that some women should have been appointed to the board is as good as any suggestion that could be made, but we have looked around and given a great deal of thought to the composition of this planning board—and it is a planning board—and provision has been made that when the university has reached the stage where we shall set up a senate as a governing body, some of the members of the board can apply, if they so desire, to be considered for the senate.

As far as the people who have been appointed are concerned, I refer to the fact that Dr. Gardiner, the Chief Veterinary Surgeon of the Department of Agriculture, surely has some knowledge of veterinary science, and he is the most senior man we have in this field in the Government; Mr. Anderson, the Director of the Research Unit in University Education, the Professor of Agriculture, and the Professor of Physiology, are people who would not be without some knowledge. All of those people were chosen for their special knowledge and experience.

It is a long time since we established a university; therefore, no-one is available to us here. Nevertheless, there are many people who have a great deal of experience in matters concerning university and tertiary education. We were very fortunate in having available to us Professor Bayliss who, over the years, has accumulated a vast amount of knowledge as a result of his membership of the Universities Commission and other positions which he has held from time to time. Whilst I do not deny that we could have had other people and that we could have had women representatives, I think that by and large we have a group of people who are knowledgeable and practical, and who will set about the planning and establishment of the university in the quickest possible time.

I, too, would like to see a new look to the university. The member for Belmont made the point that, at this stage of the history of this side of the continent, we should not forget that we have to look more and more to Asia; that we will be more and more associated with Asia; and that we will, no doubt, provide many of the educational facilities for Asia. That will not necessitate giving the university an Asian look or atmosphere, but I think we should have regard to that fact, and the point is well taken.

I thank members once again, and trust, with them, that when the Murdoch University is fully established it will prove to be one of the outstanding universities of Australia.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 11.20 p.m.

Legislative Council

Wednesday, the 28th October, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTION ON NOTICE

NAVAL BASE

Establishment

The Hon. R. THOMPSON, to the Minister for Mines:

(1) Has the State Government been given any assurance by the Federal Government that a Naval Base will be established on Garden Island after the causeway has been constructed?

(2) If so, when will the Naval Base be established?

(3) If not, will the State Government seek an assurance from the Federal Government before acquisition of mainland properties is proceeded with, and the leases of established holiday camps are terminated?

(4) Will an expert survey be carried out prior to the construction of the causeway to ensure that ocean currents will not be affected by the structure, and that no further pollution of Cockburn Sound will occur?

(5) Is it the intention of the State Government to establish industry, wharves, etc., on Garden Island if the Federal Government is willing to excise portion to the State?

The Hon. A. F. GRIFFITH replied:

(1) to (3) I do not know if any written assurance has been given by the Federal Government but it is most unlikely that the Federal Government would be prepared to spend $9 million on a causeway if it had no intention of proceeding with the naval facilities on the Island.

(4) Surveys and studies are being carried out by competent consultants.

(5) In its long range plans, prepared before the Commonwealth announced its intention to establish naval support facilities on Garden Island, the Fremantle Port Authority proposed the eventual construction of port facilities on the southern end of the Island.

LEAVE OF ABSENCE

On motion by The Hon. L. A. Logan (Minister for Local Government), leave of absence for six consecutive sittings of the House granted to The Hon. E. C. House (South) on the ground of ill-health.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.36 p.m.]: I move—

> That Standing Order No. 116 (limit of the time for commencing new business) be suspended during the remainder of the session.

I simply say that this motion is customarily moved by the Leader of the House at approximately this time of the year when the end of the session is in sight—or I hope it is in sight. I would like to give members the assurance I usually give when moving this motion; that is, undue advantage will not be taken of the situation if the House permits the suspension of Standing Order 116, which fixes the time limit for the introduction of new business.

I think you will agree, Sir, that we have had no really late nights so far this session, and I am sure my colleagues and I would, until the necessity arises, like to avoid sitting very late. It might be worth mentioning that we have not had any Thursday night sittings up to date. The Legislative Assembly sat last Thursday evening; but from the look of the notice paper I feel it may not be necessary for us to sit tomorrow night. I would like to give notice that we will certainly sit on Thursday nights after tomorrow.

THE HON W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.38 p.m.]: I would like to thank the Minister for the assurance he has given that he will treat legislation as circumspectly as he is able. We will do our best to facilitate the passage of the various Bills that come before us in an endeavour to expedite matters from this point onwards. It is unfortunate that inevitably towards the end of every session of Parliament—I suppose since Parliament began—a large amount of legislation is brought before us, and that tends to make additional work. However, that is not so important; the more important matter is the time factor involved in studying the legislation sufficiently to be able to understand it and comprehend what is happening. Subject to that capacity, we will do all in our power to assist.

Question put and passed.

CLOSING DAYS OF SESSION

Standing Orders Suspension

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.40 p.m.]: I move—

> That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

This is another motion which is usually moved at this time of the year. This year the House has been good enough to assist very greatly by allowing the first and second reading of some Bills to be dealt with at the same sitting.

I think we have seen certain advantages accrue as a result of this, particularly when a Bill has been received from the Legislative Assembly on a Thursday afternoon. It has then been possible to read the Bill a first time and a second time, and then adjourn the debate to give members an opportunity to study the legislation in the days between the Thursday and the following Tuesday.

It may be unprecedented for me to do so, but perhaps I might mention that I have two or three important Bills on which I have been working and which I wish to introduce. One deals with the security of industries exchange and relates to the control of stock exchanges. In the main this Bill is uniform legislation which is being introduced throughout Australia. I have been working on it for some time and I hope to be able to introduce the measure next week.

There will also be a Bill introduced to amend the Liquor Act in some respects. Some tidying up processes are necessary as a result of experience in the operation of the Act since it came into force not so long ago.

Another important piece of legislation, about which I have been questioned this afternoon by the Press, relates to what is known in the Commonwealth as the Worthing case, where the Commonwealth under the Constitution has the right to make laws relating to Commonwealth property. Without giving a second reading speech on that measure, it has been made necessary for the States to introduce complementary legislation in an endeavour to assist the Commonwealth in sorting out what has become a difficult legal matter.

There may also be other Bills, but I merely wish to take this opportunity to give notice that the three Bills I have

mentioned will be brought in as soon as I can arrange for the drafting of them to be completed.

Once again the suspension of Standing Orders will be used to advantage, but not to the disadvantage of members. As long as I have been here it has been my experience—and I am sure those who have been here longer will agree—that we have not been able to avoid the rush that occurs at the end of a parliamentary session. Perhaps next year with all the good faith in the world we might try to improve the situation.

The Hon. F. J. S. Wise: Hope springs eternal in the human breast!

The Hon. A. F. GRIFFITH: It is not a bad thing to have hope.

Question put and passed.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [4.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill has three main objectives. The first is to vary the composition of the Senate of the University by increasing, from two to four, the number of persons elected to that body by the academic staff of the university; then by adding to the membership, two students to be elected by the students enrolled at the university; and also by deleting the provision at present contained in the Act whereby the Under-Treasurer of the State is a member *ex officio*. The changes proposed will increase the total membership of the senate from 22 to 25.

The second objective is to amend certain of the existing provisions relating to Convocation, which is essentially an association of the graduate members of the university, so as to modify the provisions relating to the revision of the roll of members of Convocation and to permit the introduction of a more satisfactory procedure for the conduct of the elections which are part of that body's statutory functions.

The third objective is to revise the principal Act and certain of the amending Acts for reprinting. The senate is constituted of six persons appointed by the Governor, six persons elected by Convocation, two persons elected by the academic staff of the university; four *ex officio* members, namely the Under-Treasurer of the State, the Director-General of Education, the Vice-Chancellor, and the President of the Guild of Undergraduates; and finally, four persons selected and co-opted to membership by the other members of the senate. Apart from the addition last year of the President of the Guild of Undergraduates, the constitution of the senate has remained unchanged since established in 1944.

Partly in response to representations from various sections of the university community and partly in order to meet current challenges confronting the modern university, the senate undertook an introspective examination of its constitution and came to the conclusion that certain changes in its membership were desirable, and it has submitted recommendations.

The first of these is for an increase of two in the number of the members elected by the academic staff. In making this recommendation, the senate drew attention to the growth of the university since the existing representation was introduced in 1944 with academic staff membership fixed at two.

With the university of 1944, which consisted of 833 students and a full time academic staff of 43, developing into one with 7,800 students and 455 full time academic staff, diverse activities and administration occupy the governing body.

Although academic matters are, in the main, entrusted to the Professorial Board by the senate, all major academic decisions come before the senate for discussion and ratification by that body. Many of the senate decisions in the exercise of its managerial functions have academic development and planning implications.

There is a need for complete understanding between the lay and academic governing bodies which the senate considers will be encouraged by the proposed increase in academic membership. This will add to the scope of expertise immediately available to it in its deliberations and permit a more reasonable sharing of the load as between the academic members.

The senate's second recommendation reflects the current trend in universities both in Australia and overseas, which seeks to associate students closely in the decision-making processes of their universities. The senate is conscious of the value of such consultation and has taken steps to provide for this through an invitation to the President of the Guild of Undergraduates to attend its meetings and latterly through its recommendation that the president of the guild should become a member of the senate *ex officio*.

The senate believes that these arrangements have contributed to harmony within the university and has viewed sympathetically a recent request by the Guild of Undergraduates for additional representation.

As a result of the experience gained in the past year during which the president of the guild has been a full member of the senate and participated in every aspect of business, the senate has decided that there would be advantages in additional student representation on the governing body.

The existing arrangements have placed a heavy burden on the president of the guild, who has found it difficult to represent adequately student opinion on all matters coming before the senate and also to present adequately to the student body the reasons for decisions taken.

The senate considers that this problem of communication will be eased by increased student participation in senate business and has recommended that, in addition to the President of the Guild of Undergraduates, the student body should be represented by two elected students.

The senate has also considered a request by the Salaried Officers Association of the University to be represented on the governing body. Whilst appreciating the value of the services rendered by members of this association, the senate does not consider it would be appropriate to provide in its constitution for sectional representation of the type sought. The special provisions made for academic staff and students reflect their involvement in the prime purposes of the university—its teaching and research functions.

In this State, the university has a good record compared with the record of some other universities. Whatever the difficulties encountered, we have been able to resolve them. It is hoped that, as a result of this amending legislation, the good record and good reputation of our university will be preserved—a record of which we may all be proud.

The good reputation of a university is very important. So long as people are prepared to sit around the table—be it in the senate or in other places—and argue out their problems, it is a much better course of action than the taking of the law into their own hands and destroying property —as sometimes occurs elsewhere.

In the case of the academic staff, however, a clear distinction is drawn between those who attend senate meetings to discuss academic matters and those who attend as full-time members. The President of the Staff Association, although invited to attend meetings, is not a member of the senate, and does not vote. The senate does not consider its meetings should debate questions of conditions of service, for which purpose the registration of the Salaried Officers Association as a trade union has provided the proper channels.

The Government finds no reason for disagreeing with the senate's recommendation regarding the four additional members sought, nor, with one exception, with the senate's recommendation that there should be no other changes in its constitution.

The exception refers to the proposal mentioned in my opening remarks—that the Under-Treasurer should cease to be a member of the senate *ex officio*.

This change has been provided for in the Bill, although it is one which most likely will be regretted by the senate, whose appreciation of the many contributions made by the present Under-Treasurer (Mr. K. J. Townsing) and his predecessor (the late Sir Alex Reid) to the development of the university, has been expressed on frequent occasions.

The present arrangement whereby the permanent head of the Treasury has been a member of the senate dates back to the amending Act of 1944. This arrangement has been invaluable and has contributed much to the close and cordial relations which have existed between the State Government and the university.

A new consideration has, however, been introduced by the development of other major institutions of tertiary education which also depend on State Government financial support. As it would not be practicable for the Under-Treasurer to be associated with all these institutions to the same extent as he has been involved in the affairs of the university, the Government has decided that the time has come for him to withdraw from membership of the senate.

I now turn to the second objective of the Bill—that of amending the provisions relating to the revision of the roll of members of Convocation, and to permit the introduction of a more satisfactory procedure for the elections which are conducted by that body as part of its statutory functions; that is, the election of six members to the senate.

Although the Act lays down a procedure for revision of the roll of the members of Convocation, several difficulties have prevented the implementation of these provisions.

The main problem was caused by uncertainty as regards the date—described in the Act as that "when hostilities cease between the Commonwealth and Japan"—which was to have provided a basis for the quinquennial revisions of the roll.

A date was adopted but was later ruled to be invalid, and as a result there has been no proper revision of the roll. The senate has been advised that the only way to resolve this difficulty is to have the Act amended as is now proposed.

With less than a quarter of the persons enrolled exercising their right to vote in the last three contested elections, experience has shown that there would be advantages in separating the electoral list from the Convocation roll, which should remain a permanent record of the graduate body and of others qualifying for admission to Convocation.

Following consultation with Convocation, the senate has recommended that the Act be amended to enable future elections to be conducted on the basis of a postal list of members of Convocation who have indicated their wish to receive notices of meetings and to vote at such elections.

This postal list will be revised at four-yearly intervals and the names of those failing to reply to notices deleted therefrom. Such persons will not, however, cease to be members of Convocation and will, on application, have their names immediately restored to the postal list.

Opportunity has also been taken to recast the definition of membership of Convocation. The changes are mainly in the form of presentation, but the age limitation on the admission of graduates to Convocation and the requirement that graduates of other universities admitted to degrees of the University of Western Australia should be graduates of at least three years' standing before admission to Convocation are considered to be unnecessarily restrictive and have been omitted.

Finally, we approach the third objective of the Bill—that of revising the principal Act and certain of the amending Acts to permit these to be reprinted in a single enactment. The principal Act was passed in 1911 and has been amended since then by eight Acts. The principal Act is overdue for reprinting, but this would involve certain homeless sections of the amending Acts of 1929 and 1944. Appropriate amendments in this Bill will remedy these shortcomings and permit the Act to be presented in a more readable form. I commend the Bill to members.

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

MURDOCH UNIVERSITY PLANNING BOARD BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.57 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this measure is the statutory establishment of the Murdoch University Planning Board. As is known, a board was earlier set up by the Government to plan Western Australia's second university. Appropriate legislation is now introduced to accord that board the necessary statutory authority. This Bill aims to give the board these legal powers to carry out its functions. These are detailed in the Bill.

It is proposed that the persons appointed by the Government on the 1st July last should be the chairman and members respectively of the board now to be established in accordance with this measure. These persons are—

Professor N. S. Bayliss, Chairman.

Mr. P. R. Adams, Q.C.

Mr. J. J. Ahern, Company Director.

Mr. W. A. Anderson, Director of Research Unit in University Education.

Professor G. C. Bolton, Professor of Modern History.

Mr. S. B. Cann, Principal Architect, Public Works Department.

Dr. E. J. Edwards, Reader, Faculty of Law.

Dr. M. R. Gardiner, Chief Veterinary Surgeon, Department of Agriculture.

Mr. E. M. Hillman, Chief Engineer, Metropolitan Water Board.

Professor R. J. Moir, Professor of Agriculture.

Professor W. J. Simmonds, Professor of Physiology.

Dr. K. Tregonning, Headmaster Hale School and Member Tertiary Education Commission.

When Murdoch University is established in due course, under its own Act of Parliament, and a governing body is constituted, the planning board will be dissolved though its members will be eligible for appointment to the governing body.

It may seem, in a manner of speaking, appropriate that so soon after the death of Sir Walter, his memory is to be so honoured in this appropriate and practical manner. His name gives an academic dignity to our new university and I trust that the future success of its graduates will add further lustre to that name in academic circles.

The first professional faculty to be established at Murdoch University will be Australia's fourth school of veterinary science, which we hope will take in its first batch of students in 1974. The board is pressing on with this objective in mind.

The board has been most active since it was formed three months ago and a good deal of preliminary work has now been undertaken.

The Australian Universities Commission has accepted our case for establishing a second university and the Commonwealth and State Governments have agreed to

provide $150,000 for recurrent purposes and a further $50,000 for initial planning during the 1970-72 triennium.

It is acknowledged by both Governments that the advent of the veterinary school will require additional allocations in this current triennium for both recurrent and capital purposes and the board is preparing estimates of these requirements.

The Bill is a fairly simple measure and is largely self-explanatory. I commend it to members.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

EDUCATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

TOURIST ACT AMENDMENT BILL

Third Reading

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

BUSH FIRES ACT AMENDMENT BILL

Further Recommittal

Bill again recommitted, on motion by The Hon. T. O. Perry, for the further consideration of clause 2.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Reinserted Clause 2: Amendment to section 25—

The Hon. T. O. PERRY: I move an amendment—

> Page 2, line 6—Insert after the word "lit" the passage "and then only after a period of twenty four hours from the time of notice has expired or the consent has been obtained of the bush fire control officer and the occupiers of all adjoining land".

Firstly, I would like to thank members for allowing the Bill to be further recommitted. I realise that I am experiencing some difficulty in persuading members that it would be desirable to incorporate the amendment I have just moved into the parent legislation.

In all other sections of the Bush Fires Act where the giving of notice is obligatory, a time factor is written into the section. In other words, a time is specified for all burning operations, whether these are the burning of grass, blasting operations, or clearing fires. The Act specifies that a period of time must elapse after giving notice of intention to light a fire before that fire is actually lit.

It is only fair that a fire control officer should be given time before he is called upon to make a decision. It is all very well to ring up a few minutes before lighting a fire and ask for a permit. Many times I have heard people say, "If only I had stopped to think, my decision would have been different." The fire control officer would doubtless be occupied in some way when the request was made but in the space of a few moments he is expected to give a decision which could have disastrous consequences.

In addition, a neighbour may have valuable stock and much valuable property. It is only common courtesy that he should be given notice. The law should demand that he be given the opportunity to take measures to protect himself and his property.

Since the Bill was debated in the House last week I have discussed this question with every fire control officer whom I have been able to contact in the area I represent. Everyone whom I have contacted, without exception, has agreed that a time should be specified. Some have suggested a period of 12 hours and others have agreed with the 24 hours which I suggest.

After I spoke on the second reading debate, the Minister answered and said—

> The amendment to which Mr. Perry refers is not weakening a section of the Act. I gained the impression that he thought it would do this . . .

I think that my opening remarks, "I rise to support the Bill, but I think it does not go far enough" would indicate that I was in complete agreement with the amendment but felt that it should go even further. The Minister also said—

> I just do not believe that a fellow in an area of high fire risk will burn a carcase on his farm when he could just as easily hitch the tractor to it and drag it away if it was becoming smelly. Despite what Mr. Perry or Mr. Abbey may say, I just do not believe that anyone is that confoundedly stupid.

Mr. Abbey interjected and said, "It would be odd." The Minister said—

> "Odd" would be the word, in capital letters!

I will spell the word "odd" in capital letters. In my area a member of Parliament lit a fire without a permit and without notifying his neighbours. He was subsequently prosecuted in court. This is only one example of a responsible kind of person who did this odd thing which people are not supposed to do.

I could relate another incident which occurred at harvesting time. A Bobtail ran into a heap in the farmer's backyard. A fire was lit to flush out the Bobtail. Not only did it flush out the Bobtail but it also brought out every fire unit in the district

and every fire fighter for miles around. We legislate, if we can, to try to prevent confoundedly stupid things being done.

I can relate another case of a person who obtained a permit to burn three or four days before he lit the fire. The fire danger went up in the area and a number of fires were out of control. At the last moment the fire control officer withdrew the permit. The person involved went on and lit the fire just the same. As chief fire control officer I was the one who had to appear in court and give evidence against those who do confoundedly stupid things.

When Mr. Claughton spoke to the second reading he mentioned a number of fires that got away last year. The fires were lit simply to burn off but the fires got away. I am quite sure that most fires do not get away on the day they are lit but possibly on the following day, because people are not sufficiently careful to keep an eye on the fire on the day after it is lit. These things do happen. Whilst I am speaking in this Chamber people, in all probability not far from the precincts of Parliament House, are breaking the provisions of the Traffic Act and the Health Act. I am sure that although the Minister is quite certain that nobody would do such a confoundedly stupid thing, confoundedly stupid things are being done, have been done, and will continue to be done.

To prevent this it is my wish to incorporate certain words into the legislation. I have approached a couple of stud breeders in my area who have large properties. They say that it would not be unreasonable to provide that notice shall be given within a specified time and that this would give other people the opportunity to protect themselves. After all, not all farmers have a spare fire fighting truck. Any truck around the farm may be used for fire fighting and often it is loaded wth superphosphate, hay, or stock and does not have the fire fighting equipment on it all the time. A time should be specified so that people concerned can make the preparations necessary to protect themselves in the case of accidents.

There is a calculated risk in lighting any fire, especially during the summer months. This applies on all days regardless of whether the fire hazard is low, moderate, or high. For this reason I hope the Committee will accept my amendment.

If the Committee agrees to the amendment a person will have to obtain the consent of his adjoining neighbours. If the neighbours consider it is reasonably safe to burn, the person concerned would be able to light a fire within a few hours of giving notice to his neighbours. A neighbour would at least be given the chance of having 12 hours or 24 hours in which to take steps to protect his property.

The Hon. G. C. MacKINNON: With a sincerity which is quite the equal of that of Mr. Perry's I hope the Committee will not agree to the amendment. I was interested in one or two aspects of Mr. Perry's speech. He mentioned that he had spoken to a number of fire control officers who had all agreed with him. I completely believe Mr. Perry because his sincerity is obvious to all of us. However, this is simply not the way things are done. A person could be approached at, say, a show and asked whether he thinks notice ought to be given before burning a carcase. In these circumstances the person approached would probably say that it sounded like a good idea.

There is a great deal of difference between such an approach and sitting around a table to discuss all the implications of giving such a notice and considering all the pros and cons. This is what the Bush Fires Board would do before coming up with a recommendation, but that body has not made a recommendation along the lines of the amendment. Departmental officers contacted and talked over this matter with many fire control officers, but not one agreed that it was a good idea.

I was also interested in the general comment about notification. I can see some merit in pre-notification. I would have appreciated some pre-notification that the honourable member intended to move this amendment, for example.

The Hon. T. O. Perry: I thought that placing it on the notice paper would be sufficient notice.

The Hon. G. C. MacKINNON: I do not see the notice paper until I arrive at Parliament.

The Hon. F. J. S. Wise: We don't either.

The Hon. G. C .MacKINNON: I appreciate that other members do not see it either.

The Hon. F. J. S. Wise: Day after day we see ministerial amendments for the first time when they appear on the notice paper. That is not a good excuse.

The Hon. G. C. MacKINNON: We were talking about notification and I simply made that comment. Let us look at the need for notification in this case. Mr. Perry is fully aware that the chief fire control officer in an area has the power, under section 46 of the Act, to deny the right of an individual to light a fire to burn a carcase.

In listening to the honourable member, the impression conveyed was that every notification would reach the fire control officer when he was sitting down to tea, taking a shower, or about to go into town. This might happen now and again but it will not happen all the time. One of the reasons for saying that the amendment to give notification of the intention to burn a carcase is not desirable is that a beast may die in the afternoon and that same

evening might be an ideal time to burn the carcase. The following night might be a long way from being ideal so far as the lighting of fires is concerned. There are other circumstances when this position would not apply and delay might be advisable to allow everyone to know. In this case it is not considered that this notification is desirable.

Just in case members have forgotten, I would point out that following the remarks which Mr. Perry quoted, I went on to say there are some people who are odd or difficult, and it would not matter what laws we passed we would not be able to protect the situation. There are some people for whom no law is a deterrent.

It is not considered desirable by those who control bushfire legislation that there should be a restriction to a 24-hour notification in the cases with which we are dealing. We are dealing with cases where a beast may be getting smellier by the hour, and if the fire control officer is restricted by the Act to a notification period of 24 hours, 12 hours, or whatever time it may be, when in actual fact the ideal time is when permission is requested, the position will be most difficult.

The Hon. J. M. Thomson: I thought that was provided for in the amendment.

The Hon. N. E. Baxter: It is a double-header.

The Hon. G. C. MacKINNON: Yes, I realise that now. He can give his permission. However, the same situation could apply because if a person cannot get hold of the fire control officer he has to wait for 24 hours.

I repeat, however, that I do not care whether Mr. Perry has had conversations with several people associated with bush-fire control in his area. The appropriate body, and the one which advises the Minister, does not consider the amendment to be desirable. This body is composed of men who consider all matters connected with bushfires and refer to the Minister concerned the amendments which they consider desirable for the whole area covered by the Act, and not just one specific part of the State. Therefore, I hope the Committee will not agree to the amendment.

The Hon. T. O. PERRY: I wish to reply to a couple of statements made by the Minister. One was to the effect that a landowner, as a rule, would not wait till the last minute before he asked permission to light a fire. I suppose that during the 17 years I was chief fire control officer in my district, I wrote out 50 or 60 books of slips giving permission to light fires, and on a number of occasions, when four days' notice was required, I have been asked to back-date the permission because some people had waited until the last minute to get approval to burn.

The Hon. G. C. MacKinnon: I did not say that people would not do that. I said everyone does not.

The Hon. T. O. PERRY: A percentage of people do. I think it is the duty of a fire control officer, when asked to give permission to burn, to satisfy himself that if the fire is lit it will be reasonably safe. We have to consider the implications and what can happen when a fire gets out of control. Look at the fires that we have had. At Mayanup the fire caused an estimated $2,000,000-worth of damage. Some people were burnt out and had to leave their farms. Therefore, as I say, a fire control officer must satisfy himself that a fire will be reasonably safe and, in many cases, what chance would he have of being able to do that if a carcase is, say, 10 miles away unless the amendment is agreed to?

The Minister said that if 24 hours' notice was required it would possibly mean that a fire would not be lit on a night when the fire danger was relatively low, and the next night the fire danger could be high. A person who requests permission at the last minute could find that the position was reversed unless the time factor is written into the Act.

I have moved this amendment because in the past we have had tremendous battles to have the Bush Fires Act amended in the way we want it amended.

The Hon. G. C. MacKinnon: In the way who wants it amended? You or the Bush Fires Board?

The Hon. T. O. PERRY: The majority of people dealing with fires. I was the first independent chairman of the bush-fires school in Western Australia. Prior to that the secretary of the Bush Fires Board was automatically the chairman of the bushfires school. For years we argued that the question of lighting fires should be left in the hands of the local people. I can often remember sitting at the breakfast table and hearing the announcer stating that there was a dangerous fire hazard and burning would be prohibited; yet, at the same time, we could hear the rain pelting down on the roof. Eventually the Act was amended to make it more flexible so that the local men with the local knowledge could decide. However, for years we operated under a difficult situation.

The Forests Department has officers who have a great deal of knowledge of fires and fire control. Over the years we have had wonderful co-operation from those officers—men like Mr. Milesi, and others—and they have worked in with us. I can remember the time when it was the policy of the department not to burn any forests. But look what happened at Dwellingup and Karridale. Surely when we know tragedies like that can happen

we should look at the legislation and review it. Even if my amendment is defeated I am sure the time will not be far distant when the Bush Fires Board will request a time factor be written into the Act.

The Hon. N. E. BAXTER: I trust the Committee will agree to the amendment. After all, what penalty will be imposed by a delay of 24 hours? The only penalty would be having to put up with a smelly carcase, and I do not think that would be much of a penalty compared with the dangers that could be caused.

In my district the bushfire control officer is the bush boss for the Wundowie Charcoal Iron and Steel Works. Frequently he does not get home until late in the evening and it could be that he would be sitting down to tea when he was asked to give permission to burn. This sort of thing can create difficulties and I suppose the same situation would apply in other districts; the control officer would not be given much opportunity to inspect the site where the burning was to take place.

Fires cause a tremendous amount of damage and there will be considerable risk unless the amendment is agreed to. I think it provides a safeguard. Therefore we should be prepared to agree to it, because it will lessen the risk of fires. Like other members, I have seen fires in the south-west; they have started simply because some silly fool lit a fire at the wrong time. That sort of thing can happen and if we can obviate it by agreeing to an amendment such as the one before us, we should accept it.

The Hon. G. C. MacKINNON: One would get the impression that the only fires that got out of control were those lit to burn carcases. That is so much nonsense.

The Hon. N. E. Baxter: Nobody said that.

The Hon. G. C. MacKINNON: Many disastrous fires have started for a variety of reasons. Some of them have been lit by thunderstorms, and so on. We have to consider all aspects of this matter. The question of disease in an animal, and the desirability to protect people, even at some risk with the burning of a carcase, is one aspect that must be considered. Under the amendment it will be necessary to get the consent of the bushfire control officer and the occupiers of all adjoining land.

The matters raised by Mr. Perry have all been resolved by careful and intelligent amendments to the Act over the years. The board has considered all the problems and has now a flexible Act to cope with a variety of situations that exist from one end of the State to the other, and not in one area only, wherever it might happen to be. It may well be that the Bush Fires Board will request an amendment similar to the one now before us, but I believe we should wait for the board to request it. The board is composed of people who advise us in what amendments are considered desirable in a highly specialised field.

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

Ayes—11

Hon. N. E. Baxter	Hon. R. Thompson
Hon. R. F. Claughton	Hon. J. M. Thomson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. H. C. Stubbs
Hon. T. O. Perry	*(Teller)*

Noes—13

Hon. G. W. Berry	Hon. G. C. MacKinnon
Hon. G. E. D. Brand	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. J. Heitman
Hon. L. A. Logan	*(Teller)*

Pairs

Ayes	Noes
Hon. H. C. Strickland	Hon. E. C. House
Hon. J. J. Garrigan	Hon. C. R. Abbey

Amendment thus negatived.

Reinserted clause put and passed.

Further Report

Bill again reported, without further amendment, and the report adopted.

Third Reading

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

NATIONAL TRUST OF AUSTRALIA (W.A.) ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.34 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the National Trust of Australia (W.A.) Act, 1964, to provide the legal facilities to enable persons owning land, should they wish, to arrange for covenants in favour of the National Trust to be recorded against their titles, restricting the use of such land in various ways for purposes which are in accordance with the aims and objectives of the National Trust.

As a consequence, there is the provision that when such a convenant is accepted by the trust, the Transfer of Land Act will apply to its registration, discharge, or modification, whether the land is or is not under that Act. That is the sole purpose of this legislation.

The present legal position is that such convenants can be validly established only if the grantee holds adjacent land and the National Trust, not being actually possessed of such property, is unable to enter into any such arrangements with landowners for the protection or preservation of surrounding aspects in which

it has vital interests. The Bill removes this impediment by authorising the trust to accept such a covenant as if the trust were possessed of adjacent land and the covenant had been entered into for the benefit of that adjacent land.

There is, of course, no semblance of compulsion in these proposals—the object being to enable private owners of land, who wish to do so, of their own volition, or at the request of the trust, to preserve some aspects of importance and ensure their protection against possible adverse development of the land by some future owner.

Aspects to be preserved could include such valuable assets as views of a river, foreshore, coastline, landscape of scenic or historic interest, or some natural features and flora, or suchlike.

Types of restrictions likely to be imposed on land could be a limitation of building, clearing of natural vegetation or physical formations, or any features of historical interest.

The covenant can be imposed only by the owner of the land himself, the trust merely being the recipient of the public rights, but with a duty to look after the public interest in respect of the covenant.

It could be envisaged that the establishment of such a covenant would enhance or preserve the value of some portion of the owner's land, and if it did adversely affect the value of any particular parcel, the owner would know and prospective purchasers would be alerted by reason of the registration on the title.

Should a covenant become redundant at some future time, or should the restrictions no longer be justified, the covenant could be removed or modified by agreement between the owner and the National Trust or, alternatively, according to the decision of a judge on application to a court.

The planning and location of public works would not be affected materially by the passage of this Bill as resumption under the Public Works Act would automatically extinguish all such covenants. But I would point out that the existence of some aspect of national importance, whether protected by covenant or not, would be a matter for consideration in planning generally.

This brief measure is important in that it facilitates the preservation of aesthetic features, yet contains sufficient safeguards against any maliciousness that any owner might conceivably intend in the future. The National Trust can be relied upon for its co-operation in any sensible planning procedures.

Debate adjourned, on motion by The Hon. W. F. Willessee (Leader of the Opposition).

CRIMINAL INJURIES (COMPENSATION) BILL

Second Reading

Debate resumed from the 27th October.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.38 p.m.]: First may I offer my thanks and appreciation to Mr. Ron Thompson and Mr. Medcalf for the remarks they made on this Bill. At the outset I want to say that it is conceded the Bill does not go as far as legislation in other countries, and this is not intended. In the scheme of the present Bill it was never proposed, in fact, that it should do so. I think Mr. Medcalf correctly stated the situation when he said this is a small beginning in a field of social legislation in Western Australia in which we had not previously embarked.

The only other type of legislation, for which I think I was personally responsible, was that which granted some compensation to civilians who may be injured when called upon to assist the police. That Bill, which subsequently became an Act, was introduced—if my memory serves me correctly—three or four years ago.

The Hon. R. Thompson: In 1962.

The Hon. A. F. GRIFFITH: Well, time passes quickly, does it not? I am glad to say that not a great many calls have been made under that piece of legislation for the payment of compensation, and I am pleased that both Mr. Medcalf and Mr. Ron Thompson agree with me when I say that I hope there is little or no call for the payment of compensation under this legislation.

It does not go as far as the legislation in the United Kingdom, and it does not go as far as the New Zealand legislation; but, I repeat, it is not intended that it should go that far. As I have said, our Bill is in line with existing legislation in New South Wales and in South Australia. Perhaps members can draw some comparisons even with the legislation in those States, but I will not do that. In this State, as in other Australian jurisdictions, the idea has been to make a modest beginning to see how the legislation works in practice. The scope of such scheme can always be enlarged.

From the remarks made by Mr. Ron Thompson when he referred to section 4 of the Law Reform (Miscellaneous Provisions) Act of New South Wales, I gather there has been some misunderstanding by the honourable member. The provision in question refers to damages at law, and neither the Bill we have before us nor the New South Wales Act makes provision for damages, but simply for statutory compensation, which is a completely different matter.

This legislation is intended to provide for some payment of compensation to a person who suffers an injury as a result of criminal action by somebody else, and then there are one or two other departures. But the point should be made that where a person suffers mental or nervous shock as the result of witnessing a criminal act, compensation may be payable. I think Mr. Ron Thompson spoke of the case of a pregnant woman. Well, where the degree of injury is sufficient to affect the person's well-being, then, within the terms of the Bill, there has been an injury, and we must look at the definition of "injury" in the Bill to determine what that is. So to witness an injury within the terms of clause 4 of the Bill may result in injury to the person who has been a witness. It could be a pregnant woman—I think this was one of the points raised by Mr. Ron Thompson—who may have seen someone murder her husband.

The Hon. R. Thompson: I think the case you are referring to was that of the chap who held up a bank but was not apprehended.

The Hon. A. F. GRIFFITH: I know we can draw further on this and say there are all sorts of instances. As Mr. Medcalf said, there is the question of damages.

I think Mr. Ron Thompson brought this up in the course of his remarks. All I am saying is that it is not intended this legislation should go that far. This Bill is a small beginning in a very difficult field. I am aware that a great deal of legal research is being undertaken in various parts of the world into the question of compensation generally, and of when a person is entitled to compensation.

I was trying to make the point that a pregnant woman who witnessed a crime—such as the murder of her husband by someone—would in her own right have a claim to compensation under this legislation, as a result of the injury she sustained in the form of nervous shock.

I could, perhaps, make further comments on the points that have been raised by Mr. Ron Thompson, but I do not think that would serve any useful purpose. The Government has stated in simple terms that this Bill is intended to be a small beginning in a field into which we have not previously entered.

It is preferable to allow this legislation to go through in the form in which it has been presented to us. In the course of the operation of this legislation we will see how it works; and according to the experience we gain we will be able to contemplate amendments and improvements in the course of time. I thank both Mr. Ron Thompson and Mr. Medcalf for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Application for payment of compensation out of Consolidated Revenue Fund—

The Hon. R. THOMPSON: This clause stipulates that application must be made to the under-secretary for the payment of compensation out of the Consolidated Revenue Fund. There are two queries I wish to raise. If a court order has been made, and the applicant dies before the claim is lodged, will the amount of compensation be paid to his dependants? The next query is this: If the applicant dies after he has submitted a claim, but before the under-secretary has made payment of compensation, will the amount be paid to the dependants? This provision in the Bill deals with an order for payment on application by an aggrieved person.

The Hon. A. F. GRIFFITH: The Bill does not purport to go as far as the honourable member contemplates. The legislation is intended to be a small beginning, by offering some compensation to a person who is injured in the circumstances mentioned. If the person dies as a result of the injury before he has had an opportunity to make a claim, then I do not think his estate will benefit.

The Hon. R. Thompson: Even if the judge or magistrate has made an order?

The Hon. A. F. GRIFFITH: I do not think the estate will benefit, but I am not certain on this point. However, between now and the third reading stage I will check on the position. This is intended to be a payment to a person who suffers an injury in the circumstances described. I do not think the dependants are entitled to the money where the injured person dies.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Payment of compensation by Treasurer to applicant—

The Hon. R. THOMPSON: I am a little puzzled by the wording of this clause. It seems to provide for three structures of compensation: the sum ordered to be paid to the applicant; the sum specified in the certificate granted to the applicant; and any amounts that in the opinion of the under-secretary the applicant has received, etc.

The Hon. A. F. Griffith: In referring to the wording in paragraph (a) you omitted to mention the word "or" between the sum ordered to be paid to the applicant and the sum specified in the certificate granted.

The Hon. R. THOMPSON: I apologise for that omission.

The Hon. A. F. Griffith: There are two sets of circumstances in paragraph (a).

The Hon. R. THOMPSON: Yes. If the judge makes an order for the payment of the maximum amount of $2,000 under paragraph (a), then we must read into paragraph (b) the effect of such order. Let us assume this person has received $100 in sickness benefit or some payment of that nature from the Commonwealth. I take it this amount will be deducted from the sum awarded. Paragraph (b) states—

> any amounts that, in the opinion of the Under Secretary, the applicant has received, or would, if he had exhausted all relevant rights of action and other legal remedies available to him, receive, independently of this Act, by reason of the injury to which the application relates.

Let us assume that the under-secretary thinks the person could have received $1,000 under the terms of paragraph (b), but if in his opinion the required action has not been taken by the person then it will mean that despite the fact the judge has made an order for the payment of $2,000 the under-secretary will be able to reduce this amount by $1,100 —made up of the amount of $100 in sickness benefits and $1,000 recoverable under paragraph (b).

The Hon. A. F. Griffith: This person will recover the amount of $1,000 from somebody else.

The Hon. R. THOMPSON: Let us assume it is not recovered, because the person concerned may not be in a position financially, or may not be fit mentally, to take action to recover the money. Under the provision in clause 7 there is only conjecture as to what particular proceedings will be taken. I am trying to find some enlightenment on the exact meaning of this provision.

The Hon. A. F. GRIFFITH: I am not sure of the answer. I think the term "other legal remedies available to him" means any action for damages taken by the person under common law rights, and any amount that is received from some other source.

The Hon. R. Thompson: That would include social service benefits.

The Hon. A. F. GRIFFITH: Yes, or workers' compensation payments, or any money recovered in an action for damages.

The Hon. R. Thompson: Those amounts must be deducted?

The Hon. A. F. GRIFFITH: The person is only able to make a claim if he suffers personal injury as a result of the circumstances outlined in the Bill.

The Hon. R. Thompson: My point is that the judge may have ordered the payment of $2,000.

The Hon. A. F. GRIFFITH: If an award of $2,000 is made it would be made under the provision in clause 5 of the Bill. I would point out that the provision in paragraph (b) of clause 7 (1) does not relate to clause 5. However, paragraph (a) states—

> the sum ordered to be paid to the applicant as referred to in section 5 or the sum specified in the certificate granted to the applicant under subsection (1) of section 6, as the case may be; and

Presumably the under-secretary will make a report to the Treasurer, and then it is up to the Treasurer to make payment as he thinks fit.

The Hon. F. J. S. WISE: Mr. Ron Thompson's point is quite clear. The under-secretary may arrange to submit certain specified accounts to the Under-Treasurer. The balance of the claim may be submitted under paragraph (b) of clause 7, and is a matter of conjecture by the under-secretary.

The Hon. A. F. Griffith: That is a matter of an *ex gratia* payment by the Treasury.

The Hon. F. J. S. WISE: The applicant knows what sums he may be entitled to receive if he takes the right type of action, and he knows the amount he would be awarded.

The Hon. R. THOMPSON: The person who makes an application for a certain amount of money receives an order, which he sends to the under-secretary. The under-secretary can determine that if action had been taken the applicant may have been entitled—and this is where the conjecture comes in—to $1,000. The under-secretary can then say that an amount will be paid, less that $1,000.

Clause put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Sitting suspended from 6.05 to 7.30 p.m.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 51A added—

The Hon. A. F. GRIFFITH: It will be recalled that when the Chamber agreed to the second reading of this Bill I did not

attempt to proceed with the Committee stage because I wanted to have the opportunity to look at the points raised by Mr. Willesee, particularly in relation to clause 4. When I say "particularly," I think that was really the only matter about which Mr. Willesee was concerned.

The proposed section 51A, to which Mr. Willesee found some objection, provides that certain persons are not to be regarded as accomplices. It has been correctly asserted that similar provisions are contained in section 156 of the Liquor Act. It will be recalled that the debate on the Liquor Bill was very lengthy and very wordy, and the same sort of provision was inserted into the Liquor Act when we dealt with that measure earlier this year. It is a fact—and I do not put it forward as an unassailable argument—that no objection was raised at the time to section 156 of the Liquor Act.

Perhaps Mr. Willesee has misinterpreted the force of the proposed section 51A when he deduces that its provisions would enable a member of the Police Force "to direct a person, in essence, to break the law for purposes of obtaining evidence," to use the honourable member's own words. No such power is proposed in the Bill. The Bill merely provides that a person who makes a bet at the request of such a member of the Police Force is deemed not to be an accomplice and not to be guilty of an offence. This provision merely gives statutory authority to the procedure which has been adopted for a long time in the procuring of evidence of breaches of the law, when evidence of the nature envisaged in a section like this might otherwise be unprocurable.

The Hon. F. J. S. Wise: There must have been an experience, to require the closing of that loophole.

The Hon. A. F. GRIFFITH: The experience is that it has been difficult to establish breaches of the law. Mr. Willesee has said that he is quite aware of the need for strengthening the law in this regard.

The Hon. W. F. Willesee: By the police.

The Hon. A. F. GRIFFITH: When the honourable member spoke to the Bill, he said, "I know that in the period this legislation has been in operation there have been no prosecutions under this particular section of the Act. No doubt it was because there was a limiting factor that convictions could not be obtained." That is completely and entirely the crux of the situation. Here is a law of Western Australia which makes certain things unlawful, and it has been found difficult to get convictions under the current wording of the section.

While agreeing that we should confer the authority concerned with the right to secure convictions when the law is broken, Mr. Willesee desires to draw the line at the use of the police acting for the common good. I agree that such an agent would virtually become an accomplice unless he was protected by the new section which it is proposed to insert. On the other hand, I am advised that unless such agents can be legally requested to co-operate with the Police Force the police will continue to find it difficult, if not impossible, to protect adequately the betting laws of the State through inability to obtain sufficiently credible evidence to prove in court that offences are being committed.

I am referring this aspect to my colleague, the Minister for Police. I am informed that the police almost exclusively use the members of the Police Force as their agents but there has been the need to secure the services of others on occasions, and the necessary facilities to enable this procedure to be carried out are proposed in this Bill. I reiterate that a provision in the same terms has already been written into the Liquor Act by this Parliament.

I do not think I need take this matter any further, except perhaps to quote from the judgment of the Lord Chief Justice of England (Lord Parker) in the case of Rex *versus* Birtles. Lord Parker said—

> . . . it is vitally important to ensure so far as possible that the informer does not create an offence, that is to say, incite others to commit an offence which those others would not otherwise have committed. It is one thing for the police to make use of information concerning an offence that is already laid on. In such a case the police are clearly entitled, indeed it is their duty, to mitigate the consequences of the proposed offence, for example, to protect the proposed victim, and to that end it may be perfectly proper for them to encourage the informer to take part in the offence or indeed for a police officer himself to do so. But it is quite another thing, and something of which this court thoroughly disapproves, to use an informer to encourage another to commit an offence or indeed an offence of a more serious character, which he would not otherwise commit, still more so if the police themselves take part in carrying it out.

That is the view of His Honour the Lord Chief Justice in relation to the use of persons by the police in these circumstances.

The law as it now stands has not been strong enough to enable the police to obtain the type of evidence that they should be able to obtain in dealing with this type of offence. The clause in the Bill is aimed at assisting the police in such a manner that convictions can be obtained when, in fact, they ought to be obtained because breaches of the law have occurred.

The Hon. W. F. WILLESEE: I am very disappointed at the reply that has been given to the objections I took to the principle of this provision. I understood that the Liquor Act was always within the control of the Commissioner of Police, using members of the Police Force or the constabulary about to be trained. The Commissioner of Police was therefore using people within his own jurisdiction.

I quite agree that such people should be in plain clothes and that every possible device should be available to them to enable them to obtain convictions against persons who are on the point of being apprehended for breaking the law. But when it comes to the Totalisator Agency Board Betting Act, it seems to me that there is a very delicate interpretation of the word "request."

It appears to me that a policeman could ask a civilian to do something. What really worries me is that if the person refused, he would immediately be in conflict with the law. If he agreed willingly, would he be a person of substantial character? The laws we create in Parliament should be clear and specific. Is there any limit to how far a member of the Police Force can go in order to secure a conviction under the Totalisator Agency Board Betting Act?

A person who bets outside the rules and regulations of the legislation would not have much worry on his conscience. His conscience would not be offended very much. The world will not come to an end overnight if I have a bet with an illegal bookmaker. Yet we are to descend to the point of involving the public. I can say no more than that I am disappointed. An informer—that was the word used by the Minister—is a very different person in my opinion.

The Hon. A. F. Griffith: When did I use the word "informer"?

The Hon. W. F. WILLESEE: The Minister used it when he was speaking. I wrote it down. In my opinion an informer is a volunteer. But in this situation a policeman will virtually conscript someone to do something; on the basis of having done so, he will be free of the law. However, having done so, will he be the same citizen? Are we doing very much for society by perpetrating legislation such as this?

Surely we are falling down on our job if police officers have insufficient power to control this legislation. We should give greater power to those individuals who are specified to do the work. I renounce the principle in the Bill because if we introduce people from outside the orbit of the Police Force in order to police this very minor section of the legislation required to run a State—or, indeed, a country—we are doing something which should not be necessary.

The Hon. A. F. GRIFFITH: I do not know whether or not I used the word "informer." However, if Mr. Willesee says I did I will not argue the point.

The Hon. F. J. S. Wise: You used it.

The Hon. A. F. GRIFFITH: I do not see what is wrong with it in the situation. The words I used, among others, were: on referring this aspect to my colleague, the Minister for Police, I am informed that the police use almost exclusively the members of the Police Force as their agents. But on odd occasions the need has been established to secure the services of others and the necessary facilities to enable this procedure to be carried out are proposed under this legislation—in the same terms, I reiterate, as already passed by Parliament earlier this year in the Liquor Act. Those are the words I used, although the words, "my colleague" were not in the notes. I added them.

Section 156 of the Liquor Act states—

> (1) A member of the Police Force who, and any person who, at the request of a member of the Police Force, purchases or obtains liquor is deemed not to be an accomplice and is not guilty of an offence where a complaint, arising out of the purchase or obtaining of the liquor, is made against some other person;

The words in the proposed new subsection are as follows:—

> (1) A member of the Police Force who, and a person who, at the request of such a member, makes a bet is deemed not to be an accomplice and is not guilty of an offence where a complaint, arising out of the making of that bet, is made against another person;

The circumstances are identical, the wording is almost identical, and yet the section in the Liquor Act passed through this House in March of this year without a word being said. We want to give to the police power in respect of betting offences. As was admitted by the honourable member, the police have found it difficult to obtain convictions for this type of offence, and we want to give them more assistance. However, an objection is made; and not only that, but Mr. Willesee presents his argument as though the police are going to conscript people. That is really stretching the bow a little too far. The person would not be conscripted, he would be willing to work for the police.

The Hon. R. Thompson: Mr. Willesee said the person would be a volunteer.

The Hon. A. F. GRIFFITH: Of course he would. The honourable member volunteered to stand for Parliament. Mr. Willesee used the words, "to direct" in his second reading speech. He also spoke of the "moral right of the people" and said

that a citizen would be placed "in a most invidious position," and that he would "lose caste in the community."

The Hon. W. F. Willesee: I didn't realise you paid so much attention to my speeches.

The Hon. A. F. GRIFFITH: He also said "that a person could give evidence almost on hearsay." I think Mr. Willesee was drawing the bow too far when he made those assertions. The simple fact is that the police have found extreme difficulty in obtaining convictions against people breaking the law in this respect.

The Hon. W. F. Willesee: If you were a policeman, how would you go about policing this legislation?

The Hon. A. F. GRIFFITH: I am not a policeman and I am never likely to be, so do not ask me that question. I repeat that words similar to these are included in section 156 of the Liquor Act.

The Hon. W. F. WILLESEE: I do not like to quote Federal members of Parliament because, generally speaking, I do not like Federal politicians. However, I think about 25 years ago, when Arthur Calwell was in trouble over—

The Hon. A. F. Griffith: He was often in trouble.

The Hon. W. F. WILLESEE: I am speaking specifically. He was in trouble over a situation in which he had to deport a Chinese by the name of Wong, and he said, "Two Wongs don't make a white." Might I suggest to the Minister that two wrongs do not make a right. If we have something deplorable in our legislation we should not extend it. Because something is wrong it should not be perpetuated. The Minister has done his best to justify the inclusion of this provision. He quickly and cleverly avoided the principle of what is being done: the principle of minor legislation introducing situations such as this.

The Minister dealt lightly with the issue of a request. If a policeman requested me to move off the footpath, I would do so. If a policeman on a motorbike drew alongside my car and told me to pull over, I would do so. However, I do not think there is any point in the Minister and I arguing endlessly on this issue. I think a mistake was made in the Liquor Act, and that a mistake is being made in this Bill. I am sorry I could not get my point of view over to the Minister.

I believe it is wrong to do anything to jeopardize the rights of the citizen. I cannot understand why we cannot look at this matter from the angle of its being within the jurisdiction of the police, and if they have insufficient power it is our job to help and protect them further. I do not think a civilian outside the scope of the Police Force should be called upon, whether it be by way of a request or by a delicate touch on the shoulder. I do not like the provision and I think it is wrong.

I do not like to make excuses, but I did not realise that a similar provision was included in the Liquor Act. If I had realised it, I would have tried to do something about it. However, I must say that I was very busy at the time, because I was opposing the Minister for about 16 hours.

The Hon. J. DOLAN: I support most of what Mr. Willesee said.

The Hon. A. F. Griffith: Did you say "most"?

The Hon. J. DOLAN: I might differ regarding a word here and there. I listened carefully when the Minister referred to the judgment of Lord Chief Justice Parker. If I remember correctly, in his last sentence Lord Chief Justice Parker said that—and I am using my own langauge—he would not have a bar of an agent—if we can call him that—who went out of his way to persuade a man to break the law. He said that was despicable. Where do we draw the line when we do this? If the police ask a man to do certain things he might be a willing agent; but he would be thoroughly despised by most of us. If the police go out of their way to persuade a man to break the law, what protection have we got from a man who would do that?

When a fellow is caught, would the agent have to go into details about how he persuaded him to break the law? I have known this to be the case when the police were trying to apprehend a fellow for, say, selling liquor at the wrong time. They get a chap to put up a tale about a wife in bad health and needing some brandy in a hurry, and eventually the owner of the premises is persuaded to break the law. He can then be fined quite heavily. We cannot go along with this. Some of the actions of the people who coerce others to break the law conflict with what the Lord Chief Justice said in his concluding remarks. I think this was in the law before it was amended.

The Hon. A. F. Griffith: Not in this form.

The Hon. J. DOLAN: I do not think we should perpetuate this merely because the same sort of provision was previously passed by this Committee.

The Hon. F. J. S. Wise: How many noticed it?

The Hon. J. DOLAN: There was probably no comment because of the speed at which the clauses were taken. Mr. Willesee is entitled to express his point of view.

The Hon. A. F. Griffith: Nobody disagrees with that.

The Hon. J. DOLAN: I admit that the Police Force has to perform certain objectionable services in the course of its duties, but it has been appointed for this purpose. The other people with whom we are dealing do not belong to the Police Force, and it is not their prerogative to help others break

the law. Betting returns are increasing each year and they will continue to do so. I do not know whether the business is conducted in a wholesale fashion, because I am not a customer. If I were I would probably patronise the T.A.B. I support Mr. Willesee.

The Hon. A. F. GRIFFITH: I want to correct the impression Mr. Dolan has that the type of person who is likely to assist the police in these matters is one who would cajole, persuade, and encourage the offender to break the law.

The Hon. J. Dolan: Not all of them; there could be odd ones.

The Hon. A. F. GRIFFITH: I did use the word "informer" but that was a word used by the Chief Justice who said, "It is virtually important to ensure so far as possible that the informer does not commit an offence." So the Chief Justice used that expression. He also said, in effect, that to use an informer to encourage another person to commit an offence, or indeed an offence of a more serious nature, which he would not otherwise commit and for the Police Force itself to take part in carrying it out is to be deprecated. I, too, would deprecate such an action.

The Hon. J. Dolan: Yes, but it is done.

The Hon. A. F. GRIFFITH: I do not know whether it is done or not, but the deprecation here seems to be in respect of the man who apparently is willing to help the police in the discovery of crime. That is what I am a bit surprised at. We have a situation where the law is being broken and the police find it difficult, if not impossible, to obtain convictions in the circumstances in which the law now stands, and therefore we ask Parliament to include the words in proposed new section 51A of the Bill which states, in part, "A member of the Police Force who, and a person who, at the request of such member," etc.

The person concerned is not conscripted. He does not have to take an order from the policeman to be a pimp.

The Hon. F. R. H. Lavery: That is a funny one!

The Hon. A. F. GRIFFITH: Of course it is not a funny one! What law in the land says a policeman can walk up to a person and insist that he be an accomplice in the discovery of a crime? None that I know of.

The Hon. W. F. Willesee: I would like to see a policeman walk up to the interjector and ask him to do this.

The Hon. A. F. GRIFFITH: The interjector does not have to do it. The person referred to in the Bill is one who is willing to assist the police in discovering this type of offence.

The Hon. F. R. H. LAVERY: I meant what I said by way of interjection. Like my leader, I think this is a despicable clause. We have a Police Force which has certain rights under the law to investigate certain crimes. Because we have a bookmaker betting against the law and thus breaking it, and because some sections of the police may be well known and may thus find it difficult to apprehend a guilty person, we are asked to permit the police to pluck somebody out of the air to help them catch such person.

The Hon. A. F. Griffith: What nonsense!

The Hon. F. R. H. LAVERY: A few nights ago we saw an awful situation on TV of a young man in the Eastern States being thrown into a fire because his colleagues thought he was a pimp. At the moment there are men with criminal records who are free and who are used by the police for this purpose. There is no need for this, because all over Australia we have registered investigators who can carry out this type of work and they are the people who should be used. They are used by insurance companies to take pictures of men who happen to be off work with an injured back and who might be working in the garden; so why cannot they be used by the Police Force?

The Hon. A. F. GRIFFITH: It is a pretty serious charge to say that the police use men with criminal records for the detection of crime. I think it is without foundation, however, so I will let it pass. I am sorry to see this antagonism being evinced against the Police Force, merely because it is doing its job.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

BETTING CONTROL ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (The Hon. J. M. Thomson) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 31A added—

The Hon. W. F. WILLESEE: I merely wish to take this opportunity to clear up any misunderstanding that might have occurred as a result of the remarks made by my colleagues and myself, and to say that we have no doubt at all about the capacity of the Police Force or of the great work it does. We are strongly in support of the police. I am not going to

reiterate my remarks, but I would like to dissociate myself completely from the final words of the Minister on the previous Bill.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.17 p.m.]: I move—

That the Bill be now read a second time.

Under existing provisions, career positions in the teachers' colleges are restricted to applicants in the service of the Education Department. This Bill is being introduced to enable these positions to be filled by open advertisement.

The standards of our colleges, which depend primarily on the quality of staff, are being affected by the current system of appointing college lecturers from within the department and also by the competition of other tertiary institutions which are drawing on the same pool of qualified people by open advertisement and which, consequently, are in a position to offer better remuneration and conditions.

The department is unable to meet this competition while the salaries and conditions of the academic staff of the colleges are tied to awards governing Government school teachers and subject to appeal to the teachers' tribunal. Bearing this in mind, the Tertiary Education Committee, under the chairmanship of Sir Lawrence Jackson, has recommended that teachers' colleges be withdrawn from departmental control.

The committee in making this recommendation has pointed out, however, that considerable strains were being experienced by the Education Department due to staff shortages and, therefore, undue haste in bringing about such a change could result in disaster. Nevertheless, since there is no sign that the problem of staffing schools will ease during the next 10 years, and the staffing problems of teachers' colleges operating on the present pattern could be expected to worsen, the committee recommended that planning start immediately for the removal of teacher education from the administration and control of the Education Department.

The Tertiary Education Commission was established in 1969 and the Jackson committee's recommendations relating to teacher education were referred to it for examination and subsequent report. Following the hearing of evidence from a number of sources, and arising from the careful consideration of that evidence, the commission recommended as an urgent step that appropriate sections of the Education Act and its regulations be amended to enable the recruitment of staffs of teachers' colleges to be made by open advertisement not subject to appeal to the Government School Teachers' Tribunal.

The commission, in support of this recommendation, quoted from the 1964 report of the Martin committee. This committee was set up by the Commonwealth Government to examine and report upon the future of tertiary education in Australia. The extract quoted by the Tertiary Education Commission reads as follows:—

> The Committee is aware of the limitations which are placed upon the recruitment of staff for teachers' colleges conducted under the auspices of departments of education, but acknowledges that, despite these limitations, many persons of quality are appointed to them.
>
> Nevertheless, the committee considers that, if it were possible to remove such restrictions, departments of education, on the one hand, would have a much wider choice in the matter of staff selection while, on the other, positions on the staffs of teachers' colleges might prove more attractive to men and women with the desirable qualifications.
>
> The principle of advertisement of staff positions over as wide a field as possible is regarded by the Martin committee as fundamental to the development of a vital programme of teacher preparation.
>
> The autonomous colleges will recruit their staff by open advertisement and each department of education will recruit staff through open advertisement for the colleges for which they are responsible.

The Tertiary Education Commission also resolved that, as a matter of developmental policy, teachers' colleges be given the opportunity and be encouraged to progress towards becoming autonomous colleges of advanced education.

This latter recommendation has been accepted in principle and it is considered that the most practical first step towards implementing the policy is to amend the Act and regulations as suggested to allow for open advertising over as wide a field as possible.

Apart from New South Wales, where the position is complicated by certain regulations, there is open advertising in the

other States and in New Zealand, although it is true that in some States, applicants from within the department still retain a right of appeal.

The Education Department supports the commission's recommendations for the open advertisement of career positions in teachers' colleges, primarily for the reasons I have just referred to, but there is a number of other advantages in support of the change. For example, many departmental teachers who have resigned to further their studies and experience overseas, are at present debarred from appointment to the college staffs.

Inquiries have been received from ex-teachers of the department who have been lecturing for varying periods in overseas teachers' colleges. It is difficult to perceive any logic in a situation which precludes them from possible appointment to our own colleges. The present system also results in in-breeding—academically speaking. Practically all of the lecturers in the teachers' colleges are a product of the State system and have had little experience of education elsewhere.

The staffing needs of the teacher education division are also a constant drain on the secondary division, which itself is experiencing a serious staffing shortage. This is further aggravated by open advertising by the other States, which are in a position to attract some of the department's best staff. It is necessary for Western Australia to be placed on the same basis in order to enable it to compete.

The Bill now before members proposes amendment of the Act to enable future vacancies or new items on the staff of any teachers' college to be advertised outside the department. There will be no right of appeal against these appointments.

Another provision of the Bill concerns the compulsory leaving age. This is at present the end of the year in which a student turns 15 and normally would ensure a minimum of three full years of secondary education. There is also a provision in the Act to enable the Minister to grant exemptions from school below this age where he is satisfied that it is in the best interests of the student and that there is suitable employment available.

Exemption may also be granted where a student below the statutory leaving age has completed three years of secondary education and desires to leave school to enrol for a full-time vocational course, such as is offered by a recognised business college. This latter proviso has very little application as almost all students who have completed three years of secondary education are already beyond the statutory leaving age.

Each year, however, there are some girls who have not completed three years of secondary education, who wish to attend business college in order to gain some specialised training before seeking employment. They cannot be given an exemption for this purpose at present, and so they resort to applying for exemption to take up employment. Having received this exemption, they are quite at liberty to leave their employment immediately and enrol at a business college. Exemptions once granted cannot be withdrawn and therefore the department has no authority to return the child to school.

Numbers of cases are referred to the Minister for Education each year and, for any one of a number of reasons, it has become evident that the child's interests would be best served by permitting her to leave school and enrol full time at an approved business college. This Bill proposes amendment of the Act to make such exemptions possible after completion of two years of secondary education.

I refer now to the alterations announced by the Premier in his Budget speech concerning Government subsidies to the independent schools. These are to be replaced by a system of direct annual grants, the amount to vary according to the size of the school. For example, the maximum annual grant of $700 will apply to secondary schools with more than 300 students, or combined primary-secondary schools with more than 300 students of whom at least 150 are secondary students. At the other end of the scale, any school with 100 students or less will receive an annual grant of $300.

The new system will benefit both the department and the schools. The department will be relieved of the considerable administrative problems associated with subsidies and the schools will have a much greater flexibility in their spending. Also it will mean that every school, no matter what its financial resources may be, will receive the full amount of assistance to which it is entitled. This does not obtain under a subsidy scheme where a school must first raise a percentage of the cost before it can attract a Government contribution. Before the grants can be implemented, the Act needs to be amended and an appropriate amendment is included in this Bill.

The Bill provides for the introduction of a system of grants as from the 1st January, 1971, while still retaining the existing subsidy on swimming pools and interest payments on loans for approved residential buildings. Other forms of assistance now being provided by the Government to independent schools will not be affected. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. F. Claughton.

House adjourned at 8.28 p.m.