-thirds of the original offer on his claim in no way prejudiced his subsequent negotiations for a final price. I restate this because it is important that people should know that if they are obliged to re-establish themselves they will have some ready cash available for the purpose without prejudicing their final negotiations with the department.

Mr. Hutchinson: This is stated in the legislation.

Mr. JAMIESON: Yes, and I made the point by interjection. Concern was also expressed about the amendment proposed to section 16. Apparently it was felt that the amendment sought to limit further the liability of the State for compensation in

regard to mining ventures. The Bill in no way alters the obligation of the State in this regard. It deals only with the definition of those to whom the section applies so that there may be no doubt about the conditions that apply in the Act in connection with mining leases.

Mr. Hutchinson: In your second reading speech you said the amendment in regard to these mining leases was to avoid payment of compensation for loss on unmined minerals.

Mr. JAMIESON: Yes. In the Act the matter is not defined in the terminology of the Mining Act; now it will be. There is some doubt as to whether certain leases would be affected. I point out that this section was enacted in 1902 and it predates the Mining Act which brought in all sorts of definitions in 1904. Those definitions were not known at the time the Public Works Act was introduced in 1902. It is a wonder that so many years passed before some effort was made to modernise the terminology in the legislation to bring it into line with that in various Acts which have been passed in the meantime.

Reference was made to the fact that the words "leases" and "licenses" in this section do not adequately cover the various holdings possible under the Mining Act. The proposed amendment will cover that position and will also cover land held for mining purposes under the proposed Mining Bill. This amendment takes into consideration the terminology used in the new Mining Bill.

Whilst on the question of compensation I would like to point out that there are no restrictions in the Public Works Act which limit the Government in arriving at a fair and equitable amount to be paid by way of compensation. In arriving at this figure, I can assure members that due regard is had for the cost of disturbance, just as due regard is had for all other factors necessary to arrive at a fair assessment of compensation.

Comments were made that at Roelands Hill and two or three other places people had been subjected to a fair amount of disturbance over the years. Unfortunately it always seems that some people have to spend their lives dodging Government action. I have known a number of people in my electorate who dodged away when an area was resumed for housing, and then found that the area they settled in was to be resumed for railways. So they moved again and found that the land to which they moved was to be resumed for something else. However, I think each case must be thrashed out on a basis of justice and equity to the party concerned. If continual disturbance occurs I should imagine the party concerned would have a good case for additional compensation on the grounds that after rehabilitating himself he was disturbed again.

This would point to some special consideration. As far as I am aware the department tries to do this. There have been several other cases. I think the member for Blackwood mentioned one in connection with a main road resumption. The person concerned evidently jumped the gun upon the notice of entry and started to do all sorts of things in expectation of an action which never eventuated when the final resumption took place. People often do this. They realise something might be going to happen and, even though it does not happen, they are in fear and trembling and they take the action necessary to correct the situation as they see it. In the end they found that the action they had taken was not warranted, after the final decision on the area required for public works had been made.

Mr. Reid: In many cases not sufficient time is given.

Mr. JAMIESON: That may be so, but the time specified in the Act is quite long.

Mr. Reid: The key to the problem is the time lag between the formal application and the implementation of the decision.

Mr. JAMIESON: In the case referred to by the honourable member the person concerned took action before he got the formal notice.

Mr. Reid: He could not wait for the formal notice.

Mr. JAMIESON: That is doubtful, because it turned out that the area in question was not wanted. It seems he jumped out of the barrier too keenly, and as a consequence difficulties which were not normal in a transaction such as this had to be ironed out.

Mr. Reid: It meant he would not have a stockyard, and these things cannot be built over night.

Mr. JAMIESON: The honourable member will be hard pressed to prove that these things occur without the department taking into account the time that the person concerned needs. If the department made a decision that was hasty it deserves considerable criticism, but I do not expect the department to do that. I do not know of any instance where the department moved so fast that it did not give sufficient notice. If the person affected asked for another two or three months in order to carry through a transaction or to rebuild a stockyard he would be granted that time. There is no doubt about that; but this person took it upon his own judgment to do what he did, and after he had completed the job it turned out to be a rather bad move on his part.

The other matter relating to the definition of waterways and canals is also concerned with the modernisation of the legislation. It is not intended to widen the scope of the legislation. I notice there are

several amendments appearing on the notice paper, in the name of the member for Floreat, but I do not intend to agree to them. Some of them actually restrict the present definitions in the Act, but I think that on reflection he will deem it wiser to leave the definitions as they are because the terminology relating to waterways and canals constantly requires re-examination.

I think the Act provides for resumptions for ports, but not for harbours; or *vice versa*. Obviously, they are one and the same activity, but it is wise for each to be defined.

With those comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. Jamieson (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 2 amended—

Mr. MENSAROS: Before I move the amendments standing in my name I seek your guidance, Mr. Deputy Chairman. I have three amendments to clause 2. Having regard for a ruling which affected the Leader of the Country Party previously whereby he was not allowed to speak more than three times on one clause, I am now seeking your ruling as to whether I should move the three amendments separately or together, and whether I am permitted to speak three times on each amendment or three times on the three amendments.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The honourable member may speak three times to each amendment.

Mr. MENSAROS: Regarding the first amendment standing in my name I draw attention to the Minister's reply to the debate. He said what we have heard in this Chamber so often: that rarely are these provisions used. He was referring to figures for one year in which he said 98 per cent. of the cases were settled by negotiation. If that is so I query the reason for the provision.

The point is that once we agree to an extension of the definition of "Public work" it can be utilised. I do not think that in this case one would consider it justifiable for one's home to be the subject of resumption if the Department of Native Welfare required that home for the welfare of Aborigines. The Minister said that one reason for the extension of the definition is that the care and the welfare of Aborigines is a legitimate function of the Government. That is quite obvious, but I cannot see this reason as a justification for extending the definition.

The case which the Minister brought up could be taken care of by specific legislation. He was referring to an instance where some sewerage or effluent line had to be safeguarded, and because the owner of the property could not be found it had to be resumed. I agree with him in that case, but surely that does not warrant an extension of the definition of "Public work" to include every property that is required to be used for the welfare of Aborigines.

We are experiencing more and more of this type of legislation, and no doubt it has been brought forward on the advice of departments: that if something is needed then all-embracing legislation should be brought in, but at the same time an assurance would be given by the Minister concerned that the legislation would not be used. I cannot see the point of doing that. Either the legislation is needed and we pass it, or the legislation is not needed and we should not legislate for such cases. Although we might have every trust in the present Ministers, it should be borne in mind that once we bring down a Statute it will be applied in the future by other Ministers.

I pose this question: Is it the wish of members that a private property can be singled out as being needed for the welfare of Aborigines; and if the owner is not prepared to sell the property should it be resumed? This is the power the Minister will have if clause 2 (c) (iii) is agreed to.

Unless the Minister explains it to me—and I do not see how he can—I cannot visualise detriment befalling the welfare of Aborigines where a particular house or property is not resumed. There are many properties on the market which can be acquired, and I cannot envisage that the welfare of Aborigines will suffer where a particular property, which is needed by the owner, cannot be resumed. Unless the Minister is able to explain it to me satisfactorily I will proceed with my amendments. I move an amendment—

Page 2—Delete paragraph (iii).

Mr. JAMIESON: I reiterate: The experience of the department has been that this definition is necessary. If we intend to do something for the Aborigines we have to be genuine in our efforts, and we must have some power to take action as is the case under the present Act.

I again point out that in the present instance drainage and effluent disposal from toilet blocks has, of necessity, been on to adjoining land which cannot be purchased because of doubtful ownership. A resumption would clear up a difficulty such as I have outlined.

The member for Floreat states that we can bring down legislation to overcome this situation by some other means. May-

be we can, and maybe we cannot. This seems to be the logical way to overcome the problem.

Mr. MENSAROS: I am not satisfied with the explanation given by the Minister. I cannot see why he cannot introduce legislation to overcome this problem by some other means.

Mr. Jamieson: The only definition would be in the Public Works Act, and it would be necessary to refer to a dozen other Acts. That would not be sensible.

Mr. MENSAROS: There could even be specific legislation for this problem. I still cannot see the reason for an over-riding provision. I do not think it is the will of the Chamber that we should extend the definition because of the welfare of Aborigines.

Amendment put and negatived.

Mr. MENSAROS: I move an amendment—

Page 3, lines 11 to 18—Delete all words after the passage "slips," down to and including the word "silt".

I explained the reasons for this further amendment during the second reading debate on the Bill. As I pointed out previously, an urban-minded person might consider a concrete wall as an improvement whereas another person might think that the existing vegetation looks more attractive.

Mr. JAMIESON: I do not agree with this amendment. It will delete most of the definition which is in the Act at present, and that would be most unwise. A provision for the landing and disposal of silt is necessary otherwise I can foresee many problems. It is proposed to separate the definitions of "Harbour" and "Drainage," and devote paragraph 16 to harbours and paragraph 18 to drainage. I suggest the definition should be left alone.

Amendment put and negatived.

Mr. MENSAROS: Regarding the third amendment standing in my name I sympathise with what the Minister has said. The Minister has to consider, however, that this provision could be extended and used in cases where persons and, perhaps, local authorities have properties on the foreshore, such as exist in the electorates of Swan, Cottesloe, and, I understand, South Perth.

Under the provision such foreshores could be resumed, and it is possible that something might be planned which is quite contrary to the wishes of the local authority. For that reason I move an amendment—

Page 3—Delete paragraph (vi).

Mr. JAMIESON: I object to this amendment for the same reasons that I objected earlier. The instances given by the member for Floreat are not pertinent to the

situation as it relates to the South Perth City Council or some other local authority having freehold land on the river, and the fact that the provisions might affect such local authority.

This may be true in the case of the freeholding of such areas, but it is also true that where the river is affected these authorities must obtain the approval of the Swan River Conservation Board before any action is taken. The matter is well tied up. We need this definition which includes the passage "or district, and the improvement of rivers, watercourses, lakes, or inlets, including deepening, widening, straightening or otherwise altering, and disposal of silt."

A problem exists at Nabawa where the river flow through private properties is restricted and where eventually it may be necessary, if the private property owners do not come to the party, to make an assessment or resumption of the watercourse in question. I do not say it will be necessary but it may be necessary so that the department can go back to the local authority and straighten the matter out, by cleaning out the watercourse to an extent which will permit the free flow of water after drainage has been carried out in the area.

If there were no provision permitting this to be done everybody would be in a most peculiar position trying to sort out local flooding problems, particularly if land could not be acquired.

I suggest the definition be allowed to remain. Very little drainage is done unless the local authorities are in complete agreement. As a rule these authorities request such drainage, and it would make it hard for them and their ratepayers if they were unable to approach the Public Works Department in the matter of their watercourses or lakes, etc. The provision would enable the local authorities concerned to provide a happier form of living for the people in their districts. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Sitting suspended from 3.46 to 4.03 p.m.

Clause 3: Section 16 amended—

Mr. HUTCHINSON: I would like the Minister to give some further explanation of this clause. In his second reading speech the Minister said that the amendments in the Bill would have the effect of avoiding payment of compensation for loss of unmined minerals on leases held by individuals, and also it would have the effect of minimising compensation otherwise payable. This certainly indicates to me that someone will suffer a loss of rights formerly held.

At this stage I am not able to ascertain whether this is fair or not, but it certainly does not appear that the same set of circumstances will exist after the passage of this legislation. I would like the Minister to explain why this clause is necessary. I understand his remarks in reply to the second reading that the amendment broadens the field held hitherto. However, I am referring to the fact that the Act at present refers only to leases or licenses, but this clause uses the terminology, "is held for any right, title, estate, or interest under any Act." I understand that this broadens the field of the relevant section of the Act, but it also brings about a loss of rights to the individual who holds the land. I would like the Minister to explain this passage more clearly so that I can perhaps understand it and determine whether these rights should be lost.

Mr. JAMIESON: This clause seeks to clarify the preface to section 16 dealing with the limiting of compensation payable in respect of mining rights under the Mining Act. The present phrase is considered to be inadequate and the amendment is to clarify the words without in any way altering the intent of the section. The provision does not affect land held under freehold title granted under the Land Act.

As I pointed out, in the Mining Act there are other rights besides leases and licenses. Various other mineral rights and considerations are defined in the Act. As a consequence there was some doubt as to the Government's rights and the rights of the leaseholder or license holder. It is felt by restating the rights in these words the rights of the lessee or the licensee will be clearly defined.

As I mentioned, land can be held under various other provisions of the Mining Act. However, it is always difficult to prove that minerals are actually present. If the department says that minerals are not present, the only answer would be to mine the whole area to find out what it contains. On the other hand, a rough sample assay may be taken and I imagine this is what happens with freehold licenses.

It seems to me to be desirable that prospectors should be aware of their right to seek redress from the department. Many of their rights are defined under the Public Works Act. This amendment to the Act clarifies the situation. I believe there has never been an argument where there is evidence of an abundance of minerals—such as at Eneabba. The department would rather reroute a road than persist with the idea of proceeding through the area. If an area is proved to contain worth-while minerals, it is obvious it will not be desirable for a road to go across that tract of land. However, it is right and proper that

this should be clearly defined so that claims can be made when it is thought desirable.

Mr. HUTCHINSON: The Minister has only described a small part of the situation to me. He has not attempted to explain his words that the Government wishes to avoid the payment of compensation for loss of unmined minerals, and why he wishes to bring about a minimisation of compensation otherwise payable.

I can appreciate that the Public Works Department, acting as the agent for other departments, would endeavour to avoid rich mining land. However, sometimes it may be unavoidable and I do not see why reasonable compensation should not be paid. The Minister has not explained why there should be minimisation of compensation payable. His general explanation is unsatisfactory. Rather reluctantly I will have to oppose this clause.

Mr. JAMIESON: The explanation might not be as satisfactory as the member for Cottesloe desires. However, I would like to state that previously, without a defined section, the department was in the position where it could say, "This is not compensable under this particular category." This was because it was not clearly prescribed. However, this provision allows a claim to be made by a person who holds land for any right, title, estate, or interest under any Act relating to the use of land for mining purposes.

Previously an individual may have taken action in this type of case, and it could have proved very costly because of the lack of a clear definition. Now that the definition has been tidied up, legal practitioners will know exactly what is compensable under the conditions of the Public Works Act. This will avoid individuals becoming involved in costly litigation.

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

Ayes—20

Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Graham	Mr. Harman

(Teller)

Noes—20

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Mr. Coyne	Mr. O'Neill
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. McIver	Mr. Court
Mr. T. D. Evans	Mr. Gayfer
Mr. Moller	Mr. Stephens
Mr. Bateman	Mr. Runciman
Mr. H. D. Evans	Mr. Reid

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal, I give my casting vote to the Ayes.

Clause thus passed.

Clauses 4 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed from the 18th April.

SIR DAVID BRAND (Greenough—Leader of the Opposition) [4.20 p.m.]: This is a minor Bill and one I expected to come forward. Even though I did not agree to the payment of expenses to members of the Public Accounts Committee when we decided the committee should be established, I can say that now the committee has been appointed its members have proved it is necessary to travel beyond the bounds of the capital city, and, indeed, to spend some time on research, investigation, and preparation whenever a hearing is to be held.

It does appear to me now that if members of the committee are called upon to spend any money of their own, it is only fair and reasonable that they should be reimbursed. Whilst travelling in the country no member of the committee should be expected to pay expenses out of his own pocket.

Although I resisted the appointment of the committee for a long while, I gradually reached the conclusion that such a committee could be of value if the work performed by it was similar to that done by other Public Accounts Committees already existing in other States. As I explained when I introduced the measure originally, not all States have a Public Accounts Committee, and I do not think they are any worse off for not having one. However, the member for Pilbara, backed by members of his party at the time, was insistent and therefore we decided to establish one of the committees he sought to have set up in the first place. The other committees proposed were the public works committee, and I think a committee to have regard for—

Mr. T. D. Evans: Subordinate legislation.

Sir DAVID BRAND: I thank the Minister; that is correct. I presume the member for Pilbara will take some action, now he has been appointed a Minister, to ensure that the other committees are appointed.

Mr. Jamieson: We are investigating the appointment of a public works committee at this very moment.

Sir DAVID BRAND: I hope, in the same way as the Public Accounts Committee has done, that the public works committee can provide some useful information for the Government, and for the Minister for Works in particular. If the public works committee is established it may be of more value to the Treasurer. I know that on one occasion he was the Minister for Works and I have a suspicion he was not very anxious about the appointment of a public works committee at that time, but it is a free world and, on our experience, we decide what is best for us at the time in question.

I think the public works committee could be very useful if its members are able to investigate certain works where sometimes, for political reasons, the Government is being pressed to build schools and hospitals. I think the Premier and Treasurer may find the appointment of such a committee very useful. I was getting around to the appointment of this committee.

However, as I have said, this is a very small Bill. As the Premier explained when introducing it, it simply provides for expenses to be paid to members of Parliament, irrespective of their status, and that they will not be liable for any penalty under the existing law. Therefore we support the measure and trust it will establish or bring about a better atmosphere among members of the committee. I would like to conclude on the note that the member for Pilbara did perservere with the appointment of this committee and I hope it was all in the interests of the State.

MR. McPHARLIN (Mt. Marshall) [4.25 p.m.]: I rise to support the Bill and the remarks expressed by the Leader of the Opposition. I think positive proof of the need for the appointment of a Public Accounts Committee has been revealed when one reads the reports of this committee to date. If its latest report is examined it will be found that certain departments are listed, and the committee has reported on the general standard of accounting and the lack of supervision in some of those departments. I think this, in itself, is proof that the committee is filling a need and that, with greater experience, it will no doubt go on to produce more beneficial results following its investigations.

The Bill seeks to reimburse members of the committee for any expenses incurred by them in the execution of their duties. Whilst in the Eastern States recently I was speaking to members of various committees in those States and I found they are paid certain allowances for every sitting day. This is one matter that has exercised the minds of many members; namely, whether it be a Select Committee, a Public Accounts Committee, or a Royal Commission, perhaps future consideration may be given by the Government of the day—in fact, perhaps some consideration could be given by this Government—to paying some allowances to members of committees who spend a great deal of their time investigating various matters. There is no doubt that these investigations entail a great deal of extra work. I submit that this is a matter that does require some consideration by the Government. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. J. T. Tonkin (Premier), and transmitted to the Council.

CHILD WELFARE ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

ORDERS OF THE DAY

Postponement

MR. J. T. TONKIN (Melville—Premier) [4.30 p.m.]: I desire to move for the postponement of Orders of the Day Nos. 8 to 29 inclusive. My purpose is to make good an undertaking to the Deputy Leader of the Opposition. He said that the motion for the cutting out of private members' business had been submitted in a way which made it operate immediately, and therefore denied private members what is usually the case; that is, one further day to discuss private members' business. He therefore suggested I might give consideration to bringing on private members' business today at about 4.30 p.m. I decided I could do that in common fairness.

The SPEAKER: Order! I suggest the Premier should move that the Orders of the Day be postponed until a later stage of the sitting, in case he wishes to deal with them later today.

Mr. J. T. TONKIN: I do not think there is any hope of our getting back to ordinary business once we start on private members' business. However, I am prepared to play safe and will move accordingly. Ordinarily if private members' business had been on today as usual, the first item would have been "Notice of Motion." Therefore I am not denying any private member a priority in moving the way I intend. I therefore move—

That Orders of the Day Nos. 8 to 29 inclusive be postponed until a later stage of the sitting.

Question put and passed.

ROAD MAINTENANCE TAX

Warrants: Motion

MR. O'CONNOR (Mt. Lawley) [4.32 p.m.]: I move—

That in the opinion of this House:—

- (1) The Government is not acting in a manner that encourages people to abide by the law.
- (2) It has blatantly admitted it does not intend to issue warrants in connection with road maintenance tax which places people abiding by the law and paying the tax at a disadvantage.
- (3) Its attitude on warrants regarding road maintenance tax is in contrast to its attitude on warrants concerning other departments.
- (4) Road funds in this State will be adversely affected by the Government's attitude on road maintenance tax warrants.
- (5) The Government's actions are undermining the law, Police Department and departmental morale in Western Australia.

I move this motion with a great deal of sadness because I believe we are in a sad and sorry state when the necessity for such a motion arises. However, I am moving it because of the serious concern shown by members of the community and of this House, and certainly by me, at the Government's blatant disregard for the law and its action which does not encourage people to abide by the law.

I have been in this House for a little over 13 years and in that time I have heard members on both sides of the House saying constantly that the law must take its course. I have heard members say that justice must not only be done, but must appear to be done. I have here an extract I would like to read. A few years ago a member in this House said—

I repeat I get no joy from being obliged to act in this way. I would

far rather that the matter be not on my plate, but as it is there, I have a duty to perform.

I could not go to sleep if I believed this sort of thing was happening in Western Australia and that if a person was a 68-year-old pensioner he would be brought before the court and his name would be published to the world, but if that person had a friend at court then the case would be either withdrawn or dismissed and thus he would get off.

The politician who made that statement was Mr. J. T. Tonkin, the present Premier, in connection with a matter about which he was concerned and in regard to which apparently the law had taken its course. However, he went so far as to say he believed the magistrates were being got at at that time.

Many people will lose a lot of sleep over the actions of this Government because the law is being disregarded in a way I have never seen it done since I was elected to this House. When in Opposition, members of the present Government were very strong in their views that the law should take its course. Many have stated this openly and on many occasions; and I concur with those views. I believe the law should take its course, but this Government is showing by its actions to date that it is insincere and hypocritical. This is exactly what it is.

Mr. T. D. Evans: Are we like that?

Mr. Graham: Headlines!

Mr. O'CONNOR: I believe a statement like this deserves headlines because of the action being taken. We must have laws and they must take their course, instead of the Government helping its friends.

Mr. T. D. Evans: I think that is an unfair statement to make.

Mr. O'CONNOR: I do not think so. I am very sincere in my belief.

Mr. Taylor: Who are the friends?

Mr. O'CONNOR: The Minister for Works knows very well. I have spoken about them and have mentioned a couple to him previously. In my speech I will give some views in connection with this as I go along.

The Government views its wrongs in secrecy. It gives half-truths and dishonest answers to this House, and it has done so in this session of Parliament. I will quote them because on this matter also I am concerned. Instead of being law makers the members of this Government are urging and assisting law breakers. This is the type of Government we could well do without. I have here an extract from *The West Australian* of the 21st April, and I would

like to read some of it to the House because it is relevant and very much to the point. The leader writer said—

Unenforced law

The Deputy Leader of the Opposition, Mr. Court, is right: the State Government is making a mockery of the road maintenance law by not issuing warrants for breaches of the Act.

The Government's duty is to enforce the law, not to condone wilful evasion of it. Under a policy that stops short of full enforcement of a tax law, law-breakers can get off scot-free while the burden falls on honest citizens meeting their legal commitments.

This is so. This is what is occurring and what will occur in this State. Decent people are trying to do the right thing, but they will be penalised while the person who desires to break the law and tries to evade the tax will be the one to benefit; and no Government should condone this action.

Mr. T. D. Evans: Will you repeat that?

Mr. O'CONNOR: No Government should condone this type of action.

Mr. T. D. Evans: Thank you.

Mr. O'CONNOR: I hope the Minister is not trying to imply that our Government did, because we did not. We never agreed that we would not, *en masse*, force people to pay taxes or proceed with warrants.

Mr. J. T. Tonkin: Are you sure?

Mr. O'CONNOR: Yes, I am sure, and the Premier cannot say we have done so in connection with that law.

Mr. J. T. Tonkin: I will not only say it, but also prove it.

Mr. O'CONNOR: I will be very interested to listen.

Mr. Graham: The member for Mt. Lawley is badly briefed this time.

Mr. O'CONNOR: Is he? He is not briefed half as badly as the Government has been acting.

Mr. T. D. Evans: We are acting all right. We are a Government of action.

Mr. O'CONNOR: On the 19th April the Deputy Leader of the Opposition asked—

- (1) In how many cases has legal action been taken for non-payment of road maintenance tax over the last three months, six months, and nine months periods?

The answer indicated that 523 people were convicted and 852 cases were adjourned. The Deputy Leader of the Opposition then asked—

- (2) How far has the legal action been taken in each of the cases, including the number of warrants that have been issued for non-payment of road maintenance tax?

The answer was—

- (2) Legal action is completed to the extent indicated in the answers to question (1). No warrants have been issued for non-payment of road maintenance contributions during the past nine months.

No warrants were issued during that period. The third question asked was—

- (3) If legal action has not been followed up with the issue of warrants, etc., for non-payment, why has action stopped short and on whose instructions?

to which the Minister replied—

- (3) On the instructions of the Government, warrants of commitment are not being proceeded with.

The Premier says he will prove later that we did this sort of thing exactly. I say now, emphatically, that I do not condone this action. It is a very bad precedent to set.

Mr. J. T. Tonkin: Why did you do it then?

Mr. O'CONNOR: Is the Premier saying I did this in connection with road maintenance tax? He cannot say this because he himself knows it is not true.

Mr. J. T. Tonkin: I will not only say it, but also prove it.

Mr. O'CONNOR: When members opposite became the Government—

Mr. J. T. Tonkin: Keep going. You are getting further into a mess.

Mr. O'CONNOR: —there were people in gaol in this State because of nonpayment of the road maintenance tax.

Mr. J. T. Tonkin: And there were people who were not in gaol, too.

Mr. O'CONNOR: The Premier is saying—

Mr. J. T. Tonkin: Go on. Keep going.

Mr. O'CONNOR: —we did not proceed with warrants, yet people were in gaol in this State for that very reason when he came into office. Therefore as far as I can see his statement is quite ridiculous and in line with all the other half-truths uttered by this Government.

Mr. J. T. Tonkin: You will find out when I get a chance to speak.

Mr. O'CONNOR: I will be extremely interested to listen.

Mr. J. T. Tonkin: You will be more than interested.

Mr. T. D. Evans: I think you will be embarrassed.

Mr. O'CONNOR: I will not be embarrassed. Why should I be? I have done nothing about which to be embarrassed.

Mr. J. T. Tonkin: We will see.

Mr. O'CONNOR: I do not blame the Government for trying to veil the wrongs it has done in secrecy, because they are so bad that if the Government went to the people now, it would be so surprised at the number who would not vote for it.

Mr. Graham: Like Tasmania.

Mr. O'CONNOR: If the Deputy Premier is so confident, why does he not go to the people to see if the Government can get back for another three years?

Mr. Graham: We will get back in two years from now.

Mr. O'CONNOR: The public is incensed at the type of action taken by this Government.

Mr. T. D. Evans: The people were incensed in Tasmania last week, too, as they showed on Saturday.

Mr. O'CONNOR: I am concerned with the Government here, not with the one in Tasmania. This Government is my major concern. I have been elected for a purpose and I am trying to carry out that purpose to the best of my ability.

Let us not kid each other. Road maintenance tax is a lawful tax which is charged not only here, but also in all the other mainland States of Australia with the possible exception of the Northern Territory.

Mr. T. D. Evans: Did you say "lawful" or "awful"?

Mr. O'CONNOR: Any tax is awful and if the Treasurer wants to dispose of all awful taxes let him do so, but not give special treatment to friends of some individuals in connection with this matter.

Mr. Rushton: Facetious remarks do not become the Attorney-General.

Mr. O'CONNOR: I think everyone is well aware of the reasons for the imposition of the road maintenance tax so I do not intend to go back over that ground again. The tax is paid by truck owners after they have collected the money from the consumer; that is, the farmer, the storekeeper, the housewife, or whoever it might be. It is as much a charge as fuel, tyres, depreciation, or anything else connected with the transport industry. It is as much a tax as income tax, wages, or any of those sorts of charges. It is a charge which the contractor includes in his price when he collects his money from the various individuals for whom he carts.

In some cases the contractor, when he does his cartage, retains the road maintenance tax. This person does not pass it on to the Government, because the Government does not want it from him. The Government does not want the money from the poor fellow who cannot afford to pay, even if he has collected it from the consumer. This does not worry the Government and is of no concern to it. The

Government is not concerned that the consumer in the country has to pay more money or is being charged this sum. Instead, the Government is prepared to let it go. If an individual says that he is sorry but he simply cannot pay, the Government says, "Bad luck; do not pay." This is virtually what the Government is saying in connection with this matter.

Is it fair that the cartage contractor should, in some cases, retain the tax that he has collected from the people? Should he retain the charge and not pay it into a fund for the maintenance of the roads of this State as, in most cases, the honest contractor is doing?

I would be the first to admit that some people in the transport industry are in difficulties; some because of problems in connection with their vehicles, some because of sickness, and some because of bad management. When I was Minister for Transport if a case was brought to my attention of an individual against whom a warrant was to be issued for the nonpayment of road maintenance tax, I perused the case carefully. I would ask the commissioner whether the man could pay a certain sum. If he made a reasonable offer we would do everything we could to assist him by giving him time to pay and allowing him to include the amount in his payments as he went along.

Mr. J. T. Tonkin: What did you do when a man did not pay?

Mr. O'CONNOR: The warrants were issued.

Mr. J. T. Tonkin: No they were not.

Mr. O'CONNOR: Never?

Mr. J. T. Tonkin: In many cases warrants were not issued when individuals failed to pay.

Mr. O'CONNOR: In cases that were brought to me?

Mr. J. T. Tonkin: Yes, under your administration.

Mr. O'CONNOR: Personally?

Mr. J. T. Tonkin: I would not know about that.

Mr. Graham: Crawfishing!

Mr. J. T. Tonkin: It was under your administration and Government. You cannot hedge that way. None of these cases are brought to me, either.

Mr. O'CONNOR: They are brought to your Minister for Transport.

Mr. Williams: It is Government policy.

Mr. O'CONNOR: There is a difference. The previous Government handled such cases and endeavoured to assist people if we could extract a promise from them that they would pay over a period of time. We did not blatantly disregard the law as the

present Government is doing. The present Government says that it will not issue warrants, and has not done so for the last nine months.

I asked some questions today but unfortunately I have not been able to obtain the answers to them. I do not blame anyone for this. However, if we look into the matter we will find some of the individuals probably have had 40, 50, 60, or 100 charges laid against them. I say "probably," because answers have not been given to me at this stage. This is a shocking way to manage a State and a shocking way for a Government to carry on. It is a pity the Government has deemed it fit to assist its friends in this way.

Mr. T. D. Evans: Would you name these friends?

Mr. O'CONNOR: I suggest that the Minister should refer to *Hansard*. I do not like naming people in the House but I have already done this. If the Minister looks up answers I gave to the present Minister for Works he will find the names. One of the people concerned stood for election as a member of Parliament and gave his preferences to the A.L.P. I understand he spoke with the Premier on several occasions. This person went to a considerable amount of trouble to assist the Government at the last election. I repeat that I do not want to name these people again as I have done so previously, as reference to *Hansard* will reveal.

Road funds in this State will be extremely adversely affected by the action of this Government. If a tax exists in law and is to be paid in this State it should apply to all people concerned. We should not make fish of one and flesh of another. If a tax is imposed by law it should be charged to all people concerned in the State, and all should be treated alike. But no! Even the Minister for Police said on television during the week that those who can pay must pay but the Government would not proceed against those who cannot.

What kind of a statement is this from a member of the Government? It is hardly believable. I am sure that if we told people in other parts of the world about this they would not believe that any Government could be so irresponsible as to carry on in this manner.

Contractors in this State feel a great deal of concern at the fact that others who are breaking the law—the people who are not paying road maintenance tax—have an additional amount of money with which they can virtually undercut contractors who are doing the right thing.

Mr. J. T. Tonkin: What is the difference between a person who does not pay land tax and one who does not pay road maintenance tax? Is there any difference?

Mr. O'CONNOR: Offhand, I could not say. As far as I am concerned both should pay.

Mr. J. T. Tonkin: You cannot see any difference and neither can I.

Mr. O'CONNOR: The Premier has probably studied up some points, but I cannot see any difference.

Mr. J. T. Tonkin: I do not think there is any difference.

Mr. O'CONNOR: If a tax is applied it should be applied to all. This is something the Premier has always said.

Mr. J. T. Tonkin: The point I will make later on is that nobody has ever been gaoled for not paying land tax.

Mr. O'CONNOR: The Premier has the means to find that out. I want to bring forward the differences in the comments made by the Premier in connection with road maintenance tax. I do not believe this tax should apply to one group of people and not to another. I have already pointed out that the Minister for Police said the large companies could pay. The Government is saying, "We will make the large companies pay as well as other people who can afford to, but we will not make others pay if they cannot afford it." Who is to be the person to draw the dividing line? Who will finally say, "This man has enough money to pay but that one has not so we will let him off"? It is an untidy law. I am sure the Premier must be concerned over this.

Mr. J. T. Tonkin: Of course, I am concerned. That is why we appointed a special committee to go into the matter.

Mr. O'CONNOR: The Premier should have done it a long time ago, because he has made a rod for his own back. He indicated to the people he would do something he could not do.

Mr. J. T. Tonkin: That was not my fault.

Mr. O'CONNOR: It was the Premier's fault for making the statement.

Mr. J. T. Tonkin: You are blaming me for not having done it, but this was not my fault. I accept full responsibility for making the statement. I certainly do not run away from that, but I accept no responsibility for not having done it.

Mr. O'CONNOR: Does the Premier accept responsibility for attempting to bring in a more vicious tax to replace it?

Mr. J. T. Tonkin: Is the honourable member forgetting that I gave an undertaking that whether the new license fees were agreed to or not, I would abolish the road maintenance tax?

Mr. O'CONNOR: What a thing to do to the people! Prior to the elections the Premier said he would abolish road maintenance tax but, when in office, he brought forward a Bill to abolish it, and at the same time introduced another Bill to impose a

more vicious tax to take its place. People had assumed that the road maintenance tax would be abolished and not that another would be substituted.

Mr. Jamieson: You are not dealing with the point.

Mr. T. D. Evans: While these Bills were before the Parliament the Premier gave an undertaking that notwithstanding the fate of the Bill on license fees the road maintenance repeal Bill would be proclaimed if it were passed.

Mr. O'CONNOR: The legislation went through this House in the way the Government wanted. As far as I am concerned it was cheating the people to tell them that the Government would abolish the tax and then to bring in virtually the same tax, only slightly more vicious, in a different way. This is nothing short of cheating. A responsible Government and responsible people would realise that road maintenance tax was needed for this State. Members in another place realised it was needed and realised the terrible position Western Australia would face if the two taxes were abolished completely. We knew what the position would be when the Premier went before the council for the allocation of road funds. The Premier himself knows what the position would have been had the license fee measure been defeated and the road maintenance repeal Bill proclaimed. A reduced amount of road funds would have been retained for Western Australia.

I am saying we should have one law for all people. We should not have one for the rich, one for the poor, one for the honest, and one for the dishonest. The Attorney-General, a lawyer whom I have heard on many occasions, has always said that we should let the law take its course. I cannot see how he can condone this situation as he has always been fair towards the law. This sort of thing is disgraceful. It simply gives an advantage to those who are dishonest. Alongside this Government Ned Kelly was a babe in arms.

Mr. T. D. Evans: You are normally original but that is not an original statement.

Sir David Brand: Say it for the second time then.

Mr. O'CONNOR: It may not be original but it is true. I said previously that the Government is insincere, hypocritical, and is cheating the honest people of this State. The Government pretends to be a pillar of goodness but it is acting like a snake in the grass. Honest people in this State are being penalised. I hope the Government will reverse its decision in connection with this shocking law.

Mr. T. D. Evans: It is a shocking law, too.

Mr. O'CONNOR: We have heard the Government say that it will refund receipts duty tax. What about the tax that

has been paid by the people in this State towards roads which are being used by others, with similar vehicles, who are not paying the tax? Probably the largest group in the State—speaking numerically—is paying for the maintenance of roads so that others may run on those roads. Should they accept this position?

Mr. T. D. Evans: Surely you will agree that the private motorists who drive their own vehicles and are exempt from road maintenance tax would constitute the largest number, numerically, on the roads. That destroys your argument.

Mr. O'CONNOR: I am talking about vehicles on which there is an obligation to pay road maintenance tax. I am not referring to motor vehicles generally, but to those to which the tax is specifically applied.

I have already indicated my belief that the number of people involved in the non-payment of road maintenance tax is not large at the moment, but the number will expand considerably. Quite frankly if I were a truck driver I would not pay road maintenance tax at the moment.

Mr. J. T. Tonkin: I thought you believed in obeying the law.

Mr. O'CONNOR: Under a Government like this?

Mr. Jamieson: Under any Government.

Mr. T. D. Evans: I thought you were a man for the law and the law only.

Mr. O'CONNOR: May I please complete my comments? If I were a truck driver, and road maintenance tax applied to me, I would not be paying it at the moment. Instead I would put it into an account and keep it for the rainy day when the Government would have to come and treat me in the same way as other people in the State.

Mr. Jamieson: That is a muddling approach to it.

Mr. O'CONNOR: It is a fair approach. The sum of \$4,000,000 received from road maintenance tax in this State will decrease considerably. It will be interesting to see what the figure is at the end of this year and, again, at the end of next year.

When discussing the plant diseases legislation earlier today the Premier gave as a reason for the abolition of fees the number of people who do not register their fruit trees. I say that he should apply this logic to the road maintenance legislation as well: because the majority are paying it, he should make everyone else do exactly the same.

Mr. J. T. Tonkin: That was not the argument at all. The purpose was to repeal the tax in the same way as we tried to repeal the road maintenance tax, but the Opposition would not let us do it.

Mr. O'CONNOR: The Opposition would not allow the Government to do it, because the Government cheated the people into believing it would abolish all road taxes.

Mr. T. D. Evans: The Premier gave an undertaking at the time the Bills were discussed.

Mr. J. T. Tonkin: The Government would have abolished road maintenance tax had the Opposition not stopped us.

Mr. O'CONNOR: Only to put a shocker in its place.

Mr. T. D. Evans: The Premier gave an undertaking that notwithstanding the fate of the Bill on license fees, the road maintenance repeal Bill would have been proclaimed had it been passed.

Mr. O'CONNOR: I do not blame members of the Government for being edgy on this account.

Mr. T. D. Evans: We are not edgy.

Mr. O'CONNOR: The Government made a shocking mistake; in fact a "bad blue." I do not blame members of the Government for squirming in their seats.

Mr. Bertram: If they were, of course.

Mr. Bickerton: The member for Mt. Lawley started all this when, in the first place, he introduced stupid and unnecessary legislation so far as Western Australia was concerned.

Mr. O'CONNOR: This stupid legislation was introduced initially by Labor Governments, but apparently that does not matter. The Minister does not wish to refer to other States.

Mr. T. D. Evans: Where, and in what State?

Mr. O'CONNOR: A Labor Government in New South Wales.

Mr. T. D. Evans: Are you sure that New South Wales was the originator of this legislation?

Mr. O'CONNOR: Is the Attorney-General not sure?

Mr. T. D. Evans: No, I am not sure and I do not think you are either.

Mr. O'CONNOR: Yes, I am sure. It was introduced by a Labor Government of New South Wales, and we know how long the Labor Government was in power in that State.

Mr. Bryce: Until 1965.

Mr. T. D. Evans: I suggest the member for Mt. Lawley should look again at constitutional law.

Mr. O'CONNOR: The tax has applied in New South Wales for 14 or 15 years. From memory I think it was introduced in 1955 or 1956.

Mr. Bickerton: You told us that when you introduced the legislation but it had nothing to do with the point. We do not have to do everything other States do.

Mr. O'CONNOR: It applies to the question the Attorney-General is asking me, and I can answer only one question at a time.

Mr. Bickerton: It was unnecessary legislation as far as Western Australia is concerned.

Mr. O'CONNOR: I am one who believes road maintenance tax was a fair tax because it applied to the people who, according to the rulings of the High Court and Privy Council, were doing the damage. If this Government had carried on with it in the proper manner the majority of people would have paid the tax and would not be in the pot as they are at the moment.

Today I asked the following question of the Premier:—

In view of the Government's advice on road maintenance tax warrants will the Government treat other matters such as traffic fines or failure to pay Government taxes in a similar manner to road maintenance tax warrants?

The Premier replied—

I thank the honourable member for adequate notice of the question. The present Government will treat the unpaid taxes referred to in this question in precisely the same manner as did the Government of which the honourable member was a member, that is, no imprisonment for nonpayment.

To be fair, I ask the Premier: Was a man by the name of Meaker in gaol in Kalgoorlie for nonpayment of this tax?

Mr. J. T. Tonkin: Yes.

Mr. O'CONNOR: And the Premier says we did not issue any warrants.

Mr. J. T. Tonkin: I did not say that.

Mr. O'CONNOR: The Premier said—

I thank the honourable member for adequate notice of the question. The present Government will treat the unpaid taxes referred to in this question in precisely the same manner as did the Government of which the honourable member was a member, that is, no imprisonment for nonpayment.

Mr. J. T. Tonkin: The unpaid taxes to which you referred in your question—land tax, probate duty.

Mr. O'CONNOR: My question was—

In view of the Government's advice on road maintenance tax warrants will the Government treat other matters such as traffic fines or failure to pay Government taxes in a similar manner to road maintenance tax warrants?

The Premier is saying, "Yes."

Mr. J. T. Tonkin: We will treat unpaid taxes in a similar manner to that adopted by your Government.

Mr. O'CONNOR: And the Premier went on to say "no imprisonment for nonpayment."

Mr. J. T. Tonkin: That is right.

Mr. O'CONNOR: That is not right.

Mr. J. T. Tonkin: It is.

Mr. O'CONNOR: The Premier admits that Meaker was in gaol. He was not the only one.

Mr. Hartrey: He was the only one in gaol for nonpayment of road maintenance tax.

Mr. Jamieson: Who wrote out the question? Did you write it out yourself?

Mr. O'CONNOR: Yes, I did.

Mr. Jamieson: It seems you did not understand it.

Mr. O'CONNOR: The member for Kalgoorlie is partly right.

Mr. T. D. Evans: He is entirely right.

Mr. O'CONNOR: This person was not the only one against whom a warrant was issued. The Premier will know of other people against whom warrants were issued in this matter.

Mr. J. T. Tonkin: I will give you a few figures later.

Mr. O'CONNOR: When cases were put to me, as the Minister, I treated them fairly. If a person could pay, I advised the department to give him time to pay.

Mr. J. T. Tonkin: Are you expecting me to believe that every individual charge where road maintenance tax was unpaid was put to you?

Mr. O'CONNOR: Certainly not. I am referring to those that were referred to the Government.

Mr. J. T. Tonkin: That was a small proportion of them.

Mr. O'CONNOR: I did not issue instructions that no warrants were to be issued, as the Premier has done. This is the point we are concerned about.

Mr. J. T. Tonkin: Is it? You have to take the responsibility for what was done under the administration of your Government.

Mr. O'CONNOR: I accept the responsibility, but we never did the things the present Government is doing.

Mr. J. T. Tonkin: We will see.

Mr. O'CONNOR: If I scratch my head much more I will go bald. I admit that as a Government we gave people the opportunity to pay these taxes but we did proceed with warrants.

Mr. J. T. Tonkin: All of them?

Mr. O'CONNOR: I explained that in some cases we gave people the opportunity to pay.

Mr. J. T. Tonkin: And when they did not pay, what did you do?

Mr. O'CONNOR: I am speaking of those cases that were referred to me. The Premier cannot tell me that he knows everything that happens in his department. Can he tell me what happens in connection with all police actions? He has no idea, and he would not be expected to know. Our Government never issued the kind of instruction that has been issued by this Government. This is the point with which we are concerned and with which the members of the public in this State are concerned—and certainly the truck driver who is trying to do the right thing by the Government and his business is extremely concerned. Some of the truck drivers have been placed in a very bad position because those who are not paying road tax are undercutting those who are paying it. The Government is therefore subsidising some truckies to send others broke, and that is a very poor thing to do.

There are other matters in connection with the Police Department in which I believe the Government has acted very poorly. I have previously brought these matters before the House and I am glad to do so again in the form of this motion; because I believe this Government is undermining the structure of the Police Force and the confidence of the men. I have asked questions in this House and received half-truths because the Government has plenty to hide. In a moment I will explain why I say that.

There have been a number of demonstrations in this city in the last couple of years. A number of people were involved in all those demonstrations and in order that they could be identified the police took photographs of them. On advice from the Government, the photographs were eventually destroyed. This action broke down some of the work done by the department in an endeavour to find some of the people who were causing so much trouble in this State. I asked the Premier whether one, Gary Cook, was involved in the incidents during one of those demonstrations in the city.

Mr. J. T. Tonkin: What incidents?

Mr. O'CONNOR: In a number of those demonstrations.

Mr. J. T. Tonkin: With relation to road maintenance tax?

Mr. O'CONNOR: No. If the Premier had been listening, he would know I had moved to another point.

Mr. J. T. Tonkin: You are out of order, if you did.

Mr. O'CONNOR: Get up on a point of order, then.

Mr. J. T. Tonkin: I leave it to your common sense. What has Gary Cook got to do with the road maintenance tax?

Mr. O'CONNOR: The Premier has not even read the motion.

Mr. J. T. Tonkin: I am waiting for an opportunity to get on with this.

Mr. O'CONNOR: I think the Premier will burst before he gets up.

Mr. J. T. Tonkin: No, I will not, but you might burst after I get up.

Mr. O'CONNOR: I will not be deflated as the Premier will be by the time he gets up.

Mr. Graham: There is egotism for you!

Mr. O'CONNOR: We have people like Gary Cook demonstrating in the town and the police trying to identify these people so that they will know who the trouble-makers are. And what happens? Instructions come from the Premier or the Government to destroy the films. The person concerned was involved in one demonstration in Stirling Street, I think, when a number of people were terrified and had their cars knocked around. He stood up and addressed a meeting. This is the person the Government is letting out of gaol to go to the university—and, I presume, paying his fees—to the exclusion of other Australian people. How many people cannot get into the university?

Mr. Hartrey: Is there any authority to say the photographs could not be destroyed? Where is the law that says they cannot?

Mr. O'CONNOR: Where is the law that says they can?

Mr. T. D. Evans: Where is the law that says Gary Cook cannot go to the university?

Mr. Graham: This is a witch hunt.

Mr. O'CONNOR: Was this fellow involved with R.S.U., the group that distributed this literature to schools? If this person who, as far as I can see, has not done a service to the community is going to the university at the taxpayers' expense, I am shocked that the Government should do this.

A number of questions were asked in connection with the Lionel Brockman issue. This was another case where the Government endeavoured to undermine the Police Department and where the Minister in this House who was acting on behalf of the Minister for Police did not tell the full truth to the House. I knew the correct answer when I asked this question and I wanted to see what answer would be given. On the 16th March I asked this question of the Minister representing the Minister for Police—

In view of the difficulties encountered by the C.I.B. in apprehending Lionel Brockman, did the C.I.B. agree with the Government's action in not proceeding with charges against Brockman?

Mr. Hartrey: What has this to do with the motion?

Mr. O'CONNOR: If the honourable member will hang on, I will finish what I was saying. It has a lot to do with the undermining of the Police Force in this State. If the honourable member will wait a while, I will explain where the Minister for Police comes into it. We have waited a long time and have not got the right answer, or a truthful one.

Mr. Bickerton: We waited 12 years for that.

Mr. O'CONNOR: The interjections have been so numerous that members have probably forgotten what I said. I will repeat the question—

In view of the difficulties encountered by the C.I.B. in apprehending Lionel Brockman, did the C.I.B. agree with the Government's action in not proceeding with charges against Brockman?

The Minister representing the Minister for Police replied—

The Commissioner of Police alone is the ultimate deciding authority as to whether or not prosecutions are to be brought.

Before making the decision not to proceed with the whole of the outstanding charges, the Commissioner discussed the issue with the Criminal Investigation Branch Chief and principal officers in the investigation and advised them of his decision.

What happened was that the C.I.B. was extremely concerned because pressure was coming from the Government for the dropping of charges against Brockman. The commissioner spoke to members of the C.I.B. and the chief members of the C.I.B. met to discuss the matter and refused to agree to the dropping of the charges against Brockman.

Mr. T. D. Evans: How do you know?

Mr. O'CONNOR: I know.

Mr. J. T. Tonkin: What happened then?

Mr. O'CONNOR: The commissioner came back to see them, probably after referring it to the Premier or the Minister, and advised that they had to drop the charges. This is contrary to what normally occurs in these matters. If a crime is committed the person responsible should be convicted for it. In this instance Brockman was put up as a hero, whereas he was virtually a criminal who knew what he was doing.

Mr. T. D. Evans: The charges that were dropped were not charges for crimes. You referred to them as crimes.

Mr. O'CONNOR: What were they? Is it hero worship or something?

Mr. T. D. Evans: Look at the Criminal Code and you will find out what they were.

Mr. Williams: What were they? Tell us.

Mr. T. D. Evans: They were simple offences.

Mr. O'CONNOR: I think it is a bad thing when the C.I.B. spends so much time and money in apprehending this person and is given instructions from the top to drop the charges, and when someone is sent from the Minister's office to see the photographs in the Police Department destroyed, again probably because some of the Government's friends were involved. These actions should not be condoned by the Government.

Mr. T. D. Evans: They probably destroyed some photographs of you.

Mr. O'CONNOR: I do not mind if they keep mine. The actions I have mentioned undermine the confidence of the police in this State.

I revert to road maintenance tax again because this is a vital issue as far as I am concerned. We now have the position in this State where a truck owner who pays road maintenance tax penalises himself. I have said I would not pay it and I do not think others will. I do not know what the large trucking companies are doing but I believe they have a case against the Government for making a law in this State apply to one person and not to another. If they have a case I certainly hope they proceed with it.

We in this State will lose many millions of dollars for road funds and I can well imagine what will happen when the Premier attends the next road conference. I believe the Government should be ashamed of itself. Certainly I am ashamed of it because it has made fish of one and flesh of another. The Government has indicated that it has made a law for the rich and a law for the poor. It grants favours to its friends and it will kill all honesty so far as road maintenance tax in this State is concerned.

Mr. T. D. Evans: I feel the tax itself does that.

Mr. O'CONNOR: The Government is not allowing the law to take its course. In my opinion it should perform a service to the community by resigning.

Mr. Bickerton: Don't set your sights on that.

Mr. O'CONNOR: No, I realise it is hard to get rid of bad things.

Mr. T. D. Evans: It took us 12 years.

Mr. O'CONNOR: The Premier has indicated that when we were in Government we did exactly as he is doing now. I wish to reaffirm that in my opinion we did not. We never made a statement that *en masse*, people who do not pay road maintenance tax would not have warrants issued against them, nor would I have condoned such a statement from the departmental point of view. If a per-

son breaks the law he should be apprehended and treated in the same manner as everyone else. It is a terrible state of affairs when we have the Minister for Police stating on television—and that being virtually condoned in this House—that if a person can afford to pay he will be forced to pay, but if he cannot pay he will be let off.

In my opinion the previous Government did not act in the same way as this Government is acting. It did not state that warrants would not be issued, and it did not treat the law in the same manner as this Government is treating it. We treated people fairly. If they tried to make payments we endeavoured to assist them. With those remarks, I wish to state that I hope the Government will see the light and reverse its decision in connection with this matter, because if it does not it will find itself in a lot of hot water.

MR. J. T. TONKIN (Melville—Premier) [5.17 p.m.]: I have just witnessed the most hypocritical performance I have seen in my 39 years in the Parliament. Before I finish I think I will be able to say sufficient to justify that statement. Before I get on to the arguments advanced by the member for Mt. Lawley, I want to spend a little time illustrating the situation of those who find it impossible to pay road maintenance tax—and I reiterate: find it impossible—and who, if the Government issued warrants of commitment, would be put in gaol. Then the Government would be faced with the expense of maintaining their wives and their children on social services. There is one way in which a number of those who cannot pay road maintenance tax can avoid imprisonment and can avoid paying the tax—

Mr. O'Connor: Levy the right charges.

Mr. J. T. TONKIN: —that is, by going bankrupt. Unfortunately the situation has forced hundreds into bankruptcy. I have with me some figures dealing with the last two years. That is one method of avoiding imprisonment and evading the tax.

Mr. O'Connor: But you know that for a large number of years truck drivers and people in that field have had the highest percentage of bankruptcy in Australia.

Mr. J. T. TONKIN: I am dealing with the situation which occurs as a result of road maintenance tax and the charges against them. These people have gone bankrupt only when they have had the charges against them proved and warrants were about to be issued for the collection of the money.

Mr. R. L. Young: Are you prepared to say that in all cases that is what caused them to be insolvent at that time?

Mr. J. T. TONKIN: Yes; I am saying that their inability to pay road maintenance tax has forced them into bankruptcy.

Mr. R. L. Young: I asked whether you were prepared to state that in all cases insolvency was caused by the fact that warrants were about to be issued.

A member: Don't they only collect this money when it is available?

Mr. J. T. TONKIN: No, that is not the situation at all. In many cases, particularly where roads are bad and money is not spent on maintaining them—

Mr. Blaikie: Where?

Mr. J. T. TONKIN: —in the far North—and as a result of that repair bills are extraordinarily high, it has been the practice for the large contractors to tender for the work and make provision in their tender price for the payment of road maintenance tax. But when they sublet this work in many cases they keep the best of it, on the best roads, where the repair bills will be light for themselves, and they sublet to other truckies the worst of the work on the worst roads where the repair bills will be high.

Mr. W. G. Young: That is just a bad business practice.

Mr. J. T. TONKIN: There is so much competition between the truckies as a result of insufficient work that they tender for these subcontracts at a ruinous price.

Several members interjected.

Mr. J. T. TONKIN: I am quoting the facts.

Mr. Jamieson: If a farmer does this members opposite want to excuse him from the payment of all his debts.

Mr. J. T. TONKIN: As they have trucks to pay for, and they have hire-purchase commitments to meet, the truckies cannot leave their trucks in the yard. So they have to try to earn something with them. They go out and engage in this work—and work long hours—and they find their repair bills are much higher than anticipated because they are working on bad roads. To keep in business they must repair their trucks, and they have to meet the payments on those trucks.

Mr. O'Connor: They know that when they go into business.

Mr. J. T. TONKIN: Many of them cannot meet their commitments and so their trucks are repossessed. Then they lose the opportunity to earn the money to pay their road maintenance tax; therefore, they cannot pay it. The Opposition wants to put those people into gaol.

Mr. W. G. Young: But don't you agree they are only collecting these funds for the Government?

Mr. J. T. TONKIN: Well, are they? The original contractor makes provision in his tender for the payment of the tax.

Mr. W. G. Young: That is passed on to the person who hires the truck.

Mr. J. T. TONKIN: The contractor sublets the work, but not necessarily at a figure which will enable the person carrying out the work to meet his expenses, to be able to live, and to find money to pay his road maintenance tax.

Mr. Williams: It is up to the subcontractor to include that in his tender price as a subcontractor.

Mr. J. T. TONKIN: I am entitled to say how these people are getting into trouble.

Mr. Williams: How you think they are getting into trouble.

Mr. Rushton: But we do not have to believe you.

Mr. J. T. TONKIN: Whether or not the honourable member believes me does not worry me; I am still stating facts.

Mr. W. G. Young: You say that they pay the hire-purchase company before they pay the Government?

Mr. J. T. TONKIN: They have to or they will lose their trucks.

Mr. W. G. Young: Why don't they pay the Government?

Mr. J. T. TONKIN: Because they cannot.

Mr. W. G. Young: They could if they did not pay the companies.

Mr. J. T. TONKIN: Let us wait a while. The honourable member supported a Government which enabled hundreds of these people to avoid paying the tax, and his Government did not put them in gaol.

Mr. W. G. Young: In what way?

Mr. J. T. TONKIN: I will tell the honourable member in a minute. One method open to these people to avoid the payment of road maintenance tax and to avoid imprisonment is to go bankrupt. Let us consider some of the figures. I had hoped to be able to get the figures from the inception of road maintenance tax, but the task was too big in the time available and I had to be content with the figures from September, 1969, to the time the previous Government, which is now the Opposition, went out of office.

Mr. O'Connor: Excuse me, what are the figures?

Mr. J. T. TONKIN: These figures are from September, 1969, to February, 1971, when the Brand Government was defeated.

Mr. O'Connor: Figures for what?

Mr. J. T. TONKIN: For road maintenance tax and the people who went bankrupt.

Mr. O'Connor: The figures for road maintenance tax were kept monthly. You should have been able to obtain them easily.

Mr. J. T. TONKIN: Well, I will also give the honourable member some monthly figures. In order to enable me to get through these more quickly I will lump the figures from September, 1969, to March, 1970. After that date I will give the monthly figures.

Between September, 1969, and March, 1970, action was taken against a certain number of people who had not paid; the total number involved was 679. When action was threatened 335 decided to pay up—that is approximately half—and 233 went bankrupt. They did not pay and they did not go to gaol. In April, 1970, 45 persons failed to pay, against whom action was threatened. Of the 45 persons, 21 paid up and 20 went bankrupt. In May, 1970, 75 people were involved, 21 of them paid up, and 35 did not pay and did not go to gaol because they went bankrupt.

In June, 1970—and members will see how the numbers are rising—137 people did not pay their road maintenance tax. When proceedings against them were commenced, and it looked as though they might have to go to gaol, 73 people paid the money and 14 went bankrupt. I will tell the House later what happened to the other 50 who did not go to gaol and did not pay up.

Mr. O'Connor: Would some of the figures for April apply also to May and June?

Mr. J. T. TONKIN: I regret that I am unable to answer that clearly.

Mr. O'Connor: It is most relevant.

Mr. J. T. TONKIN: I am unable to answer that clearly on the figures presented to me. It is possible, but surely the Government of which the member for Mt. Lawley was a member would not have allowed them to continue in business if they were not sent to gaol and they did not pay up.

Mr. O'Connor: Instead of, say, 64 people going bankrupt the number might have been only 35.

Mr. J. T. TONKIN: They went bankrupt in that month.

Mr. O'Connor: But not the total number you have given.

Mr. J. T. TONKIN: They went bankrupt in that month. Now I turn to July, 1970. The number who were not paying the tax rose to 193; and of this number 78 decided to pay up, and 47 went bankrupt. That left 68 who did not pay up, who did not go bankrupt, and who did not go to gaol.

Mr. O'Connor: Some of them paid up in the next month.

Mr. J. T. TONKIN: I would not think so.

Mr. Lewis: Of the number you said had paid up, did they pay up fully?

Mr. J. T. TONKIN: In August, 1970, there were 56 persons who did not pay up; 44 subsequently paid up, and 10 went bankrupt. In September, 1970, there were 104 persons who owed the money. Of that number 32 paid up and 44 went bankrupt. In October, 1970, there were 41 persons who had not paid up, and of those 33 paid up subsequently, and six went bankrupt. In November, 1970, there were 147 persons who owed road maintenance tax; of this number 107 paid up, and 32 went bankrupt. In December, 1970, there were 17 persons, and of those 12 paid up and one went bankrupt. In January, 1971, there were 19 persons who had not paid the tax; of that number 17 paid up subsequently and one went bankrupt. In February, 1971, there were 90 persons involved, of whom 50 paid the moneys owing and 20 went bankrupt. So, we find there were 1,603 persons—

Mr. O'Connor: Are you saying there were 1,603 persons, not convictions?

Mr. J. T. TONKIN: Yes, 1,603 persons.

Mr. O'Connor: I think you may be wrong.

Mr. J. T. TONKIN: I do not think so.

Mr. O'Connor: As long as you are sure I am satisfied.

Mr. J. T. TONKIN: I must admit that I cannot be sure; because this return, which was provided for me authoritatively, does not spell it out in the way the honourable member has referred to the figures.

Mr. O'Connor: These are very relevant points.

Mr. J. T. TONKIN: From the way these figures have been presented to me it is a reasonable assumption that they relate to individual persons. In view of the length of the period from September, 1969, to February, 1971, I would think the figures refer to people generally, because if they refer to cases then some of them have had 60 to 70 charges against them.

Mr. O'Connor: There are approximately 3,500 people paying road maintenance tax, and you have indicated that 1,603 have not paid.

Mr. J. T. TONKIN: Yes, and 462 have gone bankrupt. Of the 1,603 people—I say people, because that is the way the figures have been presented to me—who were liable to pay the tax from September, 1969, to February, 1971, only 823, or approximately one in every two, paid up; and 462 went bankrupt. There is no doubt that the figures referred to people, because charges cannot go bankrupt and a person does not go bankrupt more than once at the same time. So, 462 of these truckies who could not pay the money went bankrupt because they could not pay, and by that means they did not have to go to gaol. Is that not just as unfair on the people who are

paying the tax, as a situation in which those who cannot pay it have not gone into gaol and have not been forced into bankruptcy?

Mr. O'Connor: Were not those people proceeded against?

Mr. J. T. TONKIN: No.

Mr. O'Connor: None were proceeded against?

Mr. J. T. TONKIN: It is possible that a few were proceeded against. I will give the figures to show that some even went to gaol, but when they went bankrupt the previous Government let them out.

Mr. O'Connor: That depended on the circumstances.

Mr. Jamieson: When they went bankrupt arrangements were made for them.

Mr. R. L. Young: You know that these are not, in fact, bankruptcies.

Mr. O'Connor: Some of these truckies bought trucks on no deposit and found it impossible to pay for them. Consequently they went bankrupt. That was the reason.

Mr. J. T. TONKIN: Before I go on with the figures I would like to make a quotation from the Scriptures which has a distinct bearing on this situation. If members look at the Book of St. John, chapter 8, verse 7, they will find this, and it refers to a visit that Jesus made to the mount. He subsequently came back to the temple and, in speaking to the scribes and Pharisees who wanted him to stone a woman who had committed adultery, the Scriptures record Jesus as having said this to them, and after he had said it they went quiet.

Mr. Jamieson: Even Jesus could not make the crowd opposite quiet!

Mr. J. T. TONKIN: I quote from the Book of St. John—

So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her.

From the figures that I have quoted it will be seen there were hundreds of people—I repeat there were hundreds of them—who during the term of the previous Government owed road maintenance tax, did not pay it, did not go bankrupt, and did not go to gaol.

Mr. O'Connor: But who were proceeded against?

Mr. J. T. TONKIN: Let me give a few examples. One man was arrested on the 12th March, 1969. He owed so much money that he was sentenced to serve 623 days in prison.

Mr. Hartrey: At a cost of \$7 a day.

Mr. J. T. TONKIN: No doubt that would be a losing proposition for the Government.

Mr. Jamieson: Was it ever!

Mr. J. T. TONKIN: On the 25th March, 1969, he was declared a bankrupt and he was released. The further charges which were pending against him were withdrawn. That would have just as much effect on those who are paying the road maintenance tax, as it would on those who owe it and have not been proceeded against.

Mr. O'Connor: Was the person concerned still operating a truck?

Mr. J. T. TONKIN: He would not be after he was declared bankrupt.

Mr. O'Connor: That would not have any effect on the payment of road maintenance tax.

Mr. J. T. TONKIN: There was another man against whom many warrants were floating around to be executed, but on somebody's instructions they were withheld on compassionate grounds. If there is any doubt about the case, the name will be supplied privately.

Mr. O'Connor: I think the person concerned had a wife who was suffering from cancer and who had to go into hospital. He has five children.

Mr. J. T. TONKIN: That is the one. The woman had cancer. Did the member for Mt. Lawley say there was no case that went before him as Minister in which the warrant was not executed?

Mr. O'Connor: No, that was not what I said.

Mr. J. T. TONKIN: The honourable member should look at what he did say.

Mr. O'Connor: I said that in the cases which came before me we tried to make arrangements.

Mr. J. T. TONKIN: The member for Mt. Lawley, as Minister, did not make any arrangements in the case I have just mentioned. The person did not pay up.

Mr. O'Connor: You should look at the files more closely.

Mr. J. T. TONKIN: The warrants were withdrawn on compassionate grounds. There was another aspect, but it did not make any difference to the liability. The warrants were all issued on Eastern states' charges although the person was resident in Western Australia.

There was another case, and I assume representations on this case were made to the Minister in the previous Government. Did the member for Mt. Lawley at any time have representations from the Department of Native Welfare?

Mr. O'Connor: I did. In about half a dozen cases representations were made.

Mr. J. T. TONKIN: Did the honourable member not say at the time that the law had to take its course and he could not interfere?

Mr. O'Connor: If you give me the particular case I will be able to answer you.

Mr. J. T. TONKIN: The honourable member said earlier that in the cases referred to him arrangements were made for payment, or the warrants were executed. That is not so at all.

Mr. O'Connor: Did this case crop up in the Carnarvon area where the person concerned had 11 children?

Mr. J. T. TONKIN: That is right. Representations were made by the Department of Native Welfare and the warrants were withdrawn.

Mr. O'Connor: Yes, and the person concerned agreed to pay the department a certain amount each month. That is recorded on the files.

Mr. J. T. TONKIN: Did he pay?

Mr. O'Connor: I do not know, but arrangements were made on that basis.

Mr. J. T. TONKIN: I do not blame the previous Government for this, but the fact of the matter is that we are entitled to show compassion. What I object to is that *The West Australian* has taken this Government to task when it could with no less and no more justification have taken the previous Government to task for the same thing.

Mr. O'Connor: The two issues are not comparable.

Mr. J. T. TONKIN: Yes, they are. The issue here is whether, in the event of a person owing road maintenance tax and not paying it either in a lump sum or by instalments, he should be sent to gaol.

Mr. O'Connor: You said that *en masse* these people did not have to pay.

Mr. J. T. TONKIN: That is an argument. I am saying here and now that the action of this Government in not sending these people who could not pay to gaol is on all fours with the action of the previous Government in similar circumstances. The previous Minister will know there were cases—and I will bring one to his notice to show how harsh and unfair imprisonment could be in certain circumstances—where the persons concerned were not sent to gaol. There was a certain truckie who could not pay the road maintenance tax which he owed. His truck was repossessed, and he went to work in a timber mill in the south-west so that he could maintain his wife and children. Some of the warrants which were flying around caught up with him. He was taken off his job in the timber mill and put into gaol.

Mr. O'Connor: I thought you said that we as a Government did not put these people in gaol.

Mr. J. T. TONKIN: I made representations to the previous Minister, and so did other people. The truckies' organisation also made representations to him. I do not know for how many days the person in

the case I have just mentioned remained in gaol, but it was only a few days. The Minister let him out.

Mr. Hartrey: Good luck to him.

Mr. J. T. TONKIN: I also say: good luck to him. I believe he should not have been put in gaol in the first place. That is consistent with the attitude of the previous Government. I do not want to convey the impression that I am not seriously concerned about this situation. I am, and other members of the Government are, too.

Some time ago, because of what was developing and the apparent unfairness of the situation, we set up a subcommittee for the purpose of going into this matter and making recommendations as to what action ought to be taken in the circumstances. Furthermore, to make sure that those who can pay will pay without having to be sent to gaol, we are currently examining the position whereby an amendment to the law may make it possible for some action to be taken against them.

Mr. McPharlin: Will the Premier name the committee?

Mr. J. T. TONKIN: No, I do not propose to do that at this stage. However, it does not include members of Parliament.

Sir David Brand: Is it a departmental committee?

Mr. J. T. TONKIN: Yes, and it will include a top man from the Crown Law Department.

Sir David Brand: The Premier has taken him for the Ombudsman, has he not?

Mr. J. T. TONKIN: The matter is being currently looked at in order to try to resolve a situation which is worrying. The reason for our declaration that we would not issue warrants was the obvious unfairness of having to issue them when there were some people who we knew were in such a situation, and who owed so much, that it was inevitable they would remain in gaol for years and the Government would be responsible for maintaining their wives and families. Some people just could not pay because the work was not there to enable them to earn the money.

Mr. Rushton: Are those people continuing as truck operators?

Mr. J. T. TONKIN: No, they are out of business. Because of the position we would not be responsible for putting people into gaol in circumstances where I, personally, had previously asked the former Government to let them out. We decided it would be most unfair to put some people in gaol and leave others out; I refuse to do that.

For that reason we had to look at a method to ensure that those who can pay are made to pay and those who cannot pay are not forced into bankruptcy, which is a simple method of avoiding payment.

Mr. O'Connor: A law for the rich, and a law for the poor.

Mr. J. T. TONKIN: That has always been the case. When we fine a rich man for drunken driving he does not go to gaol; he pays up. However, if we fine a poor man he has to go to gaol: A law for the rich and a law for the poor.

Mr. Rushton: Poor people are being forced to pay.

Mr. J. T. TONKIN: It is the same thing. When the member for Mt. Lawley was speaking on this matter, in order to have the position placed on record, I asked him to state the difference between land tax, road maintenance tax, probate duty, or any other form of tax. I asked the question to prove that so far as obeying the law is concerned there was no difference between land tax and road maintenance tax.

Mr. O'Connor: The road tax is collected from the people who collect it from others.

Mr. J. T. TONKIN: That is the distinction made by the member for Mt. Lawley.

Sir David Brand: It is up to the Government to collect the tax.

Mr. O'Neill: Land tax is on real estate which remains permanent.

Mr. J. T. TONKIN: Some people never have to pay land tax.

Mr. O'Neill: It is the middleman, in the road tax situation.

Mr. J. T. TONKIN: I say there is no distinction between the taxes. A tax is an amount of money due to the State whether it be probate duty, land tax, or road maintenance tax. I see no distinction at all. The law says one is liable to pay those charges as taxes.

Mr. Rushton: What about sales tax?

Mr. O'Neill: Would not the State get the land tax if it accrued? At some time the State can claim the land tax.

Mr. W. G. Young: In the case of probate the authorities eventually get the money.

Mr. J. T. TONKIN: No they do not; that was a shot in the dark.

Mr. W. G. Young: With farmers, they do.

Mr. J. T. TONKIN: The member for Roe does not know of one instance where the department has sold up a property because of the nonpayment of probate.

Mr. W. G. Young: But farmers have had to sell in order to pay their debts.

Mr. J. T. TONKIN: What the farmer does is another matter. The member for Roe, and others, might laugh but I will have this put plainly on the record.

Mr. I. W. Manning: Also place on record that one cannot operate a business until probate is paid.

Mr. J. T. TONKIN: The Commissioner of Taxation has told me that there is not a single instance where anybody has been sent to gaol for the nonpayment of land tax or probate duty.

Mr. O'Neill: They ultimately get it, though.

Mr. J. T. TONKIN: Furthermore, with regard to probate duty, there is not a single instance where an individual has been threatened to the extent that he has had to sell up to meet his payment.

Mr. W. G. Young: But he has had to sell his farm to get the money.

Mr. O'Neill: The tax man gets it in the end; he has absolute security.

Mr. J. T. TONKIN: So we get back to the fulminating of the member for Mt. Lawley about the failure to observe the law, and the failure to enforce the law. What a lot of hypocrisy. In hundreds of cases during the period of the previous Government there was a failure to enforce the law.

Mr. W. A. Manning: Unjustly?

Mr. J. T. TONKIN: According to the dictum put up here this afternoon that failure to enforce the law is quite wrong and indefensible! Yes, that applies if we on this side of the House are doing it! It would not apply if members opposite were doing it!

Mr. O'Connor: What would be the situation if we were the Government, and doing what the present Premier is now doing?

Mr. W. A. Manning: The Premier is giving a conflicting opinion.

Mr. J. T. TONKIN: The member for Mt. Lawley has a very short memory because I made representations to him in connection with this question of road maintenance tax—not to gaol people who could not pay but to release those people who had been put in gaol.

Mr. O'Connor: I remember the approaches made to me by the Premier, and I also remember the individuals concerned.

Mr. J. T. TONKIN: All right. I am not being inconsistent in this at all. I am saying, quite definitely, I cannot see the sense or the justice of putting a person in gaol when he cannot pay because of circumstances entirely beyond his control. We would then have to maintain that person's wife and children while he was in gaol. Some people can avoid the payment of the road maintenance tax by the simple expedient of going bankrupt, and not only depriving the State of the amount of money which would be due to it, but also depriving other people of money which is due to them. The fellow concerned would be put out of business.

Mr. Williams: What will happen to the big operator who refuses to pay, even though he has the money with which to pay?

Mr. J. T. TONKIN: I have enough faith in the big operator who is fixing his charges to enable him to pay the money. If he does not pay, in those circumstances, he is a far worse operator than the subcontractor who is not in a position to quote a price in the first place so that he can make provision for the tax.

Mr. Williams: All the truck operators are not subcontractors.

Mr. J. T. TONKIN: We are endeavouring to find a solution to this problem. I think the ultimate answer to the question is the abolition of the tax.

Government members: Hear, hear!

Mr. W. A. Manning: What will the Premier substitute in its place?

Mr. Jamieson: The member for Narrogin does not need to worry about that.

The SPEAKER: Order!

Mr. J. T. TONKIN: I know that the farmers, generally, agree with what I have said because I am to receive a deputation from the Farmers' Union requesting me to take further steps to abolish the tax.

Mr. Nalder: Has the Premier approached the Prime Minister yet?

Mr. J. T. TONKIN: Yes, I have. However, the Prime Minister did not give me an opportunity to discuss the matter with the other Premiers. He pushed it aside for consideration at a later stage.

Sir David Brand: Were the other Premiers interested?

Mr. J. T. TONKIN: Yes, all other Premiers are interested.

Sir David Brand: I know they are interested, but were they anxious to have a discussion with the Prime Minister at the last conference?

Mr. J. T. TONKIN: Yes, and it was understood that the submission which I made would be studied by the Commonwealth and we would have an opportunity, at a later Premiers' Conference, to discuss the matter and decide what could be done. I know that all Premiers are worried, and understandably so, because there are thousands of summonses floating around.

Some truck operators have hundreds of charges against them and they have no possible hope in the world of meeting the amounts involved. This applies in all States. If we were to execute all the warrants we would not have sufficient accommodation in our gaols to hold the offenders.

Mr. McPharlin: What is the amount of money involved in the nonpayment of road taxes?

Mr. J. T. TONKIN: I do not know, but it would run into hundreds of thousands of dollars. It also applies in every State.

Mr. Lapham: It is a hopeless tax.

Mr. O'Connor: A hopeless Government.

Mr. J. T. TONKIN: The member for Mt. Lawley claimed that some operators were being subsidised in order to send others broke. Well, I take it that all those who went bankrupt—those 462—between September, 1969, and February, 1971, were sent broke by some means or other.

Mr. O'Connor: What I meant was that there are people now whom the Government will not force to pay the tax. Therefore, they do not have to add the cost of the charge onto the goods they carry. The Government is virtually paying this money because it is not getting the tax. Therefore, the operator who is not paying is able to undercut the operator who is paying.

Mr. Bertram: A sort of unfair trading.

Mr. O'Connor: Yes.

Mr. Bertram: I did not know the member for Mt. Lawley had any objection to that.

Mr. J. T. TONKIN: One of the reasons for the serious situation in which truck operators find themselves is that some of the farmers who were in dire trouble were looking for an opportunity to make some money to help them out of that trouble and they operated vehicles at a cut price. That made it impossible for the truck operators to meet their commitments.

Mr. O'Connor: That is so.

Mr. J. T. TONKIN: I am pleased to hear the member for Mt. Lawley acknowledge that fact; he knows. I think this fact has to be taken into consideration when discussing this subject. That is another reason some of the operators find it impossible to pay the road maintenance tax; not because of a lack of business knowledge, but because they were forced into the circumstances.

In the situation which I have outlined one would need to be a heartless brute to direct the police to put a fellow in gaol because he owes \$3,000 when there is not a hope in the world of his paying that money. Usually his truck has been repossessed and he is battling to feed his wife and children.

I am keen to get the tax abolished because I believe the situation will get worse in all States as the charges build up and it becomes impossible to issue the warrants.

There are other cases where people are lucky. Before the department can get busy the witnesses have disappeared, so if the department took those cases to court they would be dismissed. These are people who owe road maintenance tax. They do not go bankrupt and they do not pay the tax. They do not go to gaol because the witnesses are missing.

The situation is so full of inequities and anomalies that something must be done about it, and that is precisely what we are trying to do. We have set up an expert committee to go into this matter to see what equitable means might be adopted in order to find a solution which is as fair as possible in the circumstances, if we are unable to get agreement between the States for the abolition of road maintenance tax, which would solve the problem. That is where it stands.

To criticise this Government for that attitude, in view of what has been going on for years, is to say the least hypocritical indeed.

Mr. Nalder: Why didn't you previously make the statement that you were making inquiries? You are not even prepared to let the House know—

Mr. J. T. TONKIN: Other aspects raised by the member for Mt. Lawley are particularly minor. I fail to see how the action of the Government in not asking the police to take out warrants of committal is undermining the Police Force. I think they are men with just as much compassion as we have, and they would not be anxious to go out and pick up men who are on the poverty line, whose trucks have been repossessed, and who have wives and families to maintain, in order to put them in gaol and let them languish there, not for a few days or months but for years.

Mr. O'Neil: I do not think the member for Mt. Lawley was particularly referring to road maintenance tax on that issue. He was referring to instances like Brockman's case.

Sir David Brand: Would you be prepared to name to the House tomorrow this committee that is making inquiries?

Mr. J. T. TONKIN: Yes.

Mr. O'Neil: And advise when it was appointed?

Mr. J. T. TONKIN: Yes. I cannot give the information now because I am not certain of the time and the names of all the personnel.

Mr. Rushton: Was it last week or last month? Or tomorrow?

Sir David Brand: It must be a large committee.

Mr. J. T. TONKIN: It certainly was not last week. This matter came before Cabinet as a result of a submission from the Minister for Police that this situation existed. A large number of summonses were out and the question was: What was to be done in the circumstances and how could it be dealt with? In order to get some guidance in this matter—and, goodness knows, plenty of light is required to be able to deal with it properly—we appointed a special committee to go into the question

from all angles and make a recommendation to the Government. That recommendation has not yet come forward, but I assume it is not an easy one to crack.

Mr. Williams: You ought to ask for the assistance of the member for Mt. Lawley.

Mr. J. T. TONKIN: He poses as someone who has all the answers.

Mr. Williams: Well, put him on the committee. He would be of great assistance.

Mr. O'Neil: Make him the chairman.

Sir David Brand: If he had the answer, we would have got rid of road maintenance tax. You made an undertaking without knowing what you were going to do.

Mr. J. T. TONKIN: I want to give another set of figures before I conclude. I have already given some bulk figures for the period September, 1969, to March, 1970. I also gave monthly figures from then on. The figures I gave were of cases where the moneys had been paid and where the defendants had become bankrupt. I will now give the figures of cases where action was withdrawn but the moneys were not paid and the people concerned did not become bankrupt. Ordinarily, if the law were being enforced, they would have gone to gaol if they were still alive.

In the category I am now dealing with, there were 111 cases from September, 1969, to March, 1970.

Mr. O'Neil: Have you the figures after March, 1970?

Mr. J. T. TONKIN: I will give them month by month. These are the lump figures from September, 1969, to March, 1970. For clarity, I repeat that these figures relate to people who did not pay the money and who did not become bankrupt.

Mr. Rushton: Did they have arrangements to repay over a period?

Mr. J. T. TONKIN: Arrangements might have been made but they did not pay the money.

Mr. Rushton: I know some who did.

Mr. J. T. TONKIN: In this list?

Mr. Rushton: I assume so. My assumption is as good as yours.

Mr. J. T. TONKIN: By the way, did the member for Dale make a personal appearance at Armadale to interview one of the truckies referred to this evening by the member for Mt. Lawley who had come to see him on a number of occasions with regard to the amount that was owing?

Mr. O'Connor: I see you know who your friends are.

Mr. Rushton: In which way are you putting that?

Mr. J. T. TONKIN: I am putting a straightout question to the member for Dale.

Mr. Rushton: I saw the same gentleman because he was one of my opponents during the last State election.

Mr. J. T. TONKIN: He was. I would like to ask a further question. Did the member for Dale endeavour to get him to stand for Parliament against the Labor Party?

Mr. Rushton: I certainly did not. What a proposition you are putting now!

Mr. O'Neil: If that were a question without notice, it would not be allowed.

Mr. Jamleson: Now he has had your reply he will have your scalp.

Mr. O'Neil: I do not mind if he does.

The SPEAKER: Order! Order!

Mr. J. T. TONKIN: In March, 1970, of 45 who owed money four did not pay and did not go to gaol. In April, 1970, of 75, 19 did not pay, did not go bankrupt, did not go to gaol, and the action was withdrawn. In May, 1970, of 137, 50 had the action withdrawn: 50 in one month. In June, 1970, of 193, 68 had the action withdrawn.

Mr. O'Connor: For what reason?

Mr. O'Neil: Because they had made arrangements to pay.

Mr. J. T. TONKIN: No, they had not.

Mr. Rushton: Give us the reason.

Mr. J. T. TONKIN: Compassionate grounds, miscellaneous reasons.

Mr. O'Connor: The figures you have quoted can give a false impression because the same people could be involved each month.

Mr. O'Neil: That is right.

Mr. J. T. TONKIN: I cannot see how that is possible because the figures set out those who went bankrupt, and that must refer to individuals.

Mr. O'Connor: You are referring to those who did not go bankrupt.

Mr. O'Neil: There would be a carryover of people from month to month.

Mr. J. T. TONKIN: In the figures set out for every month, giving the number who paid, the number who could not be traced, and the number who went bankrupt, it is extremely unlikely that the rest would refer to charges and not to persons. I cannot imagine that.

Mr. O'Neil: There could be a carryover from one month to another of persons in this situation, because if you add up all the figures there cannot be any truck drivers left.

Mr. J. T. TONKIN: We cannot get away from the fact that 462 went bankrupt.

Mr. R. L. Young: The whole point is that there have not been that many bankruptcies administered in this State over that period.

Mr. J. T. TONKIN: There were 462 who did not pay and did not go to gaol because they went bankrupt between September, 1969, and February, 1971.

Mr. Nalder: You are a month behind in your figures.

Mr. O'Connor: We can get the details later but they leave a lot to conjecture. The Premier has not the information we want.

Mr. Nalder: Up to the present time there is a month's difference. The figures do not reconcile.

Mr. J. T. TONKIN: What month did I miss?

Mr. W. G. Young: They start at March.

Mr. Nalder: They should have started with April.

Mr. J. T. TONKIN: In August, 1970, of 56, only two either did not pay, did not go bankrupt, or could not be traced. In September, 1970, of 104 there were 28. In October, of 41 there were not any. The Government had less compassion that month. In November, 1970, of 147 there were eight. In December, 1970, there were four. In January, 1971, there were two; and—apparently getting cross just before the election—in February, 1971, there were 18.

Mr. O'Neil: I think these figures might be capable of misinterpretation because if they are in fact charges against people it has been admitted that some have 50 or 60 charges against them. Therefore, the same person can appear in the list on many occasions.

Mr. Jamleson: That would lift the total number to far more than 1,600.

Mr. J. T. TONKIN: The member for Mt. Lawley said the law had been disregarded in a way he had never seen since he had been in this House; and he had done it himself.

Mr. O'Neil: We gave no blanket approval for nonpayment of tax, and that is what your Government has done.

Mr. J. T. TONKIN: No.

Mr. O'Neil: Ask the Minister for Works.

Mr. J. T. TONKIN: No, it has not at all.

Mr. O'Connor: Have a look at the answer you gave us to a question.

Mr. J. T. TONKIN: For the time being, the warrants have not been issued.

Mr. O'Connor: That is the first time that has been mentioned.

Mr. J. T. TONKIN: The situation is no different from that applying to cases which the police have not yet been able to catch up with.

Mr. O'Connor: If it is for the time being, we might have achieved our goal by getting you to do the right thing.

Mr. J. T. TONKIN: We are looking for a method that may be adopted to ensure that those people who can pay will pay without our forcing them to go to gaol. We will continue to look at that matter and I anticipate that before long we will be able to deal with the situation. In the meantime, if I am able to give a little advice to those who want to be difficult, I say to the big boys, "Take my advice and pay," because I would have no compunction at all about putting a millionaire into gaol—

Sir David Brand: There are not many of those.

Mr. J. T. TONKIN: —if he withheld the payment of road maintenance tax due to the State. I am concerned with those who are in debt and are unable to pay. In many cases their vehicles have been repossessed and they have elected not to go bankrupt.

Sitting suspended from 6.15 to 7.30 p.m.

MR. McPHARLIN (Mt. Marshall) [7.30 p.m.]: In taking part in this debate there are two points I want to mention. The member for Mt. Lawley in submitting his case detailed a considerable amount of information and a large number of figures. We then heard the Premier reply and he also quoted many figures. I have not had sufficient time to compare these figures or to see how accurate they are. Also, I would like to compare them with other information that may be available.

The Premier stated that from September, 1968, to February, 1971, 462 truck operators went bankrupt. This raises a query as to why the Government has only now decided to appoint a committee to look into the problems associated with road haulage. Why was this action not proposed earlier? Why was it left until the last few weeks—as far as we can gather—to give consideration to appointing a committee to investigate the problems?

Mr. J. T. Tonkin: There is a simple answer to that. Until late last year we were expecting to abolish road maintenance tax.

Mr. McPHARLIN: From the answer to the question put to the Premier while he was on his feet, the committee was only appointed recently. Was it last week, the week before, three weeks before, or a month before?

Mr. O'Neill: It could be this week.

Mr. McPHARLIN: He was asked for the composition of the committee and he was not able to name the members.

Mr. J. T. Tonkin: During the tea suspension I asked the Minister for Police whether he remembered the exact date and the personnel of the committee. He, too, was not sure of the answer. I tried to contact my under-secretary so I could give the House this information when we

resumed, but unfortunately I could not raise him. So I am in no better position than I was before the suspension.

Mr. O'Neill: Ten out of 10 for trying.

Mr. J. T. Tonkin: I have nothing to hide.

Mr. McPHARLIN: The point is that if this announcement of the appointment of a committee had been made last week, or at any time in the last few weeks, many responsible people in the community may have adopted a different attitude to the announcement that the Government was not proceeding with prosecutions under the Road Maintenance (Contribution) Act.

Mr. O'Connor: The committee may have been formed because of the action by the Opposition.

Mr. McPHARLIN: I think this is possible.

Mr. Graham: Somebody is flattering someone.

Mr. McPHARLIN: There are many people in the community—and I am not referring only to members of Parliament—who would like to know something about the committee. Since it became known that the Government was not forcing the issue, many operators have taken the attitude that if some truck owners are not paying the tax why should they pay it? I think this problem will snowball greatly in the next week or the next few weeks.

I would like to touch on another aspect of this motion, and it is contained in paragraphs (1) and (5). This is important because the Government has said it will not force people to abide by the existing law. I would like to give my support on this issue to the member for Mt. Lawley who has spoken about this frightening and alarming aspect—the breakdown and non-maintenance of law and order within our State. This is another illustration of how the disregard for law and order is becoming more and more prevalent. Nobody denies that people have a right to dissent but the stage is being reached where the groups which are dissenting are endeavouring to inflict their opinions and ideas on others. Violence and a total disregard for other people's property and authority often follow.

This is an alarming situation. No fair-minded citizen of our State should tolerate it. Why should we allow minorities—militant groups—to interfere with the civil liberties of the people? We have a democracy of which we are very proud—a system which implies acceptance of authority. Certain standards are laid down and we should all be prepared to abide by these. If we do not approve of the laws under which we live, the laws which we have worked so hard to frame over many years, and are part of the democratic system, we step outside the law. People who do that should be prepared to face up to the consequences of the law.

Mr. Graham: If the people in their wisdom decided to vote for a Labor Government in Western Australia it is a pity they are still shackled with domination by the Liberal-Country Parties in the Legislative Council.

Mr. O'Connor: They are fortunate to that degree.

Mr. Graham: By that you are saying you disagree with the right of the people to elect a Government of their own choice?

Mr. O'Connor: I say you cheated the people; you told them things and you have gone back on your word.

The SPEAKER: The member for Mt. Marshall.

Mr. McPHARLIN: This is a breakdown of the existing law, and in a moment I will quote other instances where the breakdown of law and order has been encouraged by the Labor Party and its supporters. We seem to have an endless stream of demonstrations against the laws of the country and these demonstrations end in mob violence. Sometimes people are injured and frequently windows are broken and property damaged. In the recent demonstrations against the South African rugby team smoke bombs were thrown and there were other alarming incidents which illustrate this serious situation. The vast majority of law-abiding citizens of our community should not tolerate the situation which has arisen.

Members on this side of the Chamber would be doing less than their duty if they did not voice a protest. It should be brought to the notice of the House and the public that people are prepared to stand up and speak against this un-Australian situation.

The responsibility lies upon the shoulders of the Government of the day. It should accept the responsibility and give the lead in the direction our efforts must take. The Government itself should not be a party to any action which will lead to the breakdown of our democracy. Embodied in this motion is the fear that people are being encouraged to disobey the law. I have never been completely happy about road maintenance tax. It is not a good tax—I have said this many times.

Mr. Williams: Tell me what is a good tax.

Mr. McPHARLIN: Members on this side of the House are prepared to admit it is not a good tax. However, it is very difficult to find a suitable alternative.

No member on the Government side can come forward at this stage and say that the alternative suggested in the closing stages of the last session was a good one. When road maintenance tax was introduced in 1966 certain members on

the Government side opposed it, claiming that the alternative would be to include the tax in the vehicle licensing system. This was the suggested alternative during the last session of Parliament, but the members who in 1966 wished to impose the tax on all licenses were not consistent during the debate last year. These Government members were prepared to support the proposals which were put forward that the tax be payable on commercial vehicles only. This was an illustration of the inconsistency of some members on the Government side.

The Premier said that it is the Government's intention that those who can pay and will not shall be made to pay and steps are being taken to bring this about. Then the Government admits that no warrants have been issued to enforce penalties for nonpayment of the tax over the past nine months. The Premier said that the warrants were withheld only where truck owners were clearly unable to pay.

We have been told there have been 523 convictions and 852 cases adjourned in the nine months, but the Government has not disclosed how many operators are continuing in business as a result of the Government's double standards.

There are several questions which need clarification. Who determines which warrants will be withheld? What yardstick is used in determining that an operator is clearly unable to pay? I would like this matter elaborated and clearly defined. What consideration is being given to operators who will obviously never make a go of this particular industry? This happens in a number of business ventures and perhaps these truck owners would be better in another job. Have we reached the point of saying that a man is allowed to go into business and when he becomes involved in difficulties and runs at a loss the Government will continue to let him run his business at a loss?

What action does the Government propose? Is it prepared to stand by and allow the owners at one end of the scale to escape their responsibilities while those at the other end must continue to pay? Let us look at this a little further. What would happen if this principle was extended right throughout the community? What a ridiculous situation we would be in if everyone was given this same latitude by the Government.

We would be in the same position if we turned a blind eye to the mob violence which is becoming all too prevalent in our society today—that is, we will have a complete breakdown of the existing society if no-one pays attention to any of our laws. The Government of this State must be incredibly myopic if it cannot see the undesirable situation that is developing as a

result of its own policy. For that it must stand condemned. I do not think there is any doubt that the policy of the Government on issues of this nature are in line with the policies and actions of other members of the Australian Labor Party. I think we can all recall the extraordinary statement made by the Federal Leader of the Opposition; namely, that he did not regard draft dodging as a crime. Many A.L.P. supporters would actively support this line of reasoning and not only encourage people in the act of draft dodging—and members would be well aware of those to whom I refer—but also help these people to break the law.

So we ask this question: Is this a responsible action on the part of a party that hopes to be the Government of the Commonwealth in the future?

Mr. Graham: You will have a big job if you are trying to sustain the action of the present Liberal-Country Party Government.

Mr. McPHARLIN: A very important issue is at stake, and I think the Federal Labor Party would agree on this point.

Mr. Graham: You would not like to have a couple of bob on it, would you?

Mr. McPHARLIN: I would say this is a very irresponsible statement for any party to make. Surely to make such statements is to go outside the law. If the law is such that we do not agree with it, steps should be taken to amend it. We have heard the Premier and other members on the Government side say not once, but many times, that they would uphold the law. In my brief experience in this Parliament how I remember the Premier, when Leader of the Opposition, and when making points on this side of the House, being so emphatic on this issue. I make the admission now that I was quite impressed with his statements and therefore it is with some degree of consternation that I see the Premier now refusing to adhere to the principles he strongly advocated when he was Leader of the Opposition.

Mr. J. T. Tonkin: Have you ever heard me advocating disobedience of the law?

Mr. McPHARLIN: What is the implication in this particular situation? The Premier is not enforcing the law on this occasion—

Mr. J. T. Tonkin: What I am doing is precisely the same as was done by the Government which you supported for many years.

Mr. O'Connor: Not at all!

Mr. J. T. Tonkin: Yes, it is exactly the same. It is exercising compassion in those cases where the men cannot pay.

Mr. McPHARLIN: I would now like to say something about those individuals who promote the breaking down of law and order. I am speaking of those scruffy, long-haired individuals who are sometimes described as "filthies" and who seem to

have nothing better to do with their time than to demonstrate against everything. I am not condemning in general youths with long hair, because many of them are fine types. However, with some of these demonstrators it seems to be a prerequisite that when they become involved in demonstrations they must display an abnormal growth of hair. I venture to suggest that a self-respecting demonstrator would not be associated with this minority group. I think they could be described as a group of anarchists. Their sole objective seems to be to break down and destroy the Establishment.

I wonder how sincere some of these demonstrators are. It has been reported to me that one member of the news media telephoned the university in this State and asked to speak to one of these individuals involved in some kind of demonstration. The answer he received was that this individual could not attend university on that day, because that was his day for demonstrating. Where are we heading? It does not matter to these individuals. They just try to wreck the society, and it is up to the majority of clear-thinking Australians to let them know that their campaigns cannot continue; that they are doomed to failure and that people are not prepared to stand by and see this sort of happening continue.

If these young vandals—as we know them to be—by some mischance did manage to get into power, what would be their attitude to those who disagreed with their opinions? I would say they would be the first to take action against people who disagreed with them. They would be a group of militants who have already shown they have a total disregard for the property of others. Yet, if by some mischance these demonstrators who are endeavouring to wreck the Establishment and break down our democracy were to come to power, what would be their attitude towards anyone who insisted on his opinions being accepted? No doubt they would take strong action against those who were contesting their rulings.

Mr. Graham: It is all right for you. It is you and your coterie who are conscripting them.

Mr. McPHARLIN: Has the Minister any better suggestion to make as to how we should consult people on this conscription issue?

Mr. Graham: If your own Liberal Party and your own Country Party believed in what you talk about they would volunteer and there would be no need for conscription. What about a bit of sincerity somewhere?

Mr. McPHARLIN: Many suggestions were made as to what was considered to be the best method of obtaining recruits, and on many occasions such suggestions were brought to the notice of the Ministers

responsible. They were quite prepared to listen to any suggestion that would bring about a better solution to the problem, but no better alternative could be found. An effort was made to recruit volunteers at one stage, but it did not work.

Mr. Graham: You people ought to be proud of Vietnam.

Mr. O'Connor: I bet you are now.

The SPEAKER: Order!

Mr. McPHARLIN: If the Minister supports the views of some people in the Eastern States, I am sure there are other members on the Government side of the House who would not agree with him. I feel sure there are some Government members who would not support the views held by Dr. Cairns.

Mr. Graham: He is twice the man you ever dreamed about being.

Mr. McPHARLIN: What rubbish!

Mr. Graham: You have a high estimation of yourself.

Mr. McPHARLIN: The Minister knows there are members on his side of the House who would not support him and they must feel very embarrassed.

Mr. Graham: It was your people who supported the policy of men going to Vietnam.

The SPEAKER: Order! Order! I think if the member for Mt. Marshall will keep to the motion and not take any notice of interjections he will get along much better.

Mr. McPHARLIN: I bow to your ruling, Mr. Speaker: but it is most difficult not to take notice of the interjections, especially when one knows one is making points that disturb members on the Government side of the House.

Mr. Graham: No, it is the insincerity that disturbs.

Mr. McPHARLIN: If I had time I would go into the various aspects of the figures submitted by the Premier, but I have been unable to do anything in that regard. However, I would like to refer to a matter mentioned by the Premier. He said that the Commissioner of Taxation had not forced the sale—I think I am correct in quoting these words—of any property on which probate duty was owing. I do not agree with that statement. I think it is incorrect, because I have personal knowledge of a farming property, part of which had to be sold to pay the probate duties owing on the property.

Mr. Bertram: By whom? The commissioner would not do it.

Mr. McPHARLIN: No, the commissioner did not do it, but because there was an insistence on the payment of probate duties, portion of this property was sold.

So I question the accuracy of the statement made by the Premier. I know the State Commissioner of Taxation is a man of tolerance, but what I have just related did happen and so I question again the accuracy of the Premier's statement.

I know other members wish to speak to the motion before the House, and that other private members' motions are yet to be heard, so I will not take up the time of those who wish to speak. I support the motion.

MR. MENSAROS (Floreate) [7.58 p.m.]: The most important part of, and the most serious accusation in regard to this motion, is the one so aptly dealt with by the member for Mt. Marshall. Therefore I was not surprised, and I do not think anyone else was surprised, when the Premier himself tried to defend his Government against the accusation and contention in the motion that the Government's action does not encourage people to abide by the law.

It is no wonder the Premier tried to defend himself because it is known that he always advocates that the law should be upheld. He has always upheld the principle that one has to abide by the law, and one has to execute the law when one is in a position to do so, whether the law is bad or good.

However, the Premier was unable to negate the accusation in the motion. He tried only to defend his action and the action of his Government. Why was it not the policy of the Government to execute the law in this instance? It does not want to execute the existing law. The Premier's long contribution to the debate was, in the main, made up of four arguments. Firstly, he said that people are not gaoled for not paying land tax. Secondly, he said that some people may be incapable of paying the road maintenance tax. Thirdly, he said that the tax was bad, anyhow, and implied it was not worth while executing the law that imposed it. Fourthly, he used the argument we have heard day after day in this Chamber ever since the Labor Party became the Government; namely, that the previous Government had taken similar action.

Now, in his usual convincing manner, the Premier was not able to submit this argument in a way to prove anything.

The first two arguments—that is, in connection with land tax and people being incapable of paying the road tax—do not stand up for the simple reason that road maintenance tax is entirely different from the land tax or any other obligation. I see this tax almost as trust money. As we know, these people receive the money from their customers in order to pay it to the Government. They are in a position of trust. Why is it that our criminal law provides high penalties for servants or agents if they steal? It is because they are

in a better position to steal than are outsiders. This is exactly the situation here, and we cannot accept the argument that any similarity exists between the land tax and road maintenance tax relating to the present argument.

Mr. Hartrey: The trustee accepts the trust, but these people have not—

Mr. MENSAROS: I cannot hear the honourable member.

Mr. Hartrey: Never mind.

Mr. MENSAROS: In dealing with land tax, another very significant difference exists. With land tax, although the assessment goes to the proprietor, the property involved represents a certain security. Although I believe the Premier when he said no-one went to gaol for not paying land tax, I would ask him whether he could state that the Taxation Department had no encumbrance on the title of property owned by those who did not pay the land tax so that ultimately, if the tax was not paid, the property could be sold, thus satisfying the Treasurer.

Neither can I accept the argument that some people are almost incapable of paying, because they might have received a subcontract and therefore did not directly handle the money from the client which was meant to include that portion of the road tax. Is the Premier's argument that if I, a land agent or customs agent, have my work done by a clerk or perhaps another firm—which is often the case with land agents—who virtually subcontract for me, then this firm or my clerk is at liberty to steal because it or he did not directly receive this money which should be virtually in trust? I do not think his argument would stand up on that basis.

Whether someone subcontracts or is the main contractor, he knows that this tax is incorporated or included in the price paid for the haulage, and therefore he must remember this and his first obligation should be to pay in this tax, or otherwise face the consequences. Would it matter in these examples I raised, which are completely synonymous with the examples the Premier gave, whether the clerk or subcontractor has so many children or a huge family to maintain, has hire-purchase commitments, or has a refrigerator repossessed because he was unable to meet the payments? He is still not at liberty to, shall we say, steal this money; and in my estimation, in the case of the road maintenance tax, this is actually what happens. Those who do not pay it in, steal something which is only in their possession in trust for the purpose of their paying it to the Government.

The third argument the Premier used was what we unfortunately hear so often but which definitely strengthens the case of the member for Mt. Lawley; that is,

that this is a bad tax anyhow, and therefore it is not worth while executing. No law-abiding citizen can accept this argument which is typical of the arguments we hear today, as the member for Mt. Marshall said, in connection with the national service legislation, industrial fines, and many other things which the people who criticise—

Mr. Graham: What is the Commonwealth Government doing about collecting the industrial fines? Why don't you wag your finger at your Federal Government?

Mr. MENSAROS: I am sorry, but I try to be involved as much as I possibly can with matters under consideration here. I must admit to the Deputy Premier that I am not conversant with how the Commonwealth Government executes its particular duty regarding this matter. Were I in the Federal House I probably would make it my business to know more about the subject.

Mr. O'Connor: The State Government cancelled fines against unions on industrial matters.

Mr. MENSAROS: I know, but I do not want to refer to this at length because other members will probably do so in due course. I repeat that I do not think there is any qualified obedience to the law or any qualified execution of the law. If we have a law, it must be abided by and it must be executed by those who are charged with its execution; and who is in a better position—or in the only position—to execute the law than the Government? If the law is bad, then it should be amended, perhaps.

It is not my duty to suggest amendments at five minutes' notice, but it occurs to me that if the Government were to accept bonds from these contractors, or some insurance or some other security, to cover at least a month's anticipated tax, this would achieve two objectives. Firstly it would secure the tax; and, secondly, it would ensure that the haulers would go into the business with some solvency and thus the many bankruptcies the Premier mentioned would not occur.

We hear only under pressure that the Premier has, in fact, a short time ago obviously—this is the only deduction one can make from his speech—appointed a committee to examine the matter. I welcome this, but I ask the Premier: What about the charges levelled against our Government of governing in secrecy? We hear about important matters like this only when the Premier has to divulge them in order to defend himself under some pressure from the Opposition. If this is not government by secrecy, of which we were accused, I do not know what it is.

Mr. Jamieson: You should come up and sit in Cabinet if you like! You must have some degree of administrative responsibility without making it public.

Mr. MENSAROS: I always like to measure my wits against those of the Minister for Works, and I am sorry his interjections are almost always irrelevant to the subject under discussion and consequently I must ignore them.

Mr. Jamieson: It is very difficult to understand what you are talking about, so you have that advantage over us.

Mr. O'Connor: You are rude.

Mr. Jamieson: I am being factual. I cannot help it.

The SPEAKER: Order!

Mr. MENSAROS: The fourth argument the Premier used is the ever-occurring argument we hear day after day in its many variations; that is, that we did the same when in Government. This is simply not the fact because, first of all, we never heard the accusation that our Government had announced as a policy in connection with road maintenance tax, or in connection with any other matter, that it would not execute the law. The Premier alleged that the previous Minister for Transport, in individual cases, examined the situation and, if circumstances warranted it, made some exceptions under the condition that the person involved would pay according to his ability. For this I commend the previous Minister for Transport, because nothing could be more humane in executing the law. Indeed, do not the courts do the same thing? Anyone who goes to court over a debt and states he can pay \$1 or \$2 a week out of his pay, would be allowed to do so. Of course this is the case.

Mr. Bertram: Not necessarily.

Mr. MENSAROS: But is this not the case in the overwhelming majority of cases?

Mr. Bertram: Not in the majority of cases.

Mr. MENSAROS: It is not?

Mr. Bertram: No.

Mr. MENSAROS: I am surprised to hear that because it is my opinion, and that of the public, that if a person goes to court in connection with a normal debt and shows willingness to pay, his proposition is usually accepted. This is what the ex-Minister did and therefore he cannot be charged over the matter. I do not know what the Premier wanted him to do. Perhaps he wanted the Minister to knock on the person's door every week and check whether he had, in fact, paid, and show the relevant receipts. This is surely not the Minister's job.

In connection with this matter the Premier quoted many figures. It was very hard for me to follow them all but I took a quick note of the overall totals for the period he mentioned; that is from 1969 to 1971. If I took him down correctly, they did not even tally. The Premier said, if I understood him correctly, that 1,603 people were liable during that period to

pay the tax. He further said that of that number, again during the same period, 823 paid and 426 went bankrupt, and consequently did not pay. This totals 1,285 which, when deducted from the original number of 1,603, leaves a balance of 318.

Later on the Premier said that 111 did not pay and did not go bankrupt either, but just got off scot-free. If this is the case, what happened to the remaining 207? I cannot tally these figures at all.

Mr. J. T. Tonkin: You only listened to half of it. The 111 I quoted referred to the period from September, 1969, to March, 1970.

Mr. MENSAROS: I was under the impression that —

Mr. J. T. Tonkin: You might have been under any impression you like, but I gave the total figures which will balance.

Mr. MENSAROS: In other words, the Premier did not give any figures against the 1,603. He gave 111 against some other unknown figure.

Mr. J. T. Tonkin: I gave 111 plus four for April, 19 for May, 50 for June, 68 for July, two for August, 28 for September, none for October, eight for November, four for December, two for January, and 18 for February.

Mr. MENSAROS: I do not want to argue this; but, as I said—

Mr. J. T. Tonkin: You can argue it if you like.

Mr. MENSAROS: —I took down only the total figures. I was quite sure that having quoted the figures of the numbers liable, he quoted the total figures for the same period. In any event I do not think that this in itself makes an argument with which to reply to the accusation the motion levels at the Government.

The Premier has presented no case in opposition to the motion. If anything, as I said before, the position of the member for Mt. Lawley has been strengthened. I think every law-abiding citizen should support the motion, as I do.

MR. HARTREY (Boulder-Dundas) [8.15 p.m.]: After hearing the cogent and brilliant refutation of this motion by the Premier I would not have ventured into the debate if it were not for certain observations made by members who have spoken since the tea suspension. I shall now take the opportunity to deal with the motion and the mover of it, as well as two other gentlemen who have so far contributed to the debate.

To begin with, I frankly acknowledge that I am not prepared to support lawlessness although on numerous occasions lawlessness has helped to support me.

Mr. Nalder: It has helped to get you where you are.

Mr. HARTREY: For all that, there is no reason why I should not refute the proposition put forward by the member for Mt. Lawley to the effect that all law breakers should be treated alike. There is no logic and no humanity in that proposition. As far as logic is concerned we might as well say that all invalids should be treated alike—the dyspeptic, the epileptic, the diabetic and the silicotic. We could even take one particular disease, namely, indigestion; but the man who suffers from an acid stomach will not have the same treatment as a man who suffers from an alkaline stomach. There is no sense in treating all human beings in the same way. The fallacy of that proposition has been demonstrated by the sarcastic French philosopher Anatole France whom I quoted here a year ago. He ironically praised “The law, that with majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread.” The law requires the rich to go to gaol for the nonpayment of a debt ordered by a court just the same as it does the poor.

The member for Floreat said a little while ago that if a person goes to a court and offers a couple of dollars a week that sum is frequently accepted. What he says is perfectly true as far as it goes. However, if an individual goes to a court and satisfies the court that he cannot offer any dollars a week he will not be imprisoned for not paying anything at all. That is fair, reasonable, and perfectly just.

The member for Mt. Lawley presented to the House a picture of himself and his Government as veritable Shylocks determined to get the last penny. He criticised this Government for not being as ruthless in its dealings with men who cannot pay this tax as his Government was. The part of the Premier's speech which I enjoyed best was the way in which he exposed to this House the latent humanity and generosity of the member for Mt. Lawley who finished up as a kind-hearted gentleman and who, on many occasions, afforded the clemency which he despised so much in the House tonight.

As far as the law is concerned, we are told that the present Government is not acting in a manner which encourages people to abide by the law. I respectfully suggest that to show people there is a spirit of justice and humanity behind the law is the way to encourage them to abide by it. People respect justice and humanity; they despise tyranny and bureaucracy; and they despise the suggestion that every case can be treated at the same level regardless of whether the person concerned is rich or poor, sick or well.

All people cannot be dealt with in exactly the same way. That is the element I have condemned before when it has been said that the irreducible minimum penalty should be \$500. This is contemptible and

most people hate the law for this reason. To one man \$500 could mean a debt for a year but to another it might not be a button off his shirt. It is not undermining respect for the law to administer the law with humanity, as the member for Mt. Lawley did, although he denies it, and as the Premier is now doing. The law must be administered with a just discrimination, in a spirit of common sense, and common decency. If this is done, far from undermining respect for the law it advertises respect for the law. In this way an Administration produces and creates respect for the law, the only sort of respect the law deserves, let alone receives.

Mr. Hutchinson: You are a wise young man.

Mr. HARTREY: Thank you.

Mr. Graham: He wishes he could say the same about the interjector.

Mr. Hutchinson: The merchant of Venice himself!

Mr. HARTREY: I will quote the Merchant of Venice in a moment; in fact I might do it now, my friend, especially for your benefit.

Mr. Hutchinson: This is too much.

Mr. HARTREY: I quote—

The quality of mercy is not strain'd,
It droppeth as the gentle rain from
heaven

Upon the place beneath: it is twice
blest;

It blesseth him that gives and him
that takes;

Mr. Hutchinson: Good Lord!

Mr. HARTREY: I want to remind members on both sides of the House of the following:—

'Tis mightiest in the mightiest: it be-
comes

The throned monarch better than his
crown;

His sceptre shows the force of tem-
poral power,

Mr. McPharlin: The Reverend Tom Hartrey.

Mr. HARTREY: To continue—

The attribute to awe and majesty;

Wherein doth sit the dread and fear
of kings;

But mercy is above this sceptred sway;

Mr. Nalder: Do you have the same book as the one the Premier quoted from?

Mr. HARTREY: That is a much holier book but I have just the same implicit faith in it as the Premier has.

I shall refer to paragraph (1) of this lengthy motion, although I do not propose to go through the motion paragraph by paragraph. I shall address myself to the proposition of the member for Floreat that

the unfortunate truckies have been guilty of malversation of funds because they were trustees. God help us! The status of a trustee is created in equity only by the voluntary choice of the trustee. No-one is compelled to be a trustee. One cannot say, "Do not give me that money but hold it in trust." That is absolute nonsense and creates no obligation whatever.

Mr. R. L. Young: What about group tax? This is trusteeship thrust upon someone. What if that person spends it for his own purposes and does not pay it over?

Mr. HARTREY: I suggest the member for Wembley should tell me.

Mr. R. L. Young: Is that reasonable?

Mr. HARTREY: We are not talking about what is reasonable but what is the law on the subject. That is all I am talking about and if my friend from Wembley does not understand I cannot help it.

Mr. Hutchinson: He thought you were Daniel come to judgment.

Mr. HARTREY: I am not very rich for all the advice I have given members in this House. Let us get back to the subject. We have been told by the member for Mt. Marshall, for whom I have the greatest personal liking and respect, that it is not possible to raise an army unless the Government conscripts men. It is necessary to have national servitude, mind you! I despise national servitude and deny the right of any Government to create it. That is all conscription is. If we want a fire brigade do we conscript? No, we pay people enough to make the occupation attractive. Is it suggested that we should conscript a Police Force? What a lot of good a Police Force would do if its members were conscripted. Instead, we simply attract people to join the Police Force. The same thing applies to any other occupation. If we want railwaymen but do not pay them enough they will go on strike and will not work.

Mr. Reid: What about fruit fly?

Mr. HARTREY: You would know about that! I have never suffered from it.

Mr. O'Connor: You have probably taken the bait.

Mr. HARTREY: Let us consider the last paragraph of the motion.

Mr. McPharlin: You must admit there is a difference between Army service and the other services which you are talking about.

Mr. A. R. Tonkin: Men will fight if they believe in what they are fighting for.

Mr. McPharlin: Do you believe in defence or not?

Mr. HARTREY: The only difference is, the Police Force is solely for home defence and the Army for home and foreign defence.

The SPEAKER: I think the member for Boulder-Dundas should return to the motion.

Mr. HARTREY: I think I should, too. I was getting right off the track, although I am sidetracked easily.

The SPEAKER: The honourable member should not be sidetracked.

Mr. HARTREY: Let me take the last paragraph of the motion which states that the Government's actions are undermining the law. I have dealt with that already and I will not weary members with it again. The motion states that the Government's actions are also undermining the Police Department and departmental morale in Western Australia. I think that is a gross insult to the Police Force of this State for two reasons. Firstly, the motion states that the morale of the Police Force is being undermined, which is not true. Secondly, the motion represents members of the Police Force as being people who have a personal interest in prosecuting the community, which is certainly not true.

Mr. Hutchinson: That is nonsense.

Mr. HARTREY: Officers of the Police Force are given these warrants to serve on men whom they know cannot pay. Very often, being the human beings they are, they fail to find a person when they know full well where he is or else they give him 68 hours to pay and the person gets out of the way in the meantime. I know that with many warrants issued by allegedly deserted wives the police have repeatedly given the defaulting husband or debtor some time to pay, and frequently they have represented that they could not find the debtor.

The police are humane, well-intentioned, and for the greatest part upright and honest. To say their morale is being undermined because they are not gaoling men who have no money is no compliment. We do not like to see in gaol men who should not go to gaol. The police do not do anything of this sort and I am surprised at the insult to the Police Department.

Mr. O'Connor: The reference is to the Premier and the Government interfering with the internal operations of the Police Force.

Mr. HARTREY: The Premier was not accused of interfering with the internal operations of the Police Force. It has been said that because a certain man by the name of Brockman caused a long search and it took many months to catch him—and, like Paddy's horse, he was no good when they caught him—the police were upset because certain charges were withdrawn. The police are not as unjust as the member for Mt. Lawley. The police know very well that no man is guilty until he is tried. The police do not anticipate a verdict.

Mr. O'Connor: You talk to the Minister for Police.

Mr. HARTREY: This was a mistake and an error and I hope the member for Mt. Lawley will appreciate the error of his ways in future.

Mr. Graham: Too late!

Mr. HARTREY: Thank you, Mr. Speaker, for giving me the opportunity to correct some of these errors.

MR. WILLIAMS (Bunbury) (8.28 p.m.): After that discourse from the member for Boulder-Dundas, I feel a little humble in rising to my feet. However his remarks were in good humour.

Mr. Bickerton: Humility was never one of your assets.

Mr. WILLIAMS: Yes it was.

Mr. Graham: I notice the past tense!

Mr. WILLIAMS: The member for Boulder-Dundas caused some mirth in the Chamber for a while. One of the issues which I shall take up concerns something the Premier said when he spoke to the motion which has been moved by the member for Mt. Lawley. The Premier said that some of the truckies who found themselves in difficulties and unable to pay road maintenance tax have been the victims of certain circumstances. He outlined the case of a main contractor who tendered for a job and included in the price the road maintenance tax. This man then subcontracted the work to truckies who work privately.

The basis I have worked on in business—and I know many others would agree—is that, in tendering for something—such as a subcontractor would be doing in tendering to a main contractor—it takes longer to go broke by sitting on one's tail and doing nothing than by working like a slave. If a person cannot see himself making anything out of a contract usually he does not apply for it.

The simple answer to those people is that the operator would know of the difficulties in the first place. If it were a case of bad roads—and I believe that is the case in many instances—then the operator would know that substantial repairs at a heavy cost would be necessary to the truck, and he would tender at a price suitable to cover those costs and to cover road maintenance tax.

Mr. Graham: What if you have a big truck on hire purchase, and you owe more than you have paid?

Mr. WILLIAMS: They know what their commitments are better than anyone else, and they adjust their prices accordingly.

Mr. Graham: But when the downturn in the economy takes place these payments go on, yet there is a shortage of work.

Mr. WILLIAMS: That is one of the chances one must take in business. One cannot predict the future, and one hopes that the job will pay on the basis one has allowed for.

Mr. Graham: These are not tenders, but subcontracts, generally speaking.

Mr. WILLIAMS: It is done in one form or another; either legally in writing, or else under a gentlemen's agreement. I think it is usually in writing.

Mr. May: Would you put the same construction on exploration companies if they had to pay extra rentals—that they should not be given any assistance because of the downturn?

Mr. WILLIAMS: That has not much to do with road tax and we could argue that when the time comes.

Mr. O'Connor: They should be able to look after themselves.

Mr. WILLIAMS: Interjections are highly disorderly as you will no doubt remind us later, Mr. Speaker. One should not make one's speech around interjections; one should be allowed to make one's own speech.

It was rather amusing to me when the Premier replied to the speech of the member for Mt. Lawley, because I read in *The West Australian* of the 11th April an article which I will quote. It appeared on page 19 of that paper and in part it reads as follows:—

Too many people were not prepared to accept authority. They should realise that the State could not exist without the authority of the law. When people flouted the law they took the first step towards the destruction of the State.

Mr. J. T. Tonkin: Do you agree with that?

Mr. WILLIAMS: I agree with it in general. That statement was made by the Premier when he was speaking at the opening of a conference of police commissioners from all States and New Zealand. This sort of thing, and matters mentioned by the member for Mt. Lawley and others, are instances where we see a flouting of the law by the Government of the State. People can say what they like about it; in my personal opinion waiving fines and interpreting the law in one way for one person and in a different way for another, as is the case with the road maintenance tax, is flouting the law. I blame the Premier for this.

Mr. J. T. Tonkin: Did you protest when your Government did the same thing?

Mr. WILLIAMS: It did not do the same thing.

Mr. Hutchinson: We did nothing of the sort.

Mr. Graham: In hundreds of cases.

Mr. J. T. Tonkin: It did precisely the same thing.

The DEPUTY SPEAKER: Order!

Mr. WILLIAMS: Let the Premier give the cases to one of his Ministers or one of his back-benchers, and let him tell us about them. We find that a number of people who, for one reason or another, cannot afford to pay road maintenance tax, are let off the hook; but because somebody else can afford to pay the tax he is required to pay it or suffer the consequences.

Mr. J. T. Tonkin: That is what your Government did.

Mr. WILLIAMS: I think the words of the Premier which I have quoted are very true and I hope he sticks to them in future.

Some time ago, on the 17th March, 1971, soon after he got into Government—and this happens to be St. Patrick's Day; whether or not that had anything to do with it I do not know—the Premier was commenting on price control for hauliers. His remarks were related to road maintenance tax. He was asked how he would ensure that hauliers passed the benefit on to the people at the other end if road maintenance tax were repealed. During the course of his remarks on this question—and I recall his mentioning tonight that the previous Government did not do certain things—the Premier was reported as follows:—

He said that the previous Government had enforced the payment of road maintenance tax right up to its election defeat.

He knew that many road hauliers had been sent to gaol for failing to pay the tax.

"What good that did, I don't know," he said.

"I think it would have been better to have given the convicted hauliers time to pay."

Those comments appeared in *The West Australian* on Wednesday, the 17th March, 1971. The then Minister, now the member for Mt. Lawley, had in fact done this; and here is the Premier suggesting at that time—he might have had a change of heart since—that the hauliers should be given time to pay.

Mr. Hartrey: Now he wants to give them time only.

Mr. WILLIAMS: The article continues—

Mr. Tonkin said that he was anxious to clarify the tax position as soon as possible so that it would not have to be collected.

It appeared that hauliers were obliged to pay the tax till the law was changed.

We all know the circumstances which have prevailed since the law was changed—or rather since the Government tried to change the law. No-one was told that it was intended to replace the tax the Government tried to repeal with another.

Mr. Rushton: He said there would be no replacement.

Mr. WILLIAMS: Yes. Those events are history now. The other matter I wish to raise—and I do not know what justification the Premier will give for the actions of the Government in this case—concerns the waiving of fines imposed by the Industrial Commission. How is it that some people can have their fines waived and others cannot?

Mr. J. T. Tonkin: Even Liberal Governments do that, you know.

Mr. WILLIAMS: No, not in this State to my knowledge.

Mr. J. T. Tonkin: The Commonwealth Government does it.

Mr. WILLIAMS: I think you, Mr. Deputy Speaker, would pull me up if I were to talk about the actions of the Commonwealth Government.

Mr. J. T. Tonkin: It is convenient to skate away from it.

Mr. WILLIAMS: Oh, yes; but I have heard the Premier say the same thing on many occasions both when he was on this side of the House and since he has been on the other side. If it is good enough for the Premier it is good enough for me.

Mr. J. T. Tonkin: It is still convenient for you.

Mr. WILLIAMS: It may be convenient, but I think the circumstances might be a little different. I may take the time one day during some other general debate to take up this matter.

Mr. J. T. Tonkin: You might take it up?

Mr. WILLIAMS: On the 15th March the Deputy Leader of the Opposition asked the Minister for Labour whether any fines which have been imposed under the Industrial Arbitration Act by the Industrial Court have not been implemented, and the Minister replied that there were some which had not been implemented. The charges which had not been acted upon, and the fines which had not been collected, were in relation to the 17 shop stewards from Forwood Down W.A. Pty. Ltd. and Structural Engineering Co. of W.A. Pty. Ltd. These charges were the aftermath of a prolonged strike in this State which affected many people.

Mr. Taylor: The strike we inherited when we came to Government.

Mr. WILLIAMS: It may have been concocted, as has occurred in other places. It may have been concocted to embarrass the Government of the day. However, that is a matter of conjecture.

Mr. Taylor: It is conjecture all right.

Mr. WILLIAMS: I do not think anybody on this side of the House could prove it; perhaps other members may be able to but will not do so. The Deputy Leader of the Opposition was told that a decision had been made by Cabinet on the 26th July, 1971, to waive the payment of the fines. The actual charges against the shop stewards were heard by the Industrial Court on the 19th April and the 29th May, 1971. Now I would have thought that had the Government been sincere and had it intended to waive fines of this nature it might have treated some other people in the same way.

Mr. O'Neill: It has refunded some fines when unions requested it.

Mr. Taylor: The unions did not request it. That is a newspaper article you are quoting; but that has never been said in this House.

The DEPUTY SPEAKER: Order! The member for Bunbury.

Mr. WILLIAMS: I have been quoting from *Hansard*, and not a newspaper article. On the 21st March of this year I asked a question regarding the number of times the penal provisions of the Industrial Arbitration Act had been used by employers against unions, unions against employers, unions against workers, and employers against workers. The Minister replied that in the case of unions against workers the penal provisions had been used on 432 occasions; however, the actions were mainly related to the failure of workers to maintain financial membership or to apply for membership of a union. It is a little hard to reconcile when we find that 17 people who were involved in a strike which affected thousands of people throughout the State, both directly and indirectly, and which put other people out of work on developmental sites, had their fines waived. Yet those 432 workers had fines imposed against them. I do not know how many of the fines have not been collected, but obviously the Government cannot see fit to waive them.

I think this is poor. Maybe the 17 shop stewards had friends in quarters higher than the people who refused to join or maintain membership of a union. Perhaps some pressure has been brought to bear upon Cabinet to make a decision to waive the fines. I think, to be fair and consistent, the Government should turn around and waive the fines of those 432 workers. I do not advocate that action because I believe people who are fined should pay the fines.

Mr. Taylor: We had three alternatives. One, to do as the Commonwealth has done—let the fines hang fire for two or three years, which is not honest—two,

to find someone to surreptitiously put in the money, as happened in the time of your Government, and which I do not think is honest; and three, to make an option action, as we did.

Mr. WILLIAMS: Then why did not the Government turn around on the 26th July, and state to the public, generally, that it had waived the fines of those 17 shop stewards? The Government did not tell that to the public until such time as the Deputy Leader of the Opposition asked a question in this House as to whether the fines had been waived. He was told they had been waived on the 26th July, 1971, two months after they had been imposed. The Government did not tell the public that it had waived the fines of the shop stewards because it was frightened of the reaction of the public at that time.

Mr. Taylor: Ours was an honest decision.

Mr. WILLIAMS: I think that was a disgraceful act on the part of the Government. The Premier should be true to the statement he made to the commissioners of police from the various States and New Zealand. He should re-read that statement and take notice of it. With those remarks, I support the motion.

MR. W. G. YOUNG (Roe) [8.43 p.m.]: I would like to address a few remarks to the House on the motion moved by the member for Mt. Lawley, and mainly to seek clarification of some points raised by the Premier when he replied to the speech of the honourable member. He told us at some length that the Government is now considering setting up a committee to look into all aspects of road maintenance tax. This, of course, is good news. I am in favour of the repeal of this tax, but at the same time I realise that we need the money for our roads. I have always wanted some form of equitable alternative imposed on all road users. We were confronted with a Bill last year which did not do this. Even though I am in favour of the repeal of the tax, I was not in favour of the proposed alternative.

The question I would like to pose now is: We have heard much about the poor, unfortunate truckies, who have my sympathy; possibly the numbers mentioned tonight have in fact gone broke through their trucking operations; but what about the poor, unfortunate farmers, those people in the Lakes district? The Premier made a statement last year that those people were paying up to \$1,000 per farm in road maintenance tax.

Mr. Jamieson: You had the opportunity to get them out of that, but you did not take it.

Mr. W. G. YOUNG: We tried every means possible.

Mr. Jamleson: Shame on you.

Mr. Graham: You are more loyal to the Liberal Party than to the farmers.

Mr. W. G. YOUNG: I am not. These farmers are paying up to \$1,000 a year in road maintenance tax. They now find themselves in the position that, because they have some assets, they are being forced to pay this money not to the Government but to the truck operators by virtue of the fact that if they have their super landed on the farm, or their sheep or grain carted, the road tax is included in the bill.

I know of cases of farmers who are being sued by a trucking company for the payment of their accounts. They have to pay these accounts with the road maintenance tax included. They cannot get out of payment. It has been imposed on them by the fact that they have to cart super, seed, and livestock. It was relatively late in the piece that a reference to livestock was removed from the provisions of the Act, but super and grains are still covered.

Regarding the proposed committee which will investigate the position of the unfortunate truckies who have gone broke, according to the words of the Premier the big boys who can pay will have to pay, and those who prove they cannot pay will not have to pay. Will this policy be extended to farmers who are required to cart super and grain, but who cannot pay the tax? Many of these farmers are already in the hands of the Rural Reconstruction Authority. If they can prove that they will be relieved of a debt of \$1,000 in the coming year that might make all the difference to the viability of their operations.

Mr. J. T. Tonkin: What are the local authorities doing in regard to farmers who cannot pay their rates? Are they gaoling the farmers?

Mr. W. G. YOUNG: They are enforcing the law. They are not gaoling the farmers, and I am not advocating that the Government should gaol the truckies. All I am asking is that the proposed committee looks at the plight of farmers who are in difficulties and who, since the introduction of the road maintenance tax, have been paying it.

I do not agree that every farmer has been paying \$1,000 a year in this tax, but those in the Lakes district are paying considerable sums. Way back they were promised a railway line, but it has not materialised. They have been more harshly treated under the road maintenance tax than other primary producers.

Moving to the area of the farmers who use their own trucks to cart their produce—and these are ones who have trucks of 8-ton capacity or over—these farmers have to pay the road maintenance tax. As far as I understand, while such a farmer has

assets and a farm the law will take its course, under the statement of the Premier that those who can pay will have to pay and those who cannot will get away with it.

If a farmer is in dire straits and can prove that the \$1,000 which he has to pay for carting grain and super in his own vehicle is causing him hardship which will result in the sale of some of his assets, will he be exempted? This is an aspect which the proposed committee should look into. A truckie who owes road maintenance tax can go into bankruptcy and so be relieved of his responsibility to pay, but a farmer does not have this option. He has to give the money for the road maintenance tax to the truckie who puts it in his pocket. The truckie can then plead poverty, as a result of heavy commitments under hire purchase. I ask this: Have the hire-purchase companies more claim to this money than the farmers? If the hire-purchase companies want their money should they get it in preference to the farmers? A few moments ago the Minister was asked by way of interjection whether some of the big mining companies which have obligated themselves under contract in the mining field will receive sympathetic consideration because of the different circumstances that now obtain.

Mr. May: This applies not only to the big operators.

Mr. W. G. YOUNG: To all companies. The Minister was saying that they could be regarded as worthy cases. If that is so then the farming community which is paying this tax should be treated similarly when it finds itself pushed into a corner in having to meet the tax. Will the proposed committee be able to say, "It is costing you farmers in the Lakes district \$1,000 a year. We know you are in the hands of the Rural Reconstruction Authority, and your operations are not viable by a certain amount, but if the amount of \$1,000 did not have to be paid you would be able to remain on your farms"?

The Premier should give us an answer to indicate whether, if substantiated, these cases will be exempted. I think the selective system of who will pay Peter as against Paul will be decided by the committee. As yet we do not know its members, but I think it will have a very difficult task to discharge its duties. I presume this will apply not only to people who are in default, but also to those who are still operating. How are we to prove the point or how can we differentiate between a person who can pay, and one who cannot? It will be very difficult to fix the demarcation line under a means test. I am afraid this will cause just as much difficulty as the Act is causing at the moment. I will be very interested to know how the position will be resolved so that we are fair to all

the people, and so that we will not cause more upsets and criticisms than have been caused under the present scheme.

Mr. O'Neill: I would be interested to learn that any committee appointed for this purpose is able to recommend anything other than the observance of the Statute.

Mr. W. G. YOUNG: That is very true. While the Act remains on the Statute book that is the only way to go about the matter. I cannot envisage the committee drawing a line between those who have to pay and those who do not.

Mr. Jamieson: But the committee can bring down recommendations for amendments to the legislation. The member for East Melville is merely playing around with the position.

Mr. O'Neill: The Government can introduce a Bill to repeal the tax.

Mr. Jamieson: It might do that.

The DEPUTY SPEAKER: There are far too many interjections, and I am sure the Hansard reporters have difficulty in recording them all.

Mr. W. G. YOUNG: I am referring to the actual machinery that is to be set up for drawing the line between those who have to pay and those who do not have to pay. It will be a very difficult exercise. I am interested to see how it will operate.

MR. R. L. YOUNG (Wembley) [8.53 p.m.]: I would like to compliment the member for Boulder-Dundas and the Premier for counteracting what the member for Mt. Lawley has said about the Government in regard to its attitude to road maintenance tax. They suggested it was an insincere and hypocritical approach, but anyone who has heard what those two honourable members have said tonight could not possibly accuse them of that. I believe they said what they did say in all sincerity. I believe the member for Boulder-Dundas was sincere in what he said about the showing of leniency; just as I believe the Premier was sincere when he quoted from the Bible.

Unfortunately this point has not been made by either of those two honourable members: It is all very well to talk about leniency, mercy, justice, and the respect for justice, but by their very statements I find the previous Government had administered the Act with leniency and justice.

I do not suggest for one moment that the Premier was insincere and hypocritical; but on the issue of road maintenance tax I do say, in view of the answers he has given to the challenge raised tonight, that he has been misguided in some of his remarks, and he has been dogmatic in that he has refused to look at the facts. Throughout the speech by the member for Mt. Lawley the Premier threatened to tear him to pieces, but he has failed to do that. He has been dualistic in trying to have it both ways.

On the one hand he has a responsibility to all taxpayers, and not only to some, to ensure that taxes are collected. On the other hand, he has a responsibility to the entire State to ensure that the affairs of the State are managed properly, and that the income to which the State is entitled is obtained as best it can be obtained. I do not suggest that any taxation law should be administered without justice and mercy.

Mr. Jamieson: So you would put these people into gaol and thus cause the State to pay more to upkeep them while they are there.

Mr. R. L. YOUNG: The contribution of the Minister for Works so far has been to criticise the member for Floreat, because he cannot understand him when everybody else seems to understand him quite clearly.

Mr. Jamieson: That is not so. A number of us experience difficulty in understanding him. Don't let us get into that subject too much.

Mr. R. L. YOUNG: Any subject is too difficult for the Minister.

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

Mr. R. L. YOUNG: The Premier referred to certain cases which were dealt with by the member for Mt. Lawley when he was the responsible Minister. He pointed out the manner in which the cases were dealt with and said what was done was correct. I suggest there is a great difference in administering a law with leniency and justice, and the nonadministration of the law or the statement that the nonadministration of the law is Government policy.

Mr. Bertram: That was the policy of the previous Government in respect of the Hire-Purchase Act.

Mr. R. L. YOUNG: That would cause everyone who has not paid the road maintenance tax to say that nothing will happen as a result of nonpayment, because the Government has told them its policy.

Mr. Jamieson: That is not so. It is not the policy of the present Government to put those people in gaol.

Mr. R. L. YOUNG: In effect it is not the policy of the Government to take the action which it could take to pursue the collection of the taxes to its final conclusion.

Mr. Jamieson: You would put them in gaol?

Mr. R. L. YOUNG: When I deal with some aspects of what the Premier has said in regard to bankruptcy the Minister for Works will understand better what I am trying to get at.

Mr. Jamieson: I enjoy these dogmatic lectures!

Mr. R. L. YOUNG: It is very difficult to know what will transpire when some of these people are called upon to pay and others are not. From the statements made by the Premier and by the Minister for Works it seems to me that if anybody who is now paying the tax is in any form of financial difficulty and has trouble in raising the money for the tax, he does not have to pay it.

Mr. O'Connor: Or merely indicate he does not have the means to pay.

Mr. Jamieson: That has not been said. That is your interpretation.

Mr. R. L. YOUNG: After what the Premier has said anyone who continued to pay the tax would be a fool. I think the Government should make its position clearer. By his statement the Premier has virtually emasculated the tax, but I am sure it was done with the perfectly good intention of administering the Act with justice, leniency, and mercy right across the board. His answer to the solution is that he will set up some sort of inquiry.

Mr. J. T. Tonkin: Not going to set it up, but has set it up.

Mr. R. L. YOUNG: He went on to say that in his opinion the answer was to do away with the road maintenance tax. That indicates that in the future if anybody should complain about a tax or is able to hoodwink the Government that the tax is causing great financial hardship and insolvency, the Government will do away with it. If that is so the process will go on *ad infinitum*, until there are no taxes at all.

Mr. J. T. Tonkin: Would you be in favour of abolishing probate duty?

Mr. R. L. YOUNG: That is a very interesting question.

Mr. J. T. Tonkin: Would you be in favour of it?

Mr. R. L. YOUNG: Yes, I would be in favour of the abolition of probate duty, provided the State still has enough money to run its affairs and does not have to approach the Commonwealth Government and use it as an excuse every time the State is in financial difficulties—invariably as a result of problems such as the ones confronting us under this tax.

Mr. Jamieson: We would not get any more money out of this. That is the point you are missing. One is not able to get blood out of stone. If you put these people in gaol it will cost the Government \$7 a day to keep them there.

Mr. R. L. YOUNG: The Premier has raised the issue of probate. He said that as a matter of fact he knew of no instance where the collection of probate by the commissioner was done by forcing a person to sell his property.

Mr. J. T. Tonkin: I never said that at any stage. What I said was that the department had not sold up anybody.

Mr. R. L. YOUNG: The Premier was challenged by interjections from this side of the House regarding the statement that people had been forced to sell in order to pay probate. In answer the Premier said he could not help what the farmers do. The only person who can pay the probate is the administrator or the executor of the estate, and if he does not have sufficient money he is forced to sell the property.

The Premier also went on to say that he had never known of a case where such a person was gaoled in this State for non-payment of probate duty. I ask: Who would be gaoled; the deceased person?

Mr. J. T. Tonkin: I did not say I had not known of a case. I said there had not been a case.

Mr. R. L. YOUNG: Some of the statements made in regard to bankruptcies were absolutely incredible.

Mr. J. T. Tonkin: Some of the statements now being made are incredible.

Mr. R. L. YOUNG: The Premier based much of his speech on the fact that a tremendous number of people were forced into bankruptcy because of the road maintenance tax.

Mr. J. T. Tonkin: Then why did they go into bankruptcy?

Mr. R. L. YOUNG: The number quoted to this House must, of necessity, be totally incorrect because the number of bankruptcies administered in this State during the period quoted by the Premier were actually fewer than 200 from all sources and for all reasons whatsoever.

Mr. J. T. Tonkin: From what source did you get your information?

Mr. R. L. YOUNG: From as good a source as was available during the tea suspension. If I am wrong I am quite prepared to apologise to this House, and to the Premier, as soon as I conveniently can.

Mr. Graham: I think you had better apologise in advance.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr. R. L. YOUNG: I make that promise provided the Premier will give an undertaking that immediately he checks he will apologise for using incorrect figures. Will the Premier give me that indication?

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr. R. L. YOUNG: The Premier has already referred to bankruptcy as a simple expedient. Anybody who has been connected in any way with bankruptcy will know what is involved, and will know that there is nothing simple or expedient about bankruptcy. I do not know whether the bankrupts to whom the Premier referred were under part X or part XI of the Act or under sequestration.

Mr. J. T. Tonkin: Would the member for Wembley like me to make it clear?

Mr. R. L. YOUNG: If the Premier can give me the figures, by interjection, I would be only too happy to hear them.

Mr. J. T. Tonkin: The Commissioner for Transport, through his Minister, informed me that the reason for the withdrawal of action in these cases was that in 462 cases the defendant was bankrupt.

Mr. R. L. YOUNG: The Premier told members of this House that 462 people went under the administration of the Bankruptcy Act as a direct result of the road maintenance tax.

Mr. J. T. Tonkin: I never said anything about going under the administration of the Bankruptcy Act. I simply said of the total, the reason for withdrawal of action was that 462 of them had gone bankrupt.

Mr. Nalder: On their own admission.

Mr. R. L. YOUNG: One cannot be bankrupt without coming under the administration of the Act. When I interjected and asked whether the bankruptcies were caused as a result of the road maintenance tax the Premier said 462 people went bankrupt as a result of the road maintenance tax.

Mr. J. T. Tonkin: Does the member for Wembley think that the previous Government would let out of gaol a man who had been placed there for a number of days or months because he was bankrupt, if he had not gone bankrupt?

Mr. W. G. Young: He may have been one of the 200.

Mr. R. L. YOUNG: Bankrupts do not go to gaol. The Premier knows nothing of the facts.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr. R. L. YOUNG: The Premier seems to have failed to understand these things because the matter became complicated.

Mr. J. T. Tonkin: I did not say that at all.

Mr. R. L. YOUNG: The Premier said, "I do not understand."

Mr. J. T. Tonkin: I did not.

Mr. R. L. YOUNG: The figures must, of necessity, be hopelessly wrong, and as I have said I will apologise if I am proved wrong. I do not care whether or not the Premier apologises in respect of the figures he quoted to this House. However, it would have been much better had the Premier stated the more interesting figure of what percentage the road maintenance tax represented out of all the creditors involved in each insolvency. Such a figure would have backed up the case in the charge he made. When the Premier referred to those who went bankrupt he should have stated what percentage of the debts related to

road maintenance tax, and what percentage related to depreciation on the vehicle, finance charges, running expenses, and so on.

Mr. Jamieson: Would the previous Government have retained the road maintenance tax?

Several members interjected.

The SPEAKER: Order!

Mr. R. L. YOUNG: It may have been more pertinent had the Premier been able to indicate what percentage of the total income of a truck operator related to the road maintenance tax and what percentage related to all other costs. Had he provided those figures I think it would have been quite clear that the road maintenance tax did not cause the operators to go bankrupt.

Truck operators do not go bankrupt because of the road maintenance tax. Invariably, they go bankrupt because they over-capitalise. They buy huge trucks and commit themselves to very high hire-purchase repayments. At this point I have something to say about the finance companies which lend the money to the truck operators.

Mr. J. T. Tonkin: You had better be careful; they will be after you if you tackle them.

Mr. R. L. YOUNG: The hire-purchase companies should take more care to ensure that the truck operator has some reasonable chance of repaying the debt.

Mr. Bertram: They would not be involved if the Act was enforced.

Mr. R. L. YOUNG: Which Act?

Mr. Bertram: The Hire-Purchase Act about which you are speaking.

Mr. R. L. YOUNG: I hope to have an opportunity to discuss that Act at a later date.

Mr. Bertram: The previous Government neglected to enforce the law for a period of 12 years.

Mr. R. L. YOUNG: That is the honourable member's opinion.

Mr. Bertram: Well, you look into the matter.

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

Mr. R. L. YOUNG: The second principal reason for the truck operators becoming insolvent is their uncertain income. In many cases they do not know what costs will be involved in running their units. It may also surprise the Premier to know that the truck operators enter the field of transport with a profit motive in mind. I know this is a terrible thing to say to the Premier because he would like to think of them as down-trodden fellows, who have ground to a standstill because of the road maintenance tax without even a thought to project.

I cannot quote what percentage of the total running costs is applicable to the road maintenance tax in the case of those who have gone bankrupt. However, I would suggest it is infinitesimal when compared with finance charges, depreciation, repairs, tyres, and petrol and oil. I think the Premier is deluding himself when he suggests that the people who went into the transport business with a profit motive became insolvent as a result of road maintenance tax.

Mr. Hartrey: Does the member for Wembley not believe in private enterprise?

Mr. R. L. YOUNG: Of course I do, but I believe in responsible private enterprise. I do not believe in losing what I have. I wonder how many of these fellows paid their garage bills and their tyre bills, and did not pay the road maintenance tax. I venture to say that a tremendous number would come within that category.

That is the reason for truck drivers going broke. This motion is not a question of bankruptcy or reasons for bankruptcy. It is a case of whether the law is administered with justice, as was the case previously, or whether the law is not administered at all. When the time arrived when the transporters said they could not pay, the Government has simply said that is the end of that, and it will not pursue the matter according to the law. However, there are people amongst the transport fraternity who will immediately take that as a green light knowing they need not meet their commitments and that they can get away scot-free.

MR. W. A. MANNING (Narrogin) [9.11 p.m.]: I wish to make a few comments because of certain questions which have arisen. I support the member for Wembley in what he has said, and I, too, challenge the bankruptcy figures quoted by the Premier. I challenge the Premier to correct his statement if he is wrong.

I have a question on the notice paper but I have no chance of receiving a reply until next Tuesday so I will be at a disadvantage whereas the Premier has had an opportunity to prepare his speech. Even so, I am afraid the figures which he quoted are wrong. I have with me the *Official Year Book of Western Australia*, 1971, and it contains the number of bankruptcies for the five-year period since 1965. In 1967 the bankruptcies, including sequestration orders, numbered 195. Compositions, assignments, and deeds of arrangement—giving the benefit of fringe cases—numbered 82, which provides a total of 227 for the 12-month period. In 1968 sequestration orders numbered 222, and compositions, etc., numbered 52, giving a total of 274. In 1969—which covers 10 months of the period included in the figures quoted by the Premier—the total number of sequestration orders was 224, and compositions, etc., numbered 60, making a total of 284.

The figures quoted by the Premier cannot possibly be right on the basis of those figures I have just quoted from the year book. I would also point out that the figures refer to all occupations, and not only to truck operators.

In my question I have asked for a segregation of the figures quoted by the Premier. The Premier also failed to take into account any arrangement or agreement for payments to be made over a period. The Premier seemed to think that a person could be made bankrupt without coming under the Bankruptcy Act. I would point out that it is not possible to be made bankrupt unless the action is taken under the provisions of the Act. The Premier cannot get away from the figure he quoted by saying that the persons concerned were not bankrupt under the Act.

I would like the Premier to give consideration to what I have said. When I receive the reply to my question I will be able to compare the figures with those quoted by the Premier. If my figures prove the Premier to be wrong I think we can disregard a lot of what he has said.

The Premier also referred to probate and said that he has never known of anyone being gaoled for not paying probate. I must admit he did correct that statement, but let us examine the position. I have in my file the case of a widow. The lady is worried about the evaluation of the property and is in tears about the situation. She has not been given any respite or anything else from the Probate Office; unless she pays up she cannot get the probate papers. How is it possible to put anybody into gaol for this? A person must sell his assets to pay for probate. Therefore, it is not possible to put somebody into gaol for not paying probate.

Mr. J. T. Tonkin: That does not prove that anybody has gone to gaol.

Mr. W. A. MANNING: It is impossible to put them into gaol. Does one put the deceased person or the executor into gaol?

Mr. J. T. Tonkin: What is more, no-one has gone to gaol for not paying land tax.

Mr. W. A. MANNING: The Premier can see he is entirely wrong in referring to probate.

Mr. J. T. Tonkin: I am not wrong. I never dealt with the possibilities at all. I made the straightout statement, which is true, that nobody has gone to gaol for not paying probate.

Mr. O'Neill: We have not gaoled anyone for eating ice cream, either.

Mr. W. A. MANNING: I agree with the Premier.

Mr. J. T. Tonkin: If you agree, what are you arguing about?

Mr. W. A. MANNING: I am arguing because it is ridiculous to say nobody has ever been sent to gaol for not paying probate. It would be impossible, because a person has to pay probate before he gets the probate papers.

Mr. J. T. Tonkin: Would it be impossible? Do you assert that definitely?

Mr. W. A. MANNING: Yes.

Mr. J. T. Tonkin: I will prove tomorrow that is wrong.

Mr. W. A. MANNING: The Premier can give me that figure at the same time he gives the figures on the bankruptcy orders.

Mr. Bertram: Very often a person gets probate papers a long time before he pays the debt.

Mr. W. A. MANNING: Only under special arrangements.

Mr. Bertram: Maybe, but it is done very often. A person only has to ask, in the main. I mention this so that you may be precisely accurate.

Mr. W. A. MANNING: I have been through this and I know exactly what can and cannot be done. The honourable member cannot quote anyone who has been gaoled for not paying probate because that would be impossible.

Mr. Bertram: The executor could be gaoled.

Mr. W. A. MANNING: It is no good the Premier quoting this as an illustration because it is absolutely impossible. Much has been said on this subject and I support the motion moved by the member for Mt. Lawley. I thought these were two points which needed more coverage and I wanted to add my remarks to what has been said.

MR. RUSHTON (Dale) [9.20 p.m.]: The argument of the member for Mt. Lawley goes from strength to strength and that of the Premier whittles away.

Mr. J. T. Tonkin: Back-benchers on the other side do not.

Mr. May: May the 25th!

Mr. RUSHTON: The Premier distorted the facts as he did when advancing similar reasons for guaranteeing the Yundurup Canals project. Each speaker from this side of the House has, in turn, proved how distorted they are. I must give the Premier credit for one fact: I have never known a man like the Premier who can argue that black is white and white is black.

Mr. Bertram: Are you excluding yourself?

Mr. Jamieson: The only difference is that the Premier gets the argument right.

Mr. RUSHTON: The Premier holds the belt for this type of argument. I think the member for Mt. Marshall also conceded the belt to him in this regard. He

is a tremendous debater and is acknowledged as such; nobody takes this away from him.

In this case we cannot concede that he has made his points with facts that are relevant. The case presented by the member for Narrogin has destroyed the Premier's argument once again.

The Premier attempted to employ a red herring concerning a person in my electorate. When I read *Hansard* I will be interested to see just what the implication is.

Mr. J. T. Tonkin: I am only going on what the person in question told me himself.

Mr. RUSHTON: Every member needs to be sure of what he implies in the House on a personal basis. The in-laws of the young person in question are people I highly respect and see from time to time. In fact I find them very friendly indeed.

Mr. J. T. Tonkin: Did you go to see him?

Mr. RUSHTON: I have seen him on many occasions, because he was an opponent in the election.

Mr. J. T. Tonkin: You made a special trip to see him?

Mr. RUSHTON: After the election.

Mr. J. T. Tonkin: Before the election.

Mr. RUSHTON: It was after the election. I did not see him at his residence until after the election. This disproves the Premier's point altogether. I went purely to find out how he was going as he had had the Premier's promise which was not carried out. He was a person who, immediately after the election, expected to be relieved of that great burden. I think the Premier's action was shameful because he incited him politically as he incited many others. The Premier took advantage of them politically and I find this deplorable. This is the kind of thing we are landed with now from the election promises.

Be that as it may, I wish to make a few points on this subject. We are selecting only specific points because a great deal has been said on this issue. I am most concerned that people are not being treated equally. Why should there be discrimination?

I have represented people on this issue who have received compassionate treatment. They were behind with their road maintenance tax for all sorts of reasons. Some had fallen by the wayside because of partnerships in which they were involved. Things had come crashing around their ears and road maintenance tax was one of their burdens. It was always incidental to others.

I must say that the member for Mt. Lawley always treated representations which I made to him compassionately.

Indeed, the Premier has already acknowledged this. The member for Mt. Lawley treated them as I would have done; they were given the right to make repayments over a period of time.

I am greatly concerned over the existing situation. I know the hardship which some people are experiencing in meeting these claims. They are paying road maintenance tax although they face hardship and deprive their families of comforts which I would like to see them have. They are facing up to their responsibilities and they will continue to do so, but others have received discriminatory treatment. What will their position be?

Mr. Jamieson: Do not worry, they will not continue. They cannot continue because their credit is void and they cannot get the wherewithal to continue.

Mr. RUSHTON: These people are continuing and have made arrangements to make the payments. I heard only the other day that they are continuing to pay.

Mr. Jamieson: It is a different matter to talk of people who have made arrangements to pay.

Mr. RUSHTON: It is not different. These people were in real trouble. The Minister of the day handled the cases and showed the consideration which we all advocate. I would like to think that this attitude could be continued and people who cannot pay in full would receive the same treatment. The Government is letting off people who can pay.

Mr. Jamieson: We are not letting anybody off who can pay. The member for Dale knows better than that.

Mr. O'Connor: The Government does not know where to draw the line.

Mr. RUSHTON: How does the Government discriminate between the person who can pay and the person who cannot?

Mr. Jamieson: The ex-Minister could tell you if he took you outside for a few moments. He would tell you how he administered the department when he was Minister. He used to examine the situation of the person concerned when a departmental report was brought to him or his senior officers. It is exactly the same now.

Mr. RUSHTON: People have run into trouble in making payments and it is clearly understood how this can happen. Many circumstances could bring this about. These people have made arrangements with the Minister of the day and the department to make payments over a period of time, and they are continuing to make them. However, others in far better circumstances than theirs are being allowed to have their payments deferred and are not making payments. Alternatively, are all these people in fact making payments? The evidence would indicate

that they are not. I am terribly worried that any Government thinks it has the ability to set itself up as a god.

The Government is discriminating against the person who is thrifty, who slogs along so that he can make ends meet, and who makes a special effort to find the necessary funds to continue; whereas the person who over-indulges himself gets a helping hand or is let off.

Mr. Jamieson: That happens a lot in the rural industries, too.

Mr. RUSHTON: The Minister is picking out a special section.

Mr. Jamieson: They over-burden themselves and over-capitalise and look for a hand-out every time.

Mr. RUSHTON: Is the Government keeping them out of bankruptcy?

Mr. Jamieson: Many of them, yes, and you know that.

Mr. RUSHTON: This is obviously a discriminatory action on the part of the Government which warrants the strong motion that has been moved and warrants the House carrying such a motion.

I will not speak at any length on this matter because I think I have proved the point. People have in good faith entered into arrangements to pay road maintenance tax and they are now at a tremendous disadvantage. This is something to which I think all fair-minded people would object.

The motion relates to the Government's record in the last 14 months. It says—

- (1) The Government is not acting in a manner that encourages people to abide by the law.

It is easy to see how this is happening. The Government first painted a picture of bankruptcy in its own finances. In fact, every now and again when it runs into troubles it blames the Commonwealth Government or the Legislative Council. A few more things will be thrown up in the next few days. This, of course, is running away from responsibilities.

Mr. Jamieson: You see that the Legislative Council passes our responsibilities and we will stand up to them.

Mr. RUSHTON: I will give the Minister an opportunity in a moment.

Mr. Jamieson: Don't you talk until you can do that.

Mr. RUSHTON: We do not ask the Council to pass things that are not responsible, such as the fruit fly legislation.

Mr. Jamieson: You would not know what was responsible and what was not responsible. You have gone beyond the stage of responsibility.

Mr. RUSHTON: The next stage was the succumbing of the Government to pressure by industrial unions for the cancelling of fines incurred by shop stewards when

they were holding the State to ransom. Anyone who saw the shop steward in action on television, heard his views, and realised how he had attempted to wreck the economy of the State would know how responsible the Government's actions were in that regard.

We have not had an explanation of the draft situation. That has been bandied about. The Premier very artfully stuck to a compassionate issue which he has kept on plugging. He did not turn to the other charges that were made. He stuck to this one, through which he felt he could inspire some good feeling. He did not get himself involved in the other matters.

The tour by the South African footballers got us off to a very bad start. It put the police under tremendous pressure and I think they resented the situation in which they were placed at that time. We also had the ombudsman—

The SPEAKER: Would the honourable member keep to the motion.

Mr. RUSHTON: The motion says—

The Government is not acting in a manner that encourages people to abide by the law.

Until the Legislative Council took it out, there was a provision in the ombudsman legislation that the police should be subject to investigation by the parliamentary commissioner. The Minister in charge of the department very manfully faced up to his obligations and stood by his department. He was castigated by the Labor Party for doing so. This is something else that brings the Government into disrepute.

Then we come to the Government's attitude towards motions. We are not getting factual answers. I raised questions relating to Garden Island. I was side-tracked and given an evasive answer even on a matter of national security. I did not get a straightout answer.

I could speak for a long time on this matter but it is not my intention to do so. Many points have been made and cases have been proved. I ask: Why not introduce legislation to repeal the road maintenance tax? I would certainly support its repeal. Why not do it now? There is time before the end of the session. It would be a totally irresponsible thing to do but it would be far better than this discriminatory attitude.

Mr. Jamieson: You should have thought of that before you adopted your other tactic.

Mr. RUSHTON: It would be better than continuing to undermine the law. I would rather support the irresponsible act of repealing the road maintenance tax until we had a satisfactory alternative than have our law undermined as is the case at the present time. I ask the Premier: Would he consider at this time introducing a Bill to repeal the road maintenance tax in order that it may be passed by both Houses?

He will then have the answer to the point he is making. There would be no discrimination in the law and his Government would not be in disrepute. He would not have to set up a committee which, with the best of intentions, cannot be fair whatever it does. I suggest that the Premier should introduce such a Bill without further delay; that he should bring back into this House the legislation to repeal the road maintenance tax and give it a trial, because it is certainly preferable to the discriminatory law that is being administered at the present time.

MR. BLAIKIE (Vasse) [9.32 p.m.]: I rise to support the motion moved by the member for Mt. Lawley. The points which I consider to be most important are—

The Government is not acting in a manner that encourages people to abide by the law.

The Government's actions are undermining the law, Police Department and departmental morale in Western Australia.

When we look back on the Government's record in the last 15 months, we see that lawlessness has been condoned by the Government of this State. This has been evident in a number of issues. We have seen the Government rising to the cause of one Lionel Brockman, who will probably be regarded as the 1971 Robin Hood of Western Australia.

Mr. Jamieson: We could not win on that whatever we did. We were criticised by everybody in the east because we took action against him, and we were criticised in this Parliament because we did not take action against him.

Mr. O'Connor: Let the law take its course.

Mr. Jamieson: We cannot win on it.

Mr. O'Neill: Do you have to win all the time?

The SPEAKER: The member for Vasse.

Mr. BLAIKIE: In reply to the Minister for Works, if the Government followed the law and dealt with people according to the prescriptions of the law, without listening to its left wing affiliations, it would not be faced with this situation.

We also have the cases of Gary Cook, and the offenders under the road maintenance tax legislation.

The abolition of road maintenance tax formed part of the Labor Party's platform at the last election, and the issue was bandied around the countryside. Some people in the country accepted the view that this was a very unjust tax. Also, some transport operators took the gamble and what a gamble it has turned out to be. We found this out last year when the Government attempted to introduce a licensing schedule. Luckily the schedule was defeated, as it contained far greater

inequities than any form of road maintenance tax. I take the Premier to task on one point.

Mr. Graham: I bet that will upset him.

Mr. BLAIKIE: And the Deputy Premier. I am sorry I left him out earlier this evening.

Mr. Graham: I am very upset.

Mr. O'Neil: You upset him by leaving him out.

Mr. BLAIKIE: One of the implications behind that licensing schedule was that every owner of a commercial vehicle would have to pay an exorbitant license fee. If the Government's schedule had been introduced, these people who cannot pay their tax today would be off the road. Without a license they would not be able to operate and that is exactly the effect the schedule would have produced.

I have no doubt many members of the Government are having a most uneasy time since the position of the defaulters has been made clear to the people.

On the question of law and order I take very strong exception to offenders against our laws. I believe in this House we must uphold dignity and law and order. By and large we are here to set an example within the community. We are actually making the laws and it is up to us to accept our responsibilities. However, individuals in the Government defy these laws from time to time and in actual fact incite people to break them.

It is all very well for members on the other side to exclaim. I will remind them that a little over 12 months ago the Premier was the patron of the Moratorium movement. What a brilliant spectacle to see the Premier of this State leading an unruly group such as this through the streets of Perth.

Mr. Jamieson: They did not do any harm that day; what is wrong with you?

Mr. BLAIKIE: What good did they do?

Mr. Graham: They got Australia out of Vietnam—that is what they did.

Mr. Jamieson: Surely you do not object to people demonstrating.

Mr. BLAIKIE: I am very pleased that the Government members have brought this matter up. Maybe they support a Vietnam victory.

Mr. Graham: I support Australia keeping its nose out of Vietnam.

Mr. Jamieson: Which Vietnam?

Mr. BLAIKIE: Does the Minister support a North Vietnam victory?

Mr. I. W. Manning: By wanting us to withdraw from Vietnam he is allowing the communists to win.

Several members interjected.

A member: Communist minded!

The SPEAKER: Order!

Point of Order

Mr. GRAHAM: Mr. Speaker, I detect having heard a statement from the fascist-minded member which I regard as being most offensive. I refer to the person who masquerades as the Liberal Party Whip. He made some suggestion of my being communist-minded, or words to that effect. I suggest that he withdraws his comment.

Mr. O'Connor: Will you withdraw your comment that he is fascist-minded?

Mr. GRAHAM: I asked the honourable member to withdraw his remark.

Mr. O'Connor: You mentioned the fascist-minded member who masquerades as the Whip.

Mr. I. W. MANNING: I have no objection to withdrawing the remark, but I think the Deputy Premier has also offended. My comment was, "In wanting us to withdraw from Vietnam he is permitting the communists to win." If he finds that offensive I will withdraw it.

Mr. Graham: I think you have forgotten what you said.

Mr. I. W. MANNING: Mr. Speaker, I think you might well ask the Deputy Premier to withdraw his comments. I am not a fascist.

Mr. O'NEIL: Mr. Speaker, I understand the member for Wellington has made a request that you ask the Deputy Premier to withdraw the reference to the Liberal Party Whip being a fascist. I understand if a member makes a statement to the effect that the remark of another member is offensive, then it is your duty to ask that member to withdraw the remark.

The SPEAKER: That is correct, as long as the member makes the request.

Mr. O'Neill: He did make it.

The SPEAKER: He did not make it as a request.

Mr. O'Neill: Make it again.

Mr. Jamieson: You run the House, Mr. Hitler.

Mr. I. W. MANNING: Mr. Speaker, I request that you ask the Deputy Premier to withdraw the remark that I am fascist-minded.

Mr. Jamieson: Aren't you?

The SPEAKER: Will the Deputy Premier withdraw that remark.

Mr. GRAHAM: The member for Wellington having expunged his reflection on myself, I now withdraw anything I might have said which he regards as being offensive.

Debate (on motion) Resumed

Mr. BLAIKIE: I once again refer to upholding the dignity of this House. I do not agree that the Premier of the State

should lead an unruly mob through the streets of Perth. I do not think any members of the community agree with it either.

Mr. Jamieson: Any?

Mr. BLAIKIE: I would go further but this motion deals with the fact that the Government is not encouraging people to abide by the law.

Mr. Bertram: Did the previous Government?

Mr. BLAIKIE: The Government is not encouraging people to abide by the law.

Mr. Bertram: Nor did the previous Government.

Mr. BLAIKIE: From time to time we have seen members of the Government and of the Federal Opposition defy the National Service Act. This is an Act of Parliament which has been instituted under democratic rule.

Mr. Bertram: And members of the Liberal Party, too.

Mr. Bryce: Are you seriously suggesting that only members of the Labor Party objected to this pernicious piece of legislation?

Mr. Graham: The member for Vasse wouldn't know.

Mr. Bertram: What about the members of the Liberal Party?

Mr. O'Neil: Which ones? Name them.

The SPEAKER: Order!

Mr. BLAIKIE: We must uphold the dignity of this House and uphold law and order in this State. If the members defy our laws where will our State and our nation finish up? As I said earlier, I believe, as members of Parliament, we ought to set an example to the community and the community expects us to do just that.

We live in a democratic State. Laws are made and if people do not believe a law is fair then there are democratic ways to alter it. Any member of this House can propose an amendment, and provided the member's argument is sound the amendment will be carried.

Mr. Bertram: If you have the numbers.

Mr. Jamieson: You could have fooled me.

Mr. Bryce: What about the Upper House? It is not the argument there, it is the numbers.

Mr. BLAIKIE: If we cannot have our amendments carried out by democratic process, what do we do? Do we incite the people to turn around and break those laws which we have made.

If this situation continues I believe the nation will be in jeopardy. We have seen certain members of the Labor movement going around breaking the laws on many occasions.

Mr. Bertram: And members of the Liberal Party.

Mr. BLAIKIE: However, I get back to the case of road maintenance tax.

Mr. Jamieson: Don't get back to that, whatever you do.

Mr. BLAIKIE: We have hauliers who follow the letter of the law, and others who do not follow the law and their actions are condoned by the Government. Some of these people are receiving specialised treatment. Why should the sincere people pay? I am not inciting any person to break the law; but the action of the Government in condoning the actions of those who are defaulters under the Act will obviously encourage others to default.

Mr. Fletcher: Fremantle could not cope with the numbers that you put in gaol.

Mr. BLAIKIE: Another matter to which I wish to refer is the serious consequences to this State if road funds are not forthcoming. I ask the Government what is it going to do if this default continues and if it becomes wholesale default? Is the Government going to pick out an odd individual and fine him, or is it going to let the lot go free? What will happen to the funds upon which the shires depend for their road works? I would be very interested to hear the comments of the Main Roads Department in this regard.

Mr. J. T. Tonkin: Are you suggesting I should put the farmers in gaol?

Mr. BLAIKIE: I did not say that at all. I am saying that law and order should be maintained. I believe that, as the Premier of the State, the honourable member should take the lead and show some responsibility.

Mr. Jamieson: How are you going to maintain law and order if you do not put them in gaol?

Mr. O'Connor: Get them to pay it. A lot of them can.

Mr. Jamieson: Of course we are. They are not going to be excused.

Mr. O'Connor: A lot will be.

Mr. Jamieson: That is the stupidity of your argument.

Mr. BLAIKIE: I believe this State will be faced with a dire situation if road funds are not forthcoming. We depend upon these for our road works, which play an important integral part in the development of the State. On the 21st October, 1970, the then Deputy Leader of the Opposition, now the Deputy Premier, asked a question of the Minister for Works. I think members would be well advised to note this question because it indicates the Deputy Premier was in receipt of information at that time which he should well remember today. He asked—

In the event of the road maintenance tax being abolished, what would be the total financial result?

Part of the Minister's reply was as follows:—

However, an estimate for 1970-71 indicates that the State would stand to lose about \$5,450,000 in road funds this financial year. It is further estimated that this loss would escalate to \$6,332,000 in 1971-72 and the annual loss would continue on an increasing scale in the following years.

The Deputy Premier also asked—

What is the minimum annual amount required in order to qualify for maximum Commonwealth assistance?

To which the Minister replied—

The estimated minimum annual amount for 1970-71 is \$14,400,000. It is estimated that this would rise to \$15,754,000 in 1971-72 and would further escalate to June, 1974.

The Deputy Premier has condoned this situation, yet he was fully aware in 1970 that at this point of time there is no alternative to road maintenance tax.

Mr. Bickerton: Of course there is an alternative, but it is not law.

Mr. BLAICKIE: What is the alternative?

Mr. Bickerton: The alternative was there initially. The then Government was told about it. The trouble which people have got themselves into is a result of the pig-headedness of the then Minister wanting to introduce road maintenance tax. It is a tax you pay after you have done the job. Registration is something you pay before you have done the job. So you do not get into debt.

Mr. BLAICKIE: The argument of the Minister is about as weak as the argument of the Government when it attempted to repeal the law. I have illustrated to the House that at the moment we have a law on the Statute book. Western Australia depends upon these funds. I believe the Government has a responsibility to ensure that defaulters should meet their commitments. Law and order must be maintained. I support the motion moved by the member for Mt. Lawley.

Mr. Bickerton: Country members have fallen for the three-card trick.

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

Ayes—20

Mr. Blaickie	Mr. O'Connor
Mr. Coyne	Mr. O'Neill
Dr. Dadour	Mr. Reid
Mr. Grayden	Mr. Ridge
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning

(Teller)

Noes—20

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Bryce	Mr. Moiler
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Fletcher	Mr. A. R. Tonkin
Mr. Graham	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman

(Teller)

Pairs

Ayes	Noes
Mr. Court	Mr. McIver
Mr. Gayfer	Mr. T. D. Evans
Mr. Stephens	Mr. Davies
Mr. Runciman	Mr. H. D. Evans
Sir David Brand	Mr. Brown

The SPEAKER: The voting being equal I give my vote to the Ayes. I mean I give my casting vote to the Noes.

Question thus negatived.

Motion defeated.

Point of Order

Mr. O'CONNOR: On a point of order, Mr. Speaker, after giving a call, are you permitted to change your mind?

The SPEAKER: It was not a change of mind; it was just a slip of the tongue.

MAIN ROADS ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

MINING ACT

Disallowance of Regulations: Motion

Debate resumed, from the 12th April, on the following motion moved by Mr. Grayden:—

That regulations made under the Mining Act, published in the *Government Gazette* on the 3rd December, 1971, and laid on the Table of the House on the 8th December, 1971, be and are hereby disallowed.

MR. MAY (Clontarf—Minister for Mines) [9.58 p.m.]: In dealing with the motion moved by the member for South Perth, at the outset I would point out that in the opinion of myself and the department this move by the honourable member is premature and it is my intention to clarify the situation as I proceed with my speech.

For some time now the Mines Department has been looking at the possibility of assessing the degree of hardship increased rentals have imposed on both large and small mining companies. Numerous discussions have been held with various companies which have endeavoured to justify a reduction in the rentals, but unfortunately to date we have been unable to obtain any real assessment of the true position.

Approximately two months ago I met a deputation of several people representing about 30 companies who asked that consideration be given to some easing of rental charges for both mineral claims and mineral leases. I assured the members of the deputation that provided they could supply me with sufficient evidence that hardship was being caused to those engaged in the industry the question of rentals would certainly be reviewed. This was approximately eight weeks ago and these companies have not yet finalised their investigations. The Chamber of Mines has also indicated its desire to put forward a case for a reduction in rentals but it has not yet provided any indication that any easing in the payment of rentals is justified, and so at this point in time the motion moved by the member for South Perth does appear to be premature.

I am not criticising the honourable member for moving the motion, because I feel in my own mind, that ultimately we will be able to do something about it. However, I think it is incumbent upon me in a budgetary measure such as this to provide sufficient facts to my colleagues and also to the officers of my department to show there is need for a reduction in fees.

Mr. Rushton: Do you agree that this could result in less money being collected?

Mr. MAY: No, I do not agree with that at all. I will touch on that aspect. When an increase in charges is made this is an argument that is always put forward. However, experience has proved that if charges are increased patronage will be lost, but it does not necessarily follow that there will be a reduction in revenue. For example, if rail freights are increased patronage is often lost, and if the M.T.T. fares are increased the number of passengers on the buses will decrease. I do not think that money is lost, but such public utilities do lose patronage. As I have said, if railway freights are increased there is a consequent loss in patronage. The farmer, for example, is inclined to use his motorcar or his truck on the roads and he does not go back to patronising the railways. The same applies to the M.T.T. If fares are increased a man will get a ride in the car belonging to his neighbour, and it will be found he will not go back to using M.T.T. transport.

Therefore it is not always correct to say that because certain charges are increased revenue will be lost. I agree that patronage will be lost, but there may not be a reduction in revenue as a result of the motion moved by the member for South Perth.

I would now like to relate to the House some of the information I have compiled in the short time we have had since the motion was moved. It is quite enlightening and the House should know about it.

Further, it confirms my own thoughts that sufficient time has not yet elapsed to determine whether or not we should decrease the rentals of mineral claims and leases. Immediately the motion was moved by the member for South Perth I contacted many companies to ascertain their thoughts on what the motion contained and it is interesting to see the replies I received. I will mention one of them, but I do not intend to reveal the names of the companies to the House. If the member for South Perth wishes to know the names of these companies I can provide that information for him.

I asked my officers to contact one of the companies which was relinquishing 1,100 mineral claims either by withdrawal, surrender, or termination of the option agreement. It was found that there was no specific reason for its relinquishing these claims except for a combination of the following factors:—

- (1) The increased rentals—the company's bill is something like \$250,000.00 per annum.
- (2) Shire rates approximate up to \$16 to \$18 per claim (7½ cents in the acre).
- (3) The company considers the ground is barren.
- (4) Company policy has changed and a cut down in exploration activity is warranted in view of the present economic climate and the fact that competition has eased or is not so intense.

Discussions with the Geological Survey Branch of the Mines Department confirm that it is rather early to give a definite opinion on the effect of the increased rentals. The branch stated that the effect initially would be to clear up the speculative aspect, and also it is desirable for moneys to be channelled into exploration of the ground rather than into Government revenue which could be applied to other purposes.

Rental for both mineral claims and leases is not the only problem being encountered by those engaged in the mining industry. One of the major problems is the current downturn in the economy in the mineral fields, but especially in the nickel fields. Large companies, and many small companies may consider they have a viable proposition, but unfortunately at this time there is no great demand for nickel. I understand that these companies have been to see officers of the Mines Department in an effort to obtain some security for development purposes.

In the mining industry there is mandatory relinquishment after a certain period. The mining companies are very apprehensive that the Mines Department may insist on mandatory relinquishments. So, an area which they have nearly

proved to be a viable proposition might have to be abandoned because of the mandatory relinquishment provision. This is a matter we hope to resolve after the Mining Bill has been passed, but at this point of time we are looking into the possibility of helping the people who are affected, just as we are hoping to help them in respect of rentals.

The goldmining industry is in the same position. If the goldmines at Kalgoorlie are closed down they will very quickly fill up with water, and should there be an upturn in the industry at a later date it would not be an economic proposition to get them off the ground again. Many problems are experienced in the mining industry, and they have arisen through the downturn in the industry. We think we may be able to overcome some of the difficulties, and what the member for South Perth has suggested has been exercising our minds. What he has suggested is rather premature at the moment, but I give him an assurance that the Mines Department will give every consideration to looking into the matter of rentals after we have received the full information from the companies which have indicated that they will supply justification for a review of rentals.

I would like to read out some figures which I am sure will be of benefit to members. They not only indicate the reasons for the large number of surrenders and withdrawals, but also give particulars of what obtains in the other States.

For the information of the House I will relate the figures dealing with relinquishment of mining tenements since 1968. However, before any conclusion is drawn from these figures it would be advisable that they be related to other statistical data which I will deal with later and to the various other factors associated with the decline of the nickel boom.

During 1968, some 385 mining tenements were either withdrawn or surrendered; in 1969 the figure was 858; in 1970 it was 4,093 and in 1971 it was 17,979.

It is significant to observe that the 1971 figure relates to a year when there were no real effects from increased rentals as for the most part these applied from January 1972.

For the first quarter of 1972 some 8,419 withdrawals and surrenders were lodged. This in effect indicates an acceleration of the relinquishment of tenements, but the causes for which they were relinquished should be thoroughly examined.

During 1971, some 1,724 tenements were forfeited for nonpayment of rent from a total of 28,625 claims in force. The lists being prepared during 1972 are expected to show an increased trend.

In considering the number of applications for mineral claims, dredging claims, and mineral leases lodged, these have followed a similar trend in that the peak number of applications received was 43,693 in 1970 at the height of the nickel boom applications, and in 1971 the number of similar applications received had dropped by 28,760 to 144,933, this figure being little affected by the increased rentals.

The areas quoted by the member for South Perth relate to mineral claims applied for in 1970, as distinct from those in force for 1970.

At the 31st December, 1971, there were 27,795 mineral claims in force totalling 7,593,074 acres. The corresponding figure for 1970 was 20,272 totalling 5,344,357 acres. Therefore on the 31st December, 1971, there were 7,523 more claims in force than in 1970.

During the nickel boom large tracts of land were blanket pegged by companies, prospectors, and speculators. Much of this land was barren of minerals and was pegged for a number of reasons which included sound geological procedures, sound prospecting, proximity to known finds, rumours of nickel strike, likely looking country, and pure chance.

Obviously barren land and land of little promise must ultimately be relinquished. Also, land which has been subjected to intensive technical exploration and proved to be without promise must also be abandoned.

The changed economic climate brought about initially by a downturn in the stock market and secondly by the present economic downturn resulting in difficulty in marketing overseas, has brought about a situation where it is no longer economically practicable for the prospector or small company to retain ground hoping to interest others in its purchase or exploration.

If they have not the funds to work the ground themselves and others are not interested, then the sensible thing to do is either surrender or withdraw with a view to obtaining a refund of available fees from the Mines Department.

The member for South Perth has stated that in outlying areas at the present time virtually everyone is a prospector. This could best be clarified by saying that virtually everyone is a prospector whilst there is a possibility of an economic return from his prospect.

Much of the land being surrendered or withdrawn at present is virtually ground taken up for speculative purposes. Indications have been received from some companies who have lodged large numbers of withdrawals that, apart from rental and share rates, other factors have influenced these withdrawals. I did give an indication of the factors. They include—

The ground is not prospective.

The ground has been tested and is no longer required.

Competition for land is not so intense, therefore there is no necessity to hold land virtually to keep speculators off.

The changed economic climate has brought about a change in exploration policy.

Due to the present oversupply of the world market for nickel, some substantial companies have been forced to suspend operations on projects proved viable because they are unable now to negotiate the sale of their product.

In market circumstances such as these the prospector and company alike must review their operations and ground must be expected to be relinquished.

Mineral leases are generally applied for by companies who have established a productive ore body. The rental being charged for these is \$2 an acre and is in line with rental charged for gold mining leases.

At the 31st December, 1971, there were 347 mineral leases in force and a deputation representing a number of companies has already indicated to me that they agree that such rental is reasonable when a viable operation is involved. I am aware that there could be exceptions, and one possible exception is Greenbushes Tin in respect of which we have received submissions since the Premier and I returned from Japan.

I have already received a deputation representing over 30 small companies, and this deputation has promised to supply me with written submissions for consideration in relation to increased rentals. The Chamber of Mines is also studying the impact of the rent increases, and I expect to receive a further deputation from the chamber in the near future.

The welfare of the industry is paramount but I am unable to subscribe to the honourable member's views that the industry has been dealt a crippling blow. At this stage it appears that more ground will be released for legitimate exploration and that it is too early to effectively gauge the impact caused by the rental increases.

I think I have indicated there has not been ample time to inquire into the effects that these rentals have had on the industry. To say that the mining industry has been dealt a crippling blow is not correct. As a matter of fact there has been quite a large increase in the number of companies which are seeking exploration permits. I feel that the downturn in the industry has now reached a stage where we consider it will start to rise. I am quite sure that interest in the mining industry and in mining exploration will begin to increase in the next few months.

I am hopeful that by this time next year many of the companies which are now in a position where they require assistance from the Government in terms of some security of tenure or easement of labour conditions or expenditure commitments, will be able to stand on their own two feet, and the industry in Western Australia will benefit generally.

It may be of interest for members to know something of rentals charged in other States, but I must stress that it is difficult to obtain an accurate comparison because of the different types of tenements.

Queensland, for instance, has only one mining tenement—a mineral lease for which the rental is \$2 per acre.

There is an authority to prospect—believed to be similar to our current temporary reserve—and fees are determined by the Minister.

It is also possible to hold claims and prospecting areas, size 300 feet by 300 feet, for which no rental is charged. These are held by virtue of a miner's right which costs \$2.

In New South Wales rentals are at the rate of 50c per acre for goldmining leases, mineral leases, and dredging leases.

Charges in Victoria are 25c per acre for a goldmining lease, 50c per acre for a dredging lease, whilst rental for a mining lease is between 10c and \$10 per acre at the discretion of the Minister.

I must emphasise that the rentals for leases in Victoria range between 10c and \$10 per acre, at the discretion of the Minister.

In Tasmania mining leases cost \$1 per acre and other leases 50c per acre. For renewal of these leases after 21 years—the normal period of a lease is 21 years, with a further option—the rental per acre can be a sum not exceeding five times the previous rate. This rate is determined by the Minister with the consent of the Governor.

Goldmining leases in the Northern Territory cost 50c per acre for the first year and \$2 per acre thereafter, whilst for mining leases the rental is 50c per acre and for mineral claims and dredging claims, 25c per acre.

I have not mentioned South Australia where a new Act has been passed, but not yet proclaimed, and rentals therefore, as yet, have not been prescribed by regulation.

In view of what I have outlined, I prefer to wait until I have received submissions from the industry and review these submissions in the light of the information received.

Before resuming my seat I would like to reiterate and assure the member for South Perth that once the department is in possession of all the facts something will be done. As this was a budgetary measure introduced only at the end of

last year, insufficient time has elapsed in which the department could really assess the true merits of whether or not a review should be made of the annual rentals for both claims and leases. The claims are, of course, of major importance because once the company takes out a lease, obviously it is a viable proposition and the company is in a position to go ahead normally with production. However, in the case of claims a different situation exists because we are endeavouring to foster companies in regard to exploration. If we believe a diminution will occur in exploration in the mining industry, we will obviously consider the possibility of reducing the rentals.

At this stage it would not be fair or reasonable if this motion were agreed to because we have not been able to assess the true situation. Until such time as we have been able to assess the situation we must wait for the information to come in from the companies concerned.

Therefore I would request the House to reject the motion which was moved by the member for South Perth in all sincerity and with the mining interests at heart. He always speaks on mining matters and I am quite sure he has endeavoured to submit the views of some of the companies with which he has been in contact. But, from my point of view, I must wait for all the information to come to hand and then we will fairly review the situation and, if possible, decrease the rents if this is justified.

I would like the House to reject the motion, but at the same time I indicate we are very favourably disposed to having a look at all the mining rentals for claims and leases generally as soon as we get the information from all the companies concerned.

Debate adjourned, on motion by Mr. I. W. Manning.

House adjourned at 10.20 p.m.

Legislative Council

Thursday, the 27th April, 1972

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. CONTRACEPTIVES ACT AMENDMENT BILL

Views of Police Department

The Hon. G. C. MacKINNON, to the Minister for Police:

Pursuant to his statement made in the closing stages of his speech on the Contraceptives Act Amendment Bill on Thursday, the 20th April, will he advise the House of the views of the Police Department on this measure?

The Hon. J. DOLAN replied:

I thank the honourable member for giving me some prior notice of this question. The answer is—

The Police Department does not consider the amending Bill necessary to achieve its desired purpose. With regard to various clinics staffed by a doctor or nurse, the Police Department considers they would not be a public place within the meaning of the Contraceptives Act.

2. CONTRACEPTIVES ACT AMENDMENT BILL

Minister's Voting Intention

The Hon. A. F. GRIFFITH, to the Minister for Police:

From the information he has just given us in relation to the views of the Police Department—which I take it are those of the Commissioner of Police—does he intend to vote for or against the Bill introduced by Mr. Cloughton?

The Hon. J. DOLAN replied:

It would be a most unusual procedure for anyone to indicate in advance his voting intention on a Bill, particularly when he is a Minister.

The Hon. A. Griffith: You said you were going to support it.

The Hon. J. DOLAN: I said no such thing.

The Hon. A. F. Griffith: I beg your pardon!

The Hon. J. DOLAN: I think it would be wrong of me to make such a statement.

CORRIDOR PLAN

Inquiry by Select Committee: Personal Explanation by The Hon. F. R. White

THE HON. F. R. WHITE (West) [2.39 p.m.]: Under Standing Order 74, I seek leave of the House to make a personal explanation.

Leave granted.

The Hon. F. R. WHITE: I rise on a matter of privilege as a result of certain information that has been made available to the public. Members will well recall that this Chamber appointed a Select Committee to inquire into the Corridor Plan on the 16th September, 1971.

Then, on the 9th February it was changed into an Honorary Royal Commission. Between the 16th September, 1971, and the 9th February, 1972, the actions of the Select Committee were governed by our Standing Orders; and I wish to draw attention to Standing Order 354 which reads—

The evidence taken by any Select Committee of the Council, and documents presented to such Committee