Legislative Council

Wednesday, the 12th October, 1977

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m. and read prayers.

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.40 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 18th October.

Question put and passed.

ACTS AMENDMENT (CONSTITUTION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.41 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to set out clearly in our Constitution the fact that our Parliament consists of the Queen and the Legislative Council and the Legislative Assembly.

It is designed to achieve three main purposes. Firstly, it is to emphasise the role of Her Majesty the Queen in the Parliament of Western Australia.

Secondly, it is to protect and preserve the existence of both Houses of the State Parliament and to ensure their continued role as an integral and essential part of the lawmaking process.

Thirdly, it is to confirm by Statute the office of Governor and that appointments to the office of Governor and the instructions with which the Governor must comply in performing his duties are both made and issued by the Queen personally as is the present case.

The Bill provides that any future Bill which would abolish either House of the Parliament, or which would reduce the numbers of the members of either House, or which would permit either House to be constituted by members not elected by the electors at large, can become law only if such a Bill is passed by an absolute majority of both Houses of the Parliament and is approved of by the electors of the State voting at a referendum.

The same procedure would also apply to any Bill which would abolish or alter the office of Governor, abolish or alter the sole right of the Queen to issue instructions to the Governor as to the performance of his duties, or alter the requirement that every Bill must be presented to the Governor for assent before it may become law.

The Bill, in so far as it deals with the office, obligations, and powers of the Governor, makes no change in longstanding constitutional conventions and practices, but is intended to ensure that those long-standing conventions and practices cannot in the future be altered without the consent of a majority of the electors of the State.

A reference to the Governor includes any other person properly appointed to administer the Government or exercise any powers or authorities during his temporary absence.

The Government's policy statement for 1977-1980 clearly spelt out the Government's intentions in regard to entrenching in the Constitution provisions to protect the office of Governor and both Houses of Parliament.

This was done quite deliberately, so that no-one could say that the Government's action in introducing this Bill was unauthorised by the electorate or not fully declared prior to the last State general elections. A clear-cut mandate was sought and obtained from the electors.

The Bill will do no more than its terms indicate. It will not affect the question of re-distribution of electoral boundaries *per se*, or the inter-relationship of the two Houses, nor will it affect the powers of either House. No referendum is required should any change be contemplated in respect of such matters.

The Government believes that the time has come to ensure the continuation of the basic elements in our present system which has served the State well.

If any political party or group wants to change the basis of our Constitution then surely it is right and proper that the people should first be consulted and given an opportunity to consent to or reject the proposals.

The principles contained in this Bill are important for the people of the State who desire stability in government and security for their basic institutions, and accordingly the Constitution will serve the State and its citizens well in its amended form.

I commend the Bill to the house.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

BILLS (2): THIRD READING

1. Legal Representation of Infants Bill.
2. Suitors' Fund Act Amendment Bill.

Bills read a third time, on motions by the Hon. I. G. Medcalf (Attorney-General), and transmitted to the Assembly.

BILLS (2): REPORT

1. Pharmacy Act Amendment Bill.
2. Mine Workers' Relief Act Amendment Bill.

Reports of Committees adopted.

CLOTHES AND FABRICS (LABELLING) ACT AMENDMENT BILL

Report

Report of Committee adopted.

As to Third Reading

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [4.47 p.m.]: I move—

> That the third reading of this Bill be made an order of the day for the next sitting of the House.

THE HON. D. W. COOLEY (North-East Metropolitan) [4.48 p.m.]: I oppose the motion that this Bill be made an order of the day for the next sitting of the House because I feel that the Standing Orders require that the Bill be read a third time today.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr President, is it proper for this motion to be debated? I thought that any ensuing debate, after the Committee stage, had to be on the third reading?

The PRESIDENT: Order! It is my intention to check that point.

The Hon. D. W. COOLEY: I thought that you, Mr President, put the motion that the third reading of this Bill be made an order of the day for the next sitting of the House.

The PRESIDENT: Order. I know what the question is.

The Hon. G. C. MacKinnon: It is just a notice of motion; I do not think it can be debated.

The Hon. R. F. Claughton: There are certain motions which cannot be debated.

President's Ruling

The PRESIDENT: The member is out of order in endeavouring to debate this particular question, because it is out of order for the third reading to be taken today. The third reading must be at the next day of sitting.

The Hon. D. W. COOLEY: Mr President, would you inform me which Standing Order covers this situation? I have been in the Chamber when the third reading of a Bill has been taken on the same day as the Bill passed the second reading stage.

The PRESIDENT: This Bill was amended in Committee, and the Standing Orders require that the third reading be taken on a day of sitting subsequent to that on which the report of the Committee is adopted. The report of the Committee has been adopted today, and it follows that the third reading must be taken on a subsequent day. Therefore, the question is not debatable. I will now put the question.

Question put and passed.

VETERINARY SURGEONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

THE HON. R. H. C. STUBBS (South-East) [4.52 p.m.]: The Minister when introducing this Bill told us that the Veterinary Surgeons Act of 1960 regulates the practice of veterinary surgery in Western Australia in common with similar legislation in the other States of the Commonwealth, with the basic intention of ensuring that the art and science of veterinary medicine and surgery meet an acceptable standard, both for the welfare of the animals requiring veterinary attention, and in the interests of the owners of the animals. This Act is certainly an improvement on the situation that existed in the early years, and veterinary science has improved constantly.

From my research I found that an Act was introduced in 1911 which was designed mainly to prevent what were known as "quacks" travelling around the countryside and putting themselves up as veterinarians and even advertising in various country newspapers to that effect. That practice was prevented by the Act of 1911. However, apparently many people had certain veterinary qualifications although they were not fully qualified, and as it was difficult to attract qualified veterinarians to country areas that Act was amended in 1923 to allow experienced people to practise with a permit.

There were two categories of such persons experienced in veterinary skills. The first comprised people who had something to do with stock in country areas, and the other comprised returned soldiers from World War I who had veterinary experience, although they were not qualified. My research indicates that in World War I the army had qualified veterinarians, and it also had men working with them who obtained a certain amount of experience but had no qualifications. Those men were allowed to practise in country areas for a fee.

The qualified veterinarians were protected because the unqualified veterinarians were not permitted to practise within 30 miles of a qualified veterinarian's practice, and in those days 30 miles was a day's travel. Of course, it takes only about half an hour today to travel that distance.

It is interesting to look at how much we have come to depend on veterinarians in modern times. In 1923 we had only 21 veterinarians in the whole of Western Australia, 11 of whom were practising in Perth. The rest were dispersed throughout the dairying areas, because in those days dairy herds were being tested for tuberculosis. Of course, now there are many veterinarians in country areas.

In the *Daily News* of the 20th September, 1977, there appeared an article which stated that Western Australian veterinarians and the Department of Agriculture had stepped up their campaign against equine venereal disease since its discovery in New South Wales and South Australia during the preceding two days. The article went on to say that the disease, which had devastated English horse breeding this year, could halt the local stud season if it took hold here. The article contains quite a lot more, but I refer to that portion only, because in Western Australia we have a huge horse industry. We have racehorses, trotters, pony clubs, and so forth, and it would be devastating to the industry if a disease which prevented breeding were to spread amongst the animals.

In Western Australia we have 200 000 dairy cows and, naturally, veterinary science is much needed in that industry because of brucellosis and various other diseases which dairy cows can contract. I know at present there is a drive to eradicate brucellosis in country areas. From the information I have been able to obtain—and I am not sure how accurate it is—I find we have about 3 million beef cattle in Western Australia. Again, veterinary science is of great advantage to that industry, and it is essential that beef cattle be protected against disease.

We have approximately 36 million sheep, with a wool production amounting to the value of about $250 million. We also have 300 000 pigs. Therefore, members can see how the farmers in Western Australia depend heavily on the advice of veterinarians in carrying on their business.

We also have a large poultry industry now. As everyone knows, if disease hits a poultry flock it can have a really devastating effect overnight. Again, poultry farmers are well protected by veterinarians. The poultry industry is a big industry now. Some time ago we were accustomed to eating poultry only for Sunday dinner or at Christmas, but now it is commonplace to eat poultry during the week, and I am sure this trend has done a lot of damage to the meat industry. It is a trend which has occurred mainly over the last decade. A friend of mine who is a butcher in Kalgoorlie is really concerned about how the poultry industry has cut into the beef trade.

Greyhound racing is also controlled by veterinary surgeons, who are present at every race meeting. Their job is to see that the dogs are healthy and sound for racing so that the public get something for their money.

We also have the veterinarians who look after family pets, and there must be many of them around the place. Recently I attended a pets' hospital with my dog, and the place was crowded. I found I had to make an appointment.

In my opinion veterinarians have done a marvellous job and I would like to pay tribute to those veterinarians employed by the Department of Agriculture.

These people give advice to the farming community and anyone else that seeks it. They are alert to any diseases that may be around and they do a certain amount of research which is all in the interests of the farming community. There are two essential things associated with farming; one is superphosphate and the other is veterinarians.

Western Australia and Australia generally have been very free of some diseases which have devastated herds in other countries. We have all heard of foot-and-mouth disease and swine fever that have devastated herds in Britain and other European countries. A lot of the credit should go to the veterinarians for the way they have kept their eye on the situation and carried out their research.

It is also very pleasing to note that in Western Australia we now have veterinarians qualifying from the Murdoch University. In previous times it was necessary for people interested in this profession to go to the Eastern States and study in

the various universities there. This must have been a costly exercise for these people. Now that the Murdoch University has a course in veterinary science we will no doubt be producing as many veterinarians as the State and perhaps Australia will need.

I noticed that the degree at the Murdoch University is very comprehensive. The Bill sets out the colleges whose degrees are recognised and indicates where people can go to take up the practice of veterinary science.

I was interested to note whilst reading a book I have at home that veterinary science entered the space age in 1969 following the Apollo 11 and 12 moon landings. Samples of lunar soil were brought back and the first to undertake research of these materials were veterinary pathologists and bacteriologists. They found there was more toxicity in earth soil than there was in the lunar samples. Although this does not come under the ambit of the Bill, it is still of interest to note that it is one up for veterinary science. With those comments I have great pleasure in supporting the Bill.

THE HON. N. E. BAXTER (Central) [5.04 p.m.]: This Bill updates the situation in regard to veterinary surgery, veterinary hospitals, and veterinary clinics. It lays down a new definition of "veterinary surgery". It generally improves the old Veterinary Surgeons Act. I have few quibbles with it except in regard to one or two sections.

There is one area that does create some concern for me as one who has recourse to the use of veterinary surgeons on a number of occasions, because of the nature of my association with thoroughbred breeding operations. It concerns the fact that anyone who diagnoses a disease in an animal could be liable to prosecution under this Bill. This could be so whether the diagnosis was done with or without reward.

The term "veterinary surgery" means the provision of advice based upon diagnosis of disease of, or injury to, any animal. As can often happen when a person has a sick animal and when he is not very well up on animal diseases, he will call in someone with experience in treating animals. The Bill covers birds and reptiles besides dogs, cats horses, sheep and cattle etc. A person could be liable to a fine under this Bill if he indicates that a fowl has coccidiosis or a horse has colic. Even a simple thing like giving a horse a dose of ginger and beer or Burg oil could render that person liable to prosecution.

So there has to be some type of allowances in the Bill, and they are covered to some degree by section 23 of the Act. Under that section I believe a person would have a let-out in cases where a veterinarian was not readily available and some sort of diagnosis could help an animal.

I have an amendment on the notice paper which is quite a simple one, and is designed to cover a situation where a veterinary surgeon is not available to tend to a sick animal for a period of perhaps some hours and the animal is in need of urgent attention.

At times veterinary surgeons are heavily committed and are difficult to get hold of. I believe a provision is necessary here to cover the situation where a veterinary surgeon is not available within a reasonable time. His phone might be engaged and whilst phoning around an hour could pass quite quickly.

A provision is needed to cover the situation where someone else's expertise was available to render at least some temporary assitance to an animal. This person's action may prevent a callous forming on a horse with an injured fetlock perhaps. If the injury was not promptly attended to the animal's performances could be affected. I ask for this amendment to safeguard people with animals which need quick attention.

My amendment has been approved by the Minister and the Veterinary Surgeons Board. The Bill is a big improvement on the principal Act, and I support it.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [5.10 p.m.]: I thank the two members concerned for their support of the legislation. The Hon. Claude Stubbs gave us a brief history of the veterinary industry and made mention of research into diseases that we have at present, and of the worry over the introduction of a new disease affecting the horse industry which has spread from Great Britain to Australia.

We have now closed our gates to the entry of animals from that country, and this highlights the importance of quarantine and the building of a quarantine station for Australia.

He also mentioned the problem of brucellosis and TB. These are matters which the Hon. Roy Abbey regularly mentioned. I think someone will have to take his place, because I do feel it is important that Australia should keep up to the mark in this regard. There are countries which are trying to stop the importation of our meat, and they will undoubtedly use these diseases as an excuse.

This year the Federal Government has allotted more money to help in the eradication of these two diseases, and I think this money will be fully utilised. It is gratifying to know that Western

Australia is one of the leading States in this regard.

The Hon. D. K. Dans: Just what does brucellosis do?

The Hon. D. J. WORDSWORTH: It is a disease which cattle pick up from the ground when they feed; it is spread along the surface. Brucellosis is really contagious abortion; it is not VD.

The Hon. D. K. Dans: It brings on a contagious abortion?

The Hon. D. J. WORDSWORTH: Yes, it can be carried by an animal for some months, and then one may find one has a percentage of dry animals which have aborted without one realising the position.

The Hon. D. K. Dans: The female of the cattle gets it.

The Hon. D. J. WORDSWORTH: That is right. One mention I wish to make relates to the Murdoch University. As the Hon. Claude Stubbs mentioned it is playing a major part in this matter. I must remind members that one of the main reasons for the creation of the second university in Western Australia was that we in this State needed a facility for the teaching of veterinary science.

Previously everyone in Western Australia or those desiring to practise had to go to Queensland or New South Wales to undertake the necessary study. Undoubtedly as the Murdoch University turns out more veterinary students we will be able to serve this State better, and there will be a great call on veterinarians from the point of view of meat inspection.

An amendment of which the Hon. Norman Baxter gave notice has been agreed to by the Minister for Agriculture. I believe this Bill has been long overdue. Looking through it one finds there are 31 amendments to the original Act which itself had only 30-odd sections. This indicates the people involved had to do a very major revision. I hope we will see the Act reprinted.

Basically it is only a matter of the industry itself setting higher standards. I do not think we will see any great conflict where people are to be charged in any way for practising veterinary science without a degree. I feel it is something that the industry itself wants to do; that is, to lay down standards for itself.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Min for Transport) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Section 20 amended—

The Hon. R. J. L. WILLIAMS: I merely wish to bring to the attention of members the provision in proposed new section 20 (1)(e)(ii). People who have had experience with persons immigrating from abroad to Australia will find this provision difficult to comply with, because it requires a person seeking to become registered to have been continuously resident in the Commonwealth of Australia for a period of one year immediately preceding the date of his application for registration.

Under that provision it would be difficult to bring a person from abroad into this country to practise as a veterinary surgeon. We could say to such a person, "Because you have passed a veterinary course at a university or college we do not mind registering you. You just make your application, and as long as you have been resident in Australia continuously for 12 months we will register you."

Certain categories of persons are not allowed into Australia unless they have been offered employment, and this applies also to doctors. Yet in the provision I have mentioned these people are expected to have been continuously resident in Australia for 12 months before they are eligible to become registered. In this respect I see a real difficulty confronting people in this category who wish to migrate to Australia.

I do not wish to hold up this legislation, but perhaps in their zealous enthusiasm to protect their reputation some people have put forward this apparently impractical provision. If it is possible to sort out with the Immigration Department the difficulty confronting people who apply under this legislation—I refer to the requirement of 12 months continuous residence in Australia—all is well and good.

I suggest the responsible persons in this State should confer with their Federal colleagues to allow persons in the category I have mentioned to come to Australia, so that after they have resided here for 12 months they will be allowed to practise. Another difficulty arises as to how in the intervening 12 months they will support themselves. Furthermore, who will sponsor them?

Even if the board were to say to such people, "You have certificates of competence. You have had four years' experience" there would still be a difficulty, because our legislation provides for five years' experience. As the immigration law stands

at the moment, I doubt whether the authorities would be permitted to allow people in this category into Australia for a period of 12 months before they can become registered.

The Hon. D. J. WORDSWORTH: We must, first of all, remember what a veterinary surgeon does. He does not only give advice on treatment of an animal, but also on the running of a person's farm; in other works he applies preventive medicine, rather than curative medicine, to an animal. That is the reason the provision appears in the Bill in this manner.

It is only right that an applicant should have some experience in Australia before he is allowed to practise on his own. Perhaps a person who wishes to obtain registration could accept a position as a veterinary nurse—a position approved by the board. In that way he would probably still be able to enter the country, particularly when it is appreciated that this person would be practising as a veterinary surgeon in a year's time.

I will raise this matter with the Minister concerned, and will not take the Bill through the third reading stage today.

The Hon. G. W. BERRY: I think the position is covered by the provision in proposed section 20 (1) (b) on page 7 of the Bill which states—

> Where a person satisfies the Board that he has such qualifications in veterinary surgery as to justify the Board in exempting him from all or any of the requirements of subparagraph (ii) and subparagraph (iii) of paragraph (e)...

Clause put and passed.

Clauses 13 to 16 put and passed.

Clause 17: Section 23 amended—

The Hon. R. J. L. WILLIAMS: Again I draw attention of members to what appears to be an anomaly in a provision appearing in this clause which proposes to amend section 23 of the Act. The provision is as follows—

> (2) Where a registered veterinary surgeon has been convicted either in this State of an indictable offence or elsewhere of an offence of a nature, which, if that offence were committed in this State, would have constituted an indictable offence . . .

In a previous inquiry with which the Hon. Lyla Elliott and I were concerned, we made a recommendation for the amendment of a certain law of this State. At the time we were told categorically that it would be extremely difficult to prove satisfactorily to the courts of law the conviction of a person outside this State. In that instance we were talking about an entirely different subject.

I put it to members that what is an indictable offence in one country might not be an indictable offence in this State. Indeed, it might be very difficult to prove this in a court of law. On the occasion I referred to Miss Elliott and I were asking that proof of conviction in another State or another part of the world should apply, but the legal opinion given to us at that time was that we should forget about the matter because such cases were extremely difficult to prove.

Indictable offences as such are extremely difficult to prove, particularly where an indictable offence in another country is not an indictable offence under our law. I repeat that the words used in this provision are "if that offence were committed in this State, would have constituted an indictable offence." I am not a lawyer, but I am of the opinion that this is a very dicey provision.

I would hate to think that this matter was not drawn to the attention of the Minister and the department when the Bill was before us. The Crown Law officers should have a look at the provision; they might say, "That is all right. We have a list of all indictable offences in other countries which are regarded as indictable offences in this State." However, I do not think such a list can be produced.

I would ask the Minister to clear up the point I have raised. Certainly I am not happy with the provision as it stands, in view of the legal opinion given to us some time ago.

The Hon. D. J. WORDSWORTH: The honourable member has raised a very interesting point. If a person commits an indictable offence I do not think the board would deregister him. The fact of the matter is that that person has had to be practising here before the offence and the board can suspend him for a period not exceeding 12 months. In other works, this is a penalty to be imposed upon a person who is practising in this State, who goes to some other country, or State, and commits an indictable offence.

If the honourable member is referring to someone coming from England and is desirous of practising in this State, the board could say to him, "Your history indicates that you have committed an indictable offence in Great Britain." However, that is not the point at issue in the provision in clause 17. The idea of this provision is to give cover to a full-time practitioner in Western Australia, who commits an offence in another country, and returns to

practise in this State. That is different from the situation mentioned by Mr Williams.

The Hon. R. J. L. WILLIAMS: Let me take the case of a veterinary surgeon who is registered in Western Australia, who goes to France, and commits a crime of passion, which may not be regarded as an indictable offence in that country. When he returns to Western Australia it might be regarded as an indictable offence, and he might be struck off the register. I urge the Minister again to request the Crown Law Department to produce a list of indictable offences which are applicable in the various States.

The Hon. D. J. WORDSWORTH: The person mentioned by the honourable member is not struck off the register. At the maximum he is suspended from practising for 12 months.

Clause put and passed.

Clauses 18 to 22 put and passed.

Clause 23: Section 26 amended—

The Hon. N. E. BAXTER: I move an amendment—

Page 20, line 37—Insert after the passage "found;" the following passage—

"or

(iii) no registered veterinary surgeon is available to perform the service within a reasonable time."

Proposed subsection (1) of section 26 states that no person other than a registered veterinary surgeon, and no association or body of persons, corporate or incorporate, other than an association or body comprised wholly of persons who are registered veterinary surgeons, shall practise veterinary surgery.

There are some exceptions, and they appear in proposed subsection (3). This subsection provides that under certain circumstances person who are not qualified or registered as veterinary surgeons may attend to animals. This is to ensure that there is no delay in the treatment of animals. This would not apply to any large extent to cats and dogs, because the services of veterinary surgeons for the treatment of these animals are generally readily available. However, in relation to the larger animals—particularly horses, cattle, and sheep—it is is not easy to convey such a sick animal to a veterinary hospital or clinic. Normally one would have to contact a veterinary surgeon and ask him to come to the property.

Proposed subsection (3) states as follows—

(3) Nothing in subsection (1) of this subsection applies to or prohibits the performance, whether or not for reward, by a person—

(a) of first aid for the purpose of saving the life of an animal or relieving pain suffered by an animal;

(b) of a veterinary service prescribed for the purposes of this paragraph, if, within fifty kilometres of the place where the service is required either—

(i) no registered veterinary surgeon is in practice; or

(ii) no registered veterinary surgeon willing to perform the service can be found;

My amendment seeks to insert a new subparagraph (iii).

When the Bill was first mooted I raised the matter with the Minister for Agriculture and a number of letters passed between us. I also discussed it with departmental officers and the board, and finally Dr Huddleston rang me and suggested the amendment. If the amendment is accepted it will be possible for an injured animal to be dealt with quickly and thus save it further trouble as it grows older.

The Hon. D. J. WORDSWORTH: The Government certainly has no objection to the amendment. In fact, the Bill will benefit as a result of it. Obviously, Mr Baxter has employed veterinarians on many occasions and recognises the significance of his amendment. The position is bad enough when a sick person is waiting for a member of the medical profession to travel only a short distance, so we can imagine the situation when a farmer is waiting for a vet to attend a sick animal and that vet has to travel 50 kilometres. Others should be allowed to take action in those circumstances when a veterinarian is not available in a reasonable time.

Amendment put and passed.

Clause, as amended, put passed.

Clauses 24 to 31 put and passed.

Title put and passed.

Bill reported with an amendment.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.35 p.m.]: We support the Bill, but do not feel it goes far enough to alleviate the acute position which has arisen in regard to

graduates from the university. In the Committee stage I will move an amendment to delete the restricted practice provision under which the Barristers' Board has operated since the training period at the university was increased from four years to five years allowing the Bachelor of Jurisprudence degree to be obtained after a four-year course and the LL.B. degree after a five-year course.

The Attorney-General has outlined the acute position, but may I add some more bad news? He said seven people from the class which graduated at the end of 1976 had not been accommodated. I am informed by the Blackstone Society that in fact there are 14 people from that year who have not been accommodated, plus the 17 from the end of this year who have not been able to obtain articles. Those people came from classes of 80 and 87 respectively, and in 1978 there will be a class of 90. So by the end of 1978 there will be competition from those 90, plus the 17, plus the 14, or even the seven referred to by the Attorney-General. His information may be better than mine. The situation is that there will be an exponential number per year looking for articles.

When the period of training at the faculty of law was increased from four to five years the board reduced the term of articles from two years to 12 months. Section 10(5) of the Act refers to a 12-month term, but as far as I know the board can make it any term it likes. I cannot see any provision to this effect in the Act, but perhaps the Attorney-General could comment on this aspect when he replies to the debate.

If we continue to have increased numbers of people who cannot be accommodated as articled clerks, there is a real danger of the profession suffering. For instance, the Tertiary Education Commission is tightening up on funds for the university and it could decide that it is not wise to provide funds for the Faculty of Law when another 90 or more undergraduates will be added to the already accumulated number who are waiting to become articled clerks. The number from one year to the next is increasing exponentially.

I have racked my brains to ascertain how the amendments will alleviate the position for any more than the seven or 14 from the class of 1976. Four more will be employed by the Legal Aid Commission which might perhaps obtain permission to increase that number. However, I cannot envisage the position being improved in any other way. It has been suggested that perhaps some legal aid bodies may be able to help. I would like the Attorney-General to advise us in this regard.

Under clause 2, which amends section 6, practitioners who are not actually working for themselves will be able to employ articled clerks. However, this contradicts the provision in the Act which states that a practitioner who is not practising on his own account cannot have an articled clerk. Perhaps the Attorney-General will explain the position to us. The Legal Practitioners Act is one which should be the most law-abiding, so I would like an explanation on this amendment.

We support the Bill. We consider it is a good move by the Government, but if the restricted practice provision is deleted there will be a greater absorption of articled clerks in the community, and this would be to the benefit of the profession and of the Law School in regard to its funding.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.41 p.m.]: I am pleased to hear that the Opposition is prepared to support the legislation although I gather it is done somewhat grudgingly.

The position is that the Government is not under any obligation at all in this regard, but it is most anxious to try to alleviate a difficult situation which is not of its own making. The position in regard to the Law School or, indeed, the university, is that they are not under the Government's jurisdiction. The Government is not responsible for the number of people who are allowed to attend the university or for the number of matriculants who offer themselves for a course at the university. This would apply to any degree course, not only the course in law. This is a matter completely beyond the Government and, indeed, the Government would not wish to have any influence on it.

The Government does not want to restrict the numbers of people who offer themselves for tertiary education courses. Any action taken to restrict the numbers by quotas, etc., is taken by the university. The Government has no control over any action the university takes, or any action the Federal Government takes with regard to tertiary education funds. I think this must be made transparently clear right at the beginning.

Nevertheless, the State Government is responsible for controlling legal practitioners who are unleashed—if I may use that word—onto the community to practise law. Sometimes it is an unwilling community. No-one likes being used for practice, least of all by an untrained person. Therefore it is desirable the Government should have strict provisions to ensure that those who go into practice are adequately trained.

It is not merely a question of extending opportunities such as building another law school

or, indeed, building anything. This type of action will not resolve the problem.

Having said that the problem is not one for which the Government can take responsibility, let me say that the Government has, nevertheless, the greatest of sympathy for those who have been affected by what we might call the inexorable law of supply and demand and it is endeavouring within its limited capacity to provide some alleviation of the situation which has developed. Indeed, as I mentioned in my introductory speech, the Government secured the approval of the Treasurer to increase from five to seven the number of clerks articled to the Crown Solicitor. The Act allows for seven, but the restriction imposed by the Public Service Board enabled only five to be employed. Articled clerks in the Public Service are paid more than articled clerks employed in private practice. Indeed, they are paid a Public Service rate of pay and for that reason permission had to be granted to allow two more to be employed by the Crown Law Department, articled to the Crown Solicitor.

The Crown Solicitor did not feel he could keep his eye on more than seven articled clerks at once. By that I mean that although he has other practitioners on his staff he is responsible for the training. In the same way, the Director of Legal Aid, according to the Legal Aid Commission, would not likely be able to look after and adequately train more than four articled clerks. That is the reason for the restriction. I would have liked to increase the number, but it is limited by the ability to train.

Members of the practising profession have been urged for some time by their own society to take as many articled clerks as they can. When I was in practice, in my firm we had up to six articled clerks at one time. This was perhaps a few more than we felt we could conveniently handle but from time to time we took pity on people who, because of sickness or for some other reason, had not been able to get articles. It has been a problem for some time that students experience difficulty in getting articles after leaving university. At this stage it is an acute problem.

I believe the legal profession has been trying to accommodate all the articled clerks. It has been a subject of debate at the meetings of the Law Society. I have personally written again to the executive officer of the Law Society recently forwarding a list supplied to me by the Blackstone Society of firms which, in the opinion of the Blackstone Society, were not taking on any new articled clerks in the new year.

I told the Blackstone Society I did not think it was proper for me to write to the firms direct, but that I would certainly forward the list of firms to the Law Society and ask it to urge those firms to do what they could, bearing in mind that I did not know what the commitments of those firms were. Some of them might already have a number of articled clerks who were going into their restricted practice year, when they would receive a full wage as a solicitor but were not able to practice on their own; they must be employed. That might prevent their taking on articled clerks.

However, I asked the Law Society to do all it could. The matter is receiving further attention, and I do not doubt that if they are able to accommodate more articled clerks, they will do so, particularly after this Bill is passed by the Parliament, when it will be possible for any practitioner who is employed himself to take on the training of an articled clerk even though that clerk will, in fact, be articled to another practitioner. The clerk will be articled to a practitioner who has worked on his own account for at least two years, but the actual training can be assigned to someone else by permission of the Barristers' Board. It is hoped this provision will enable articled clerks to be employed by such people as the Director of the Aboriginal Legal Service, barristers who otherwise would not be able to take on an articled clerk, and various others including employed solicitors who are debarred from doing so at the moment.

The Hon. G. W. Berry: How long does an articled clerk have to serve?

The Hon. I. G. MEDCALF: He serves 12 months in articles and one year in restricted practice before he can practise on his own. Previously articled clerks had to serve two years, but the system was changed a few years ago. During the restricted practice year he has to work for a solicitor.

The reason is plain to see. We cannot allow untrained or half-trained people to practise on the public, with the consequences which might ensue if bad advice is given to people, if they are badly defended, or if their affairs are improperly managed or mismanaged. The Government could not stand by and allow that, so we have to rely on the advice we are given by professional bodies such as the Barristers' Board and the Law Society, particularly the Barristers' Board which is a statutory body. They are basically responsible for carrying out the training.

It is the Barristers' Board that registers the articles. It checks to ensure clerks are properly articled and serve their period of restricted practice, and issues certificates in relation to the

competence of candidates for admission. Lawyers are then permitted by the Act to put up their shingle and act for any member of the public. It is not an advantage to have a half-trained lawyer, and that is something which must be appreciated.

It is good to use students who are articled clerks in training schemes to help people, just as medical students are used in hospitals; but they must be under supervision. To obtain a certificate to practise on their own they must go through a practical period. This is not generally realised by some law students at the University, because though enthusiasm and zeal they believe when they are about to complete their degree they are ready to practise the law. In reality, of course, they are not, and after a few months or a year in an office they understand that they are not. They are in the main very grateful for the practical training they receive, and the most grateful ones are those who receive the most rigorous training.

As to the numbers, all I can say is the figure of seven was supplied to me by the law students. There may be more but I was informed that the additional ones either did not want to take out their practising certificate or the opportunities offered were not suitable to them. In other words, I do not doubt that a further number who graduated perhaps did not take articles, but of the additional seven the honourable member mentioned I gather some did not want the articles which were offered to them. That is what I was told and I believe it is authoritative.

I quoted the number of 17 for next year's crop of students, which is all too high, but the number has been dropping very rapidly. A few months ago it was 35; a few weeks ago it was 25; and the latest figure is 17. I am hopeful the figure will be further reduced, particularly as a result of the new measures we are taking, and as a result of the appeal I made to the Law Society to see what it can do about the situation.

I will continue to make such appeals. I have said this to deputations from the Blackstone Society and the Law Students' Association, which waited upon me. They are two separate bodies. The Law Students' Association represents articled clerks as well as senior law students at the university, while the Blackstone Society represents only students at the university.

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 (the Hon. D. W. Cooley) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 10 amended—

The Hon. GRACE VAUGHAN: I propose to move an amendment as follows—

> Page 3—Add after paragraph (b) the following new paragraph to stand as paragraph (c)—
>
> (c) by deleting subsection (5).

I listened with interest to the Attorney-General's reply to the second reading debate and I am grateful for the additional information he was able to provide. My point is that while the restricted practice year may be desirable, even after an extra year at the university, it does not reduce the period of training; in fact, it adds on another year. I agree with the Attorney-General that the graduates would probably be grateful for it after a while. Nevertheless, it is a matter of being able to get people to take them on.

The Attorney-General said some of the law firms which were cited as not taking on articled clerks still had people under their supervision, as it were, who were working their restricted practice year. I am looking at it from the point of view of the lawyer who, having graduated and completed his first year's articles, cannot find anybody to employ him in the second year. I know that many law firms, having taken on articled clerks, feel obliged to see them through their restricted practice year; but that would surely be conducive to a law firm not taking on articled clerks in the first instance.

One can understand, therefore, that some law firms would not be inclined to take on articled clerks at all. This kind of position has arisen in the building industry and other trades, where to take on an apprentice is a community duty but is often very bad for business. So the legal profession is being put in a position of having to comply with the restricted practice provision.

I suggest this provision could be removed at least until the end of 1979, by which time we will know whether the other amendments proposed by the Attorney-General have been effective; then a review could be undertaken as to what would be necessary for the future. If we had the exponential increase I have predicted, the Attorney-General could make provision for further changes.

It is not just the law graduates who are upset over this matter. In a joint paper circulated to members of the Law Society in late 1976, Mr

Geoffrey Miller and Mr Eric Heenan stated as follows—

> . . . The problem of the restricted practice year . . . will only delay for twelve months the problem that has been experienced in placing Articled Clerks—in other words, . . . students will again find it impossible to obtain placement with a solicitor or a firm of solicitors to do the twelve months restricted practice year . . .
>
> Furthermore, it is considered that if the Law Society takes the view that no person can practice the law until he or she has spent a year in employment with a practitioner, and that employment is impossible to obtain, great public criticism will ensue of the profession. It is likely that in this situation the Government of the day might take the view that the profession is restricting entry to it merely for its own purposes . . .
>
> The proposal to abolish the restricted practice year is not going to lessen the standards of those seeking admission to practice of the law . . .

These are the opinions of two very mature people who I believe have been officers of the Law Society.

The Law Society also has been concerned about this matter and I believe it is negotiating with the Faculty of Law to introduce a workshop year, which will provide field practice to undergraduate students. Of course, this is an expensive proposal, which would require additional funding to the university. We are assured by Messrs Heenan and Miller that the lifting of the restricted practice provision will not result in a lowering of the standards. Certainly, one would think that the Barristers' Board would make some effort to supervise these people, once they went out in the field on their own, to ensure that standards did not drop. I believe this would overcome the present difficulty, and perhaps permit more articled clerks to be absorbed.

Sitting suspended from 6.03 to 7.30 p.m.

The Hon. GRACE VAUGHAN: Having considered the amendment and taking into account the doubts as to whether it would be accepted by the Chair, and as a previous decision indicated it does not relate to the provisions in the clause which sets out to amend section 10, but not subsection (5) which I indicated I would move to delete, I notify you, Mr Deputy Chairman (the Hon. D. W. Cooley), that I will not be proceeding with the amendment. I hope I have made my point to the Attorney-General and that he will bear it in mind.

The Hon. I. G. MEDCALF: Mr Deputy Chairman, the point the Hon. Grace Vaughan made before the tea suspension is one that has been the cause of some concern to the Government, to the Barristers' Board, and to the Law Society. In fact, the law Society had a general meeting in December to discuss the whole question of the education of articled clerks and the possible changes in the system. There was a motion, I understand, that the period of articles be abolished; but it was decided that the restricted practice year be retained. As the professional body, the Law Society has made this decision. I think it would be very unwise for us to interfere with that at this stage.

There is, of course, as the Hon. Grace Vaughan mentioned, a new proposal for a system of legal education whereby there will be a workshop setup and a new type of vocational training which it is hoped will be put into effect. This is the reason this Bill contains a limitation period, because it is hoped that by 1979 the new system will be in vogue and it will cater for articled clerks. Whether or not the legal profession decides to abolish the restricted practice year is a question which, at this stage, we should leave to the profession.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE BOARD (VALIDATION) BILL

Second Reading

Debate resumed from the 6th October.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [7.35 p.m.]: I listened with some interest to the debate last week when various views were put forward concerning this Bill and what it was all about. I must say that you, Sir, showed a great deal of leniency in permitting members to raise a number of issues which strictly speaking have little to do with the Bill.

I would like to remind honourable members of the reason for this Bill. I feel this is necessary in view of some of the comments made last Thursday. This Bill is designed to make provision in respect of the purported exercise—and you will notice I use the word "purported"—by the Metropolitan Water Supply, Sewerage, and Drainage Board of certain powers relating to

works. It is designed to clarify certain deficiencies in an old Act of Parliament. This Act was passed in 1909. It was the successor legislation of an Act originally passed in 1876, exactly 101 years ago.

Need I remind honourable members that in 1876 there was no piped water in Perth. There was no water which could be conveyed in pipes in the metropolitan area of Perth, or anywhere else in this State as far as I am aware. It was not until about 10 or 15 years later that piped water became common in the metropolitan area and then it was in the city area only.

It is a very old Act and it is very antique legislation. It contains some very antique provisions. You may say, Sir, this is a bad thing. I know you have not commented on the Bill; but you could say, Sir, it is a bad thing that we still have these antique provisions. They have been there a long time and we have them still; therefore, we must face the facts.

To blame the Liberal-National Country Party for this Act or for this state of affairs will achieve nothing. We have had the Metropolitan Water Supply Act and its preceding legislation unamended in respect of these provisions for this whole period during which we have had Governments of all political colours. It is no good blaming the members of Parliament of 1976, as one speaker did, because they did not amend the Bill. One member said when the Act was amended in 1976 we should have done what we are proposing to do now. However, it is no good blaming the Parliament of last year for a situation which has been in existence for 101 years. It is not even good enough to blame the Legislative Council, although it is a pretty good whipping boy for almost anything that has gone wrong. I notice almost any legislative complaint finds its way back to the Legislative Council. The Council is blamed for blocking every piece of legislation which has been put forward. However, we did not block this particular piece of legislation because it was never put forward. Other members of other parties had the opportunity of amending this legislation when they were in Government; but it has never been done.

The Hon. R. G. Pike: We never blocked the homosexual Bill.

The Hon. I. G. MEDCALF: If we start blaming people, which is the favourite habit of some members, then all Governments should be blamed for this legislation. All Governments, whether Liberal or Labor, since we have had constitutional government, should be blamed. However, that would be a silly thing to do. It is silly to blame the Government of today for the evils we find in our present Act.

Let us look at the principal provision in the existing legislation which this Bill is designed to rectify. Under section 20 (a) of the existing Act, the Metropolitan Water Supply, Sewerage, and Drainage Act, the following words appear—

> The Board shall, before undertaking the construction or provision of such works, cause to be prepared plans, sections, specifications, and an estimate of the cost of the proposed works, together with a statement showing the net earnings estimated to be derived from them

I shall repeat the last part which is that a statement showing the net earnings estimated to be derived from the works must be provided. It continues—

> . . . and a statement showing the value of the ratable property to be benefited . . .

The board shall also cause a statement showing the value of the property to be deposited. These are some of the many things which the board has to do.

Let us consider the South Dandalup Dam or the Serpentine Dam. These are major works which the water board has constructed. The Serpentine Dam serves the metropolitan area and is designed to supply water to a large number of citizens. The board did not comply with these requirements. How could the department have complied with these requirements? With all the goodwill in the world, how could the department have set down a statement showing the net earnings to be derived from the Serpentine Dam? The section does not say, "net earnings per annum". It says "net earnings" which means total net earnings over the life of the dam. Who knows what the life of the Serpentine Dam will be? Over the life of the dam the board is supposed to calculate the total earnings, total costs and expenses, and deduct the expenses from the earnings in order to arrive at the net earnings. Not only is it necessary to know the life of the dam, but the board must know the amount which will be earned from the distribution of the water at varying rates over a long period. The board also has to know the total expenses which will be incurred in order to end up with the net earnings. The board must also deposit a statement. It is an impossible provision. How could anybody calculate that?

If rates are struck to yield revenue to cover the operating costs, the net earnings would be nil. The board tries to strike a rate to cover the operating costs, but it does not always succeed. Sometimes

it may make a profit; sometimes it may make a loss. It depends what the costs are. The costs vary with every rise in wages; so that is a horse and buggy requirement, and nobody can say that it is not.

Then, Sir, there must be a statement showing the value of the ratable property to be benefited by the works. Who would know what ratable property was benefited by the water which came from the Serpentine Dam and flowed into various reservoirs in the metropolitan area? What property will benefit? We must know that in order to arrive at the value of that ratable property. That is another impossible condition. How could one prepare such a statement, and what good would it do it one could?

I am illustrating the absurdity of these provisions. Under section 23 (b), which is another section in this antiquated Act, the following words appear—

> The Board must be satisfied that the revenue estimated to be derived from the works is sufficient to justify them.

This means the rates must be calculated for the areas serviced by the dam, based on usage or consumption by the individual owners of the individual properties. This is another condition or requirement which is impossible of performance. One cannot determine the revenue. One cannot determine the rates. One would not know what the revenue will be, what the rates will be, and what the net earnings will be before those works are constructed.

It is out of the question; the provisions are impossible to fulfil. These are only some of them. There are other provisions which require the Governor's approval to be given in the case of minor works. The extension of a water main to service a number of people in a new district which those people naturally want—in fact, for which they agitate—requires the Governor's approval. The extension of a sewerage main requires the Governor's approval; and this has not been obtained in all cases. Why should it be obtained? It is an antiquated provision which I can describe only as unnecessary or redundant. These are minor works which require the Governor's approval, but that has not been obtained in many cases. It is a mere formality and the approval should be no longer required.

No-one would dispute that the Governor's approval should not have to be given in these cases. No-one in his right mind would dispute that, yet it is a technical infringement of the Act if the Governor's approval is not obtained. In those circumstances the Act is infringed and it is sufficient to upset the works. Is it not time that something was done about validating the acts which have taken place over many years under all Governments in relation to such formalities? Of course it is. I remind the House that it is these things which form the subject matter of the Bill.

I can summarise by saying there are two kinds of things about which I am speaking—firstly, the unnecessary or redundant provisions. I have just mentioned having to obtain the Governor's approval in the case of those minor works; and, secondly, in the case of the major works, the impossible provisions. Summarising further they could be described as unnecessary provisions for minor works and impossible provisions for major works such as the Serpentine Dam. It is these things the Bill seeks to rectify or validate. That is what the Bill is all about.

While there are all sorts of important and interesting side issues such as environmental matters, the future planning of the water supply of the metropolitan area, the increasing urbanisation of the city, Perth's beautiful gardens, and compensation for damage which has not yet occurred, they simply are not what the Bill is all about; they do not form the subject matter of the legislation before us. This is a validating Bill; that is its name; and that is what it is all about.

I have mentioned the technicalities of the Act which cannot be complied with, which have not been complied with, and which are the reason for the Bill being before the House.

Now I want to say something about the situation at Jandakot. I asked the water board to give me some information about the general situation of the water supply at Jandakot. It is not, strictly speaking as I have just said, relevant to the contents of the Bill before the House but, clearly, it is a matter of considerable interest to the people who reside in the area; and I have here some notes which have been supplied to me by the board and which, with your indulgence, Mr President, I will read as follows—

> The Water Board, in association with the Geological Survey of Western Australia, have been conducting drilling testing and investigation in the Jandakot area since 1972.
>
> There is now sufficient information available to give reasonable estimates of the effect of water harvesting in the area.
>
> Variations to the water table will depend on the effects of:—
>
> —the climatical conditions
> —the abstraction from M.W.B. wells
> —abstraction by private users

—drainage
—changes in vegetation
—urban development.

In the future it is likely that artificial recharge schemes will have an additional effect.

Variations in annual rainfall cause long term changes in the water table. In the limited period of useful records, from 1966 to the present, there has been a natural variation of about 1.5 metres. In addition to the long term variation there is also a seasonal variation of the same order of magnitude.

It is possible to mathematically model the effect of water harvesting from an aquifer together with the recharge effects. The M.W.B. has established models for the Jandakot area as well as the Gnangara mound. In the Mirrabooka area, part of the Gnangara mound, where actual harvesting is taking place, it has been possible to compare predicted results with field measurements. This comparison has shown the model to be slightly conservative. For this reason the Board is confident that the models can be used in the study of the effects of the Board's activities.

In the Jandakot model, without any artificial recharge, the global effects of pumping range up to 1.5 metres drawdown.

Lowering of water table would be less than 0.5 metre over 30% of the area, between 0.5 and 1 metre over 45% of the area and between 1 to 1.5 metres in the remaining 25% of the area.

In the immediate vicinity of wells there is a very localised drawdown due to pumping but the location of wells has been carefully chosen to minimise inconvenience to adjoining land.

The above figures are calculated on the basis of Water Board harvesting of less than half of the estimated net recharge to the area. Local users are currently estimated to use about 25% of total recharge. The effect of this abstraction by local users is already part of the accepted water table profile.

Land clearing has a marked effect on the water table. The increased run off combined with the associated reduction in vegetation causes increases in the quantity of water reaching the saturated water zone and hence a rise in the water table. Lake Claremont is an example of this phenomena. Development of the South East and South West corridors will have a similar effect on the Jandakot area.

Draingage of low land also has an effect on the global water table. There are many Shire and private drains in the area which are already reducing the water table.

Recharge schemes are being investigated now by the M.W.B. Should these prove viable, and there is no reason to think that this will not be the case, there will be direct gains to the water table.

For market gardeners, and other private users, the maximum effect will be that they would have to pump their water 1.5 metres more. This maximum effect will only apply to a very limited area; most users should expect a variation of 0.5 metres or less.

For the future, with management of drainage, and the use of artificial recharge, the possible effects of the M.W.B. scheme should be even less.

No deleterious effects on the salinity of the groundwater are likely from M.W.B. activities.

That is the view and opinion of the engineers of the water board, supplied to me as a result of my request that some information of an official nature be given in relation to this matter so that the landowner residents of Jandakot who are affected should have some statement by the board of its estimate of the position.

I would like to talk for a moment about the situation which has now arisen in relation to the proceedings instituted by the Town of Cockburn and various people in the Jandakot area. The Cockburn Town Council and others issued a writ seeking to prevent the board proceeding with the Jandakot groundwater scheme, Jandakot being a public water supply area. The grounds of the writ, among other things, were—

(1) That the board had not made an estimate of net earnings.
(2) That the board had not prepared a statement of net earnings.
(3) That the board had not prepared a statement of the ratable property to be benefited.
(4) That the board had not satisfied itself that the revenue would be sufficient to justify the works.

I ask members to keep in mind the impossible conditions I mentioned a few moments ago. They are the grounds of the writ and there was no reason that those involved should not have used

those grounds; no reason at all. They are all stated in the Act and I have referred to them.

It is mentioned there that the board is supposed to do all these impossible things. Obviously it did not, and so they are grounds for proceedings by the Cockburn Town Council and others; in other words, the board has failed to comply with the impossible conditions, and the object of those who issued the writ is to stop the Jandakot groundwater scheme. It says so in the writ and the statement of claim.

We heard last week about how wicked this board was and about its heartless general manager. I would like to say that the board has been charged by Parliament with the task of supplying water for the people of the metropolitan area. It is the Metropolitan Water Supply, Sewerage, and Drainage Board and its task is to supply water to the people of the metropolitan area. If it is wicked to do that, then Parliament must answer that allegation.

If the board is thought to have been acting in a manner that it should not have, it is because it has been carrying out its function and its duty as laid down by this Parliament, and no Parliament has ever sought to prevent it going about its duty—no Parliament, Liberal or Labor.

The board's object, duty, or function is to provide water for the people of the metropolitan area. It is true that the board did not comply with the impossible requirements, but it was not because of stupidity or ignorance. It was because the requirements were impossible. The existence of these requirements has been known to the board for a long time. It is not as if it has just discovered them or has had its attention drawn to them, as was suggested. The plaintiffs who have issued the writ are now seeking to take advantage of the technicalities to stop the whole scheme. That is what the writ says.

Members opposite have admitted that the plaintiffs do not own the water. Even Mr Thompson admitted that the water was not owned by the people of Jandakot. There is no doubt about the fact that the water belongs to the Crown—to the people of this State. The water on the surface, under the surface, in the rivers, and in the streams belongs to the Crown, and the Act comfirms this, and this provision was put in the Act long ago.

I think members will realise this situation is most difficult for the Government. It is in a dilemma because it has two conflicting demands upon it. It has, in the first place, the requirement to stand behind the water board which is carrying out its lawful function to supply water for the people of Perth in accordance with the Act which Mr Thompson's Government did not amend when it could have if he was so keen about it. The Government is now charged with the duty of administering that Act and securing a water supply for the metropolitan area of Perth—a difficult task to seek to fulfil under today's conditions.

Should the Government support the board in its attempt to provide water for the majority of the people of the metropolitan area; or should it allow the plaintiffs—the Town of Cockburn and the other persons who issued the writ—to thwart its aim? There is also an ethical question which adds to the dilemma. Should Parliament legislate to override the action before the court? We heard Mr Thompson speak at length about this point the other day: as to whether or not Parliament should ever legislate to stop proceedings before a court. Mr Thompson knows as well as I do that it is not the kind of action Parliament would want to take; indeed, he said so. He said how unpleasant it was for him, when he was in the Labor Government, that he had to do the same thing in connection with Hancock and Wright. The Government had to legislate retrospectively to take away the right of people who had proceedings before the court. He said he found it obnoxious, but it was his Government that did it. So let us remember that those who seek equity should have clean hands!

The Hon. R. Thompson: The move was supported by all, except one. There was a difference.

The Hon. I. G. MEDCALF: It is difficult to decide which of the two opposing matters the Government should support. Is it to support the board in the legislation which was about to be put to the House? Should it, on the other hand, say that the people of Jandakot come first? Clearly, the Government has a duty. It has to weigh up the issues. The whole situation is confused by this question of whether Parliament should override a proceeding before a judicial court. Of course, Parliament should not do that; we know it should not. It was with great reluctance that Mr Thompson supported the Labor Government when it took that action.

The Hon. R. Thompson: It was a totally different issue.

The Hon. I. G. MEDCALF: I am suggesting we should not do it. I am pleased to say that having discussed this matter with the Minister for Water Supplies, of whom I am only the representative in this House—and I think I should add that comment because the tone of Mr Thompson's comments recently may have implied

to some people I was the author of this legislation—he has elected that we will not take that unsatisfactory course.

The amendment which I have put on the notice paper will make it quite clear to those who have read it that the Government is not proposing to interfere with the proceedings before the court taken by the Town of Cockburn and the landowners in the district. They will be able to proceed with their case in the normal manner, because they took their proceedings before the date of the second reading of the Bill in this House; the 21st September, 1977.

Any proceedings taken before the 21st September, 1977, may continue in the normal way and will be unaffected by the amendment which I have on the notice paper. I am pleased that we have been able to take that course. It means we have resolved the ethical question. We have decided that except in a case of extreme national emergency we should not legislate to override proceedings before a court. That is something of which I am proud, and I am pleased to see it has commended itself to the Government.

I must hasten to add that the action of the Government does not absolve us from our duty to look after the water supply of the metropolitan area. It does not mean we are not just as concerned, after having said that, and just as concerned after this Bill is passed if, in due course, it is passed by Parliament, to ensure that we do satisfactorily secure the water supply of the metropolitan area. The people who have brought their proceedings will be enabled to continue with those proceedings, and seek the remedy they have requested in their statement of claim. However, no-one else will be able to take similar action unless they have already issued proceedings prior to the 21st September, 1977, because clearly we have to validate all the other actions which have been taken by the Metropolitan Water Board in the past.

We have to validate the actions of the Metropolitan Water Board when it was unable to fulfil those requirements or formalities with which it has not complied, because they were unnecessary.

I draw attention to the second last paragraph of my second reading speech, in which I said—

> The Act is currently being examined with the intention of introducing further legislation to amend other areas which are clearly impractical of compliance and generally updating the Act.

I wish to advise members that the Government proposes to further amend the Act to delete those provisions which cannot be reasonably complied with, and thereby bring the Act into the modern age. This further action will be taken by the Government in the public interest, and the procedure in the future will be rectified in line with other States, as has already been indicated. Those unnecessary formalities, those unnecessary requirements, and those impossible provisions will be deleted by the Government.

I would like to answer some comments made during the debate. We did hear some particularly appropriate comments from some members, and I refer in particular to the Hon. R. Hetherington. He said, in what I thought was a thoughtful speech, that as a new member he did not expect the Government to take any notice of what he said. I am sorry he is not present tonight to hear me say that the Government has taken notice of some of his comments. He said, in a temperate, moderate, thoughtful, and reasonable manner, that the Government should have another look at the whole Act, and that the Government should allow the proceedings to continue before the court. He said the Government should take the opportunity to further amend the Act, and institute new procedures which could be complied with. I think that is what he implied; that is my impression of what he said.

The Hon. W. Withers raised the point concerning the taking away by Parliament of the right to bring proceedings in the court—the abrogation of the rights of the citizen. He mentioned the other case in which he was the only member of this House to oppose what was then done. I respect his views and he will be pleased to know that the Government has taken notice of his comments.

The Hon. I. G. Pratt asked a question requesting an assurance that there was no intention to limit, restrict, or meter the bores on private properties. Mr Pratt clearly defined the term "no intention" as being no present intention because he appreciated it was impossible to make a statement to cover what might happen at some time in the future. He specifically did not use the word "ever".

The answer to his question, which I have from the Metropolitan Water Board is that the existing landholders will be licensed to operate wells as before, and that until otherwise notified no limit will be placed on the permitted extraction of groundwater. However, should subdivisions take place up to 5 hectares, but not more than 800 hectares, in the Jandakot public water supply area, the intention of the board is to license each newly-created subdivision to draw water, until otherwise notified, up to 1 500 cubic metres of

groundwater per hectare per year. That is a statement of the board's present intention, which indicates it has no present intention of limiting or restricting the existing bores on the private properties in the Jandakot area. In the future limitations could be placed on the draw of water, particularly in relation to new subdivisions in the area. I think any sensible person would realise that is necessary.

I hope I have satisfied the points raised by honourable members, and satisfied them of the necessity for this legislation. The Government cannot stand idly by, no matter how unpopular its decision may be, and allow this legislation to continue to operate as it is. The Government must validate the works which have been performed in the past, particularly the major works such as the Serpentine Dam and the South Dandalup Dam. At the same time, the Government will validate the minor works for which approval was not obtained. The Government does not seek to restrict the present proceedings before the Supreme Court, and I hope I have made that clear. The suggestion which was put to the Government by members—that the Government must take another look at the Act and bring in further amendments—was referred to in my second reading speech. I understand that further amendments will be brought before this House by the Minister as soon as possible.

The Hon. D. K. Dans: Would the Minister explain to me the meaning of the term "recharge"?

The Hon. I. G. MEDCALF: I understand it means water will be put back into the bores. I cannot give the technical details, but I believe that where there is a surplus from time to time, possibly seasonal or surface water, it can be put back into the bores provided it is good water. With those words, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Validation of certain matters—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 2, lines 1 to 18—Delete the passage commencing with the word "in", where first occurring in line 1, down to and including the word "authority" and substitute the following passage—
>
> > prior to the coming into operation of this Act, in and in relation to works or proposed works in and about the area of Jandakot and elsewhere in the State failed to comply with the provisions for the time being of all or any of sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-three A, twenty-three B, and twenty-three C of that Act, it is hereby expressly enacted that in any proceedings instituted on or after the twenty-first day of September, 1977,—
> >
> > (a) the undertaking and execution of such works or proposed works shall be deemed to be and to have been lawfully undertaken and executed in compliance with, and under the authority of, that Act; and
> >
> > (b) where the approval of the Governor was obtained for such works or proposed works or an Order made consequent thereto, that approval and that Order shall be deemed to be and to have been validly given and made in compliance with, and under the authority of, that Act.

I emphasise that the amendment simply expresses in better language what is already contained in the Bill. It polishes up the language of the Bill, and it contains a specific exception. It says that the provisions apply only to proceedings instituted on or after the 21st September, 1977. The Bill does not apply to any proceedings instituted before that date; they can continue and will not be affected in any way by this Bill. I refer specifically to the proceedings taken by the Town of Cockburn and others against the Metropolitan Water Board, which were instituted on the 7th July, prior to the date mentioned in the amendment. There is no intention of affecting those proceedings, which may proceed in the normal manner.

The Hon. R. THOMPSON: If this amendment had been before us last Thursday, we would not have had the argument that ensued. I agree with the Attorney-General that the amendment now restores the status quo as far as litigation is concerned. I support the amendment because the obnoxious provision has been removed. This proves that the amendment on the notice paper

last Thursday was an unreasonable one, because part of it has been deleted.

Last Thursday I was challenged as to whether the people would accept resumption, and the Attorney-General was adamant that I give an undertaking on behalf of the people. I was unable to do so, but said I would place the matter before them. It was placed before them at 7.15 this evening, and I have been advised that the persons concerned consider it would be better for the Government to resume those areas which are adversely affected by the lowering of the water table, provided the land is replaced at no cost and due compensation is paid.

I was sure the Cockburn Town Council had made such a submission and I now have in front of me a document in that respect which previously I was unable to find.

Some 12 months ago I pointed out at a meeting with the then General Manager of the Metropolitan Water Board and a senior engineer of the board that compensation would have to be paid if people lost their pastures as a result of a drop in the water table. I was told by the officers that would be very difficult to establish, and it would have to be established by engineers monitoring something that could have happened 18 months beforehand. The Attorney-General admitted tonight that in extreme cases the water table could drop by 1.5 metres, or almost 5 feet. In the event of that happening small landowners who rely on groundwater for their pastures would be bankrupted.

The Attorney-General also said it was expected that the water table in other areas might drop by half a metre, which is nearing 2 feet.

The Hon. J. C. Tozer: How far is the water table below the surface now?

The Hon. R. THOMPSON: In some cases it is on the surface.

The Hon. G. E. Masters: Would not that mean that when the water table dropped land would be drained and would become usable?

The Hon. R. THOMPSON: I am talking about the present position. In mid-summer probably the water table is 8 inches, 10 inches, 2 feet, or 8 feet below the surface. It varies with the land, and one cannot generalise.

The Hon. O. N. B. Oliver: Has it affected Jandakot Wool Scouring, which has had a bore there for something like 20 years?

The Hon. R. THOMPSON: I am quite willing to answer that, because I approached Jandakot Wool Scouring many years ago and asked the company to contribute to a scheme to extend the Hammond Road water pipeline but it refused to meet the capital cost involved. There was quite a disaster in the areas of Muriel Road and Verna Road in Jandakot because people there had foul water which could not be drunk with safety. However, Jandakot Wool Scouring refused to be involved in the scheme. Fortunately I was able to prevail upon the board to put a pipe underneath the railway line and to place a standpipe almost opposite Davidson's Store on Forrest Road, and thus people in the area were able to cart water.

The strange thing is that two years later the Jandakot Wool Scouring's artesian bore failed to supply water, and the company was obliged to meet the cost of installing scheme water to service its works. It spent many thousands of pounds attempting to find water, even alongside the bore which had produced water for many years.

I was at the Syd Hammond property at the end of Hammond Road a few years ago when the Hammond boys wanted to extend their market gardening operations and they went to no end of trouble looking for water. They were boring for weeks and weeks, and they put down many bores before they found sufficient water for their purposes, although they already had perfectly good water from the well they had been operating over many years.

The Jandakot area is a chancy area in respect of finding bore water, and if the water table is dropped by half a metre many domestic water supplies may dry up. In areas where the water table is lowered by 1.5 metres, the pastures will dry up. This is a matter on which the Attorney-General conveniently refused to comment.

Previously I asked whether the department would monitor the bores with a view to compensating those people who lost their water supplies. I received no reply. This is where the working party failed, because it could not receive such an assurance from the Metropolitan Water Board. The member for Cockburn (Mr Taylor), Mr Dans, and I could not receive an assurance in this respect, and that is not good enough. I have pointed out that people living in view of the pipeline cannot get water to their properties.

The Hon. J. C. Tozer: Why?

The Hon. R. THOMPSON: Because the department will not pay for it; and in any case it will not tap a main trunkline. The supply must come from an existing main located somewhere in the area, and anyone in the Janakot area who is on scheme water has paid dearly for it.

The Hon. O. N. B. Oliver: Not only in the Jandakot area; I am in the same situation myself.

The Hon. R. THOMPSON: Then Mr Oliver

would realise the situation these people are in and will be sympathetic towards them.

I would like the Minister to reply to the following direct questions: Will the board compensate people for the wells and bores that go dry? Will compensation be paid to those people who rely on summer pastures and whose properties become no longer viable as a result of the lowering of the water table?

I turn now to deal with the submission presented to the Metropolitan Water Board by the Cockburn Town Council on the 1st March, 1977.

Paragraph 5 on page 3 of the submission deals with compensation and states—

> The Town of Cockburn objects to the Scheme on the basis that the matter of compensation for losses arising from the introduction of the Scheme has yet to be determined.
>
> Compensation is of particular concern:
>
> (a) Where the use of the land is to be injuriously affected.
>
> (i) through the loss of surface water
>
> (ii) through the loss of viability of operation due to increased extraction costs
>
> (iii) through the loss of viability of operation due to restrictions imposed under the Regulations and By-Laws.
>
> and; (b) Where the land owners existing facilities have to be removed or replaced as a result of the introduction of the Scheme. e.g. existing septic tank installation, fuel tanks and bores.

This is the section I was looking for the other night, and could not find. The submission continues—

> It is felt that, should the Scheme go ahead, adequate compensation should be available to the present owners for loss of earnings and decreased land values. The alternative should be to resume all the land in the Scheme area to protect the Underground Water Supplies. Until this matter is resolved it must form a basis for objection to the Scheme.
>
> In conclusion, the Town of Cockburn and the people of Jandakot fear that the situation will become even more intolerable in the future. There is concern that in the long term, under future population pressures, the Board may adopt a policy of mining the underground water supplies in lieu of the present policy of farming.
>
> There is also concern that even under the present farming policy a large drop in the water table may be experienced because of the apparent inability of the Board to accurately gauge the effects of its extractions in the short term. A short term substantial drop in the water table would have a long term disastrous effect on the wetlands and the local economics of Jandakot.

I shall not go any further. These points have been made and they have been left unanswered.

When I read out the questionnaire which was sent to the board we found that the board's answer referred to the word "ever". The Attorney-General interjected and said that the board cannot make a decision for Parliament. That is accepted, but I have since learnt—and I was not aware of this the other afternoon—that a deputation waited on the then Minister for Water Supplies and posed the same questions. It is believed that the questionnaire was a result of the deputation to the Minister, but Ministers change and the board's answer was that it would not carry out these things and would give an assurance. When the matter was put into a questionnaire which was sent to the board, the board referred to the word "ever" and said that it cannot anticipate the future.

When the Minister says one thing and the board says another, where do people stand? I think it is a more reasonable approach which the Government is now taking whereby it is striking out the obnoxious provision contained in paragraph (c) of its proposed amendment which was on the notice paper even yesterday and which stated—

> (c) proceedings in respect of a challenge to the undertaking and execution of such works or proposed works by reason of the failure to so comply shall not be instituted or maintained in any court.

That has been removed and I compliment the Minister for at least taking notice of the people from Jandakot.

Of course, those people went to a great deal of expense and if they had not been backed by their council this obnoxious provision would have remained in the legislation and they would have been denied their rights. I feel their actions are commendable inasmuch as it has been pointed out to us that successive Governments have been wrong when they have said that a new Act will and should emerge, because now that a challenge has been made, no Government would proceed

with an outdated and outmoded Act which cannot be put into operation. I accepted that on Thursday and I accept it now. Before I proceed any further I should like answers from the Minister to the two points I have raised.

The Hon. I. G. MEDCALF: I am interested to hear that the honourable member accepts that all Governments over a long period of time have contributed to this situation.

The Hon. R. Thompson: I did not say otherwise at any time.

The Hon. I. G. MEDCALF: I am very interested that he accepts that, particularly in view of the fact that the Jankakot scheme was started in 1972.

The Hon. R. Thompson: The planning started a long time before that.

The Hon. I. G. MEDCALF: In 1972 the Water Supply Department first started its exploration of the Jandakot area. The water board, in association with the geological survey, has been conducting drilling, testing, and investigation since 1972 when the honourable member's Government was in power. What I am saying is simply that I am glad he has accepted that one just cannot sheet home liability in a matter such as this to one Government. He has accepted this, so I do not think I need say any more about it.

Point of Order

The Hon. R. THOMPSON: I take a point of order. I am asking for the withdrawal of those words because they are not truthful. At no time did I sheet home to the Government the words which the Minister used. My argument—and I said it three or four times—was whether the rights of the people should be upheld. That was the basis of my argument throughout my speech.

The CHAIRMAN: My understanding of what I heard was that the Minister said the honourable member had accepted the situation. He did not say the member had said anything else.

The Hon. R. THOMPSON: He said I was sheeting it home to this Government.

Committee Resumed

The Hon. I. G. MEDCALF: The honourable member asked me two questions, one dealing with the board and the other dealing with pastures. Clearly these are technical questions which it is not within my competence to answer. I have given a detailed statement from the water board as to what it believes might happen in the Jandakot area based upon the model it has which it has been studying, which it believes to be correct, but which it said is a little on the conservative side. In other words, it thinks the results in practice will be better than the results given by the model.

I remind the honourable member that, having said that for market gardeners and other private users the maximum effect will be that they will have to pump their water 1.5 metres more, the board said that this maximum effect would apply only to a very limited area and that most users should expect a variation of 0.5 of a metre or less. I remind him also of the next answer—

> For the future with management of drainage and the use of artificial recharge the possible effects of the metropolitan water board's scheme should be even less.

Admittedly it does not know what the actual result will be because this will depend upon seasonal variation, upon the viability of this recharge system, and upon other drainage in the area. Of course, surface drainage does have an effect on the water table. The surface drainage which has already occurred must have had some effect on the water table. At any rate, that is what the water board says.

I hope it is of some value to the honourable member if, on the subject of compensation, I say that we do not know what damage might be caused. He has indicated it is likely that there will be a reduction in the water table and that the bores and pastures might be affected. We do not know. One can never assess compensation until one knows what damage has been caused. No court will ever assess compensation until it has proof of actual damage; and damage and compensation cannot be based on surmise. Compensation must be based on the facts.

I remind the honourable member of his questionnaire to which he drew attention.

The Hon. R. Thompson: Not my questionnaire.

The Hon. I. G. MEDCALF: The questionnaire to which he adverted during the course of his second reading speech. I remind the honourable member of the second question which he read out—

> If the scheme affects the supply, will the Government or Board effect compensation for alterations to pumps or equipment so affected?

He received an answer which he also read out. The answer stated—

> This would be the subject of consideration depending upon the circumstances which might arise.

Clearly one cannot forecast compensation or damages until one knows what damages have

occurred. One cannot give a hypothetical answer when one does not know what the situation is going to be.

I have endeavoured to indicate that the board is most anxious to minimise any possible loss suffered by the people who own property in Jandakot. I believe the board would be most anxious, if there were any loss, to ensure that it was reduced to an absolute minimum. But my understanding is that the board hopes that with proper water harvesting, proper management of drainage, and the use of artificial recharge the position might not be as serious as the member has indicated it could be. We are talking hypothetically and I am afraid that it would be impossible for me to give a more accurate answer.

The Hon. R. THOMPSON: I searched the Act for quite a period of time to find the appropriate section—because it does not come under a subheading—with regard to the steps one would have to take to obtain compensation. The appropriate section is section 24 in part V of the Act. It is a lengthy section but it has a proviso at the end of subsection (5) which states—

> Provided, also, that the Board shall make to every person interested compensation for any actionable damage actually sustained by him through the exercise of the powers conferred by this Act, but any dispute as to the right of any such person to receive compensation, or the amount thereof, shall be heard and determined by a Compensation Court duly constituted under the provisions of the Public Works Act, 1902, and in the manner provided in that Act, and not otherwise.

The operative words are, "and not otherwise". To continue—

> Provided, also, that to establish the right of any such person to receive compensation it shall not be necessary to allege and prove negligence.

We find that through lowering the water table a metre, a metre and a half, half a metre, or whatever the case may be, people have lost their water supplies. They are placed in the situation where they have no water on the property and they have to cart water. However, to prove their case they must go before a compensation court. That is unreasonable and I hope the new Act, when it is passed, will provide for people to be compensated. If a person loses his water table and has to lower his well or deepen his bore he must go before a court to prove his point.

I do not believe this is reasonable. I will not talk about market gardeners or farmers, but will refer to people who use the domestic water supply. This is what the town council and the people of Jandakot have been trying to establish through the board. We are dealing with a set of circumstances which has been admitted. The board has acted wrongly; it has not complied with an impossible Act.

At least assurances should be given to the people who are affected. Why have these assurances not been given? If the Government is so eager to introduce a Bill ensuring that the operations are validated and the project can continue, why has it not seen fit to insert a few more clauses—I cannot do this because I cannot introduce legislation—to ensure that the rights of the people are protected and that their water supplies will be of a continuing nature if the water table is lost? I would like the Minister to comment on that.

The Hon. I. G. MEDCALF: I have already indicated that the water board cannot foresee exactly what may occur any more than the honourable member is able to; although it is in a better position to do so than is the honourable member. However, the water board cannot foresee what will occur. This will depend upon the seasons. It will depend upon all sorts of factors; it will depend upon the lawful activities of the other landowners—the residents of Jandakot at the present time. There may be someone there who decides he will affect the water table himself. For all I know the construction of a subdivison could be in progress. There may be other people who are considering putting down other bores. There could be all sorts of situations which could occur. I think the board has rightly said it must look at the circumstances at the time.

The board cannot decide a matter such as this in advance. I have made it clear this legislation is designed to validate the impossible and unnecessary provisions in the Act. It is not appropriate to incorporate other provisions in it.

The member asked why people should go before a court in order to have compensation determined. There are many people who believe it is an advantage to be able to appear before a court. Indeed, one of the objects of this exercise on my part is to enable the people of Jandakot who issued the writ to ventilate that matter before the court. I am not stopping them appearing before a court.

The honourable member is complaining that these people must appear before a court to have their compensation determined.

The Hon. R. Thompson: Why should they have

to go before a court when their domestic water supply is being taken away?

The Hon. I. G. MEDCALF: If we were to remove that provision from the Act the honourable member would have just cause for complaint.

The Hon. R. Thompson: I said: Why do you not put an amendment in the Act to protect the people concerned?

The Hon. I. G. MEDCALF: If these people do not go before a court to have their compensation decided, to whom would the honourable member suggest they put their case? Would he suggest a parliamentary commissioner or an ombudsman? Obviously a compensation court is the place to go if one cannot obtain compensation and one cannot get satisfaction from the water board. It may be that some people will obtain satisfaction from the water board; I do not know. The water board has said in its reply that this will be the subject of consideration, depending on the circumstances which arise.

The board cannot go further than that. It would not be right when considering this amendment to the Bill to go further on a subject which has nothing to do with this Bill. In effect, we are now discussing compensation for hypothetical damage which might occur and the objection that it should not be determined by a court; it should be determined in some other way. I believe that is not relevant to this Bill.

I do not believe the people of Jandakot would thank the Government if it took away their right to have compensation decided by a court.

The Hon. R. THOMPSON: The Attorney-General is pulling a legalistic trick. I did not say that this should be taken out of the Act. I asked the Attorney-General why he did not go to the trouble of inserting another section in the Act to protect the people if they lost their water table, rather than making them appear before a court. What do these people do in the meantime? Do they or their animals die of thirst? Who carts their water from the only standpipe in Jandakot?

The Hon. G. E. Masters: You are grandstanding now.

The Hon. R. THOMPSON: I am not going to be cheated by legalistic answers that can be displayed in a court. We are not in a courtroom now.

The Hon. D. J. Wordsworth: It was a very commonsense answer.

The Hon. R. THOMPSON: No-one is going to try to confuse me with answers such as that when I ask a direct question. Why is the Government in so much haste to pass this Bill? It has changed the Bill three times already.

The Hon. I. G. Medcalf: Are you objecting to the changes I have made?

The Hon. R. THOMPSON: No. The Government is making the changes because we have drawn its attention to the fact that this is an undemocratic Bill. It is only because the Opposition has drawn it to the Government's attention that the amendments have been made.

The Hon. I. G. Medcalf: It was not anything you said. Mr Hetherington and Mr Withers made some very sensible comments.

The Hon. R. THOMPSON: It was the people who have shown that the Government and the legislation have been wrong all along; that is the reason this Bill is before the House. It is a great credit to these people and they have proved their point. I trust they will win and gain recognition and compensation.

Let me return to the amendment that we should be discussing.

The CHAIRMAN: I would appreciate that!

The Hon. R. THOMPSON: I intend to support the amendment as it is printed. I believe my amendment which appears on the notice paper clarifies the situation to a greater degree than does the Attorney-General's amendment. The situation was not clear and denied people their rights. However, the amendment which I have on the notice paper should be discussed inasmuch as it has been drawn up by a legal draftsman; it has been checked by senior counsel as late as this afternoon. I did not draw up this amendment, so members should not give me credit for that. The amendment in my name is more precise than the other amendment.

Point or Order

The Hon. R. J. H. WILLIAMS: I rise on a point of order, Mr Chairman. This is not what we are discussing. Mr Thompson's amendment has not been put before the Committee at this stage. We are discussing the amendment moved by the Attorney-General.

The CHAIRMAN: The question before the Chair is that the words proposed to be deleted be deleted.

Committee Resumed

The Hon. R. THOMPSON: I am supporting the deletion. My amendment is on the notice paper.

The Hon. R. J. L. Williams: Your amendment

is the second amendment. We are discussing the amendment moved by the Attorney-General.

The Hon. R. THOMPSON: I have never seen a Chairman put a restriction on a person speaking to a proposed amendment if it is on the same clause, or if it is pertaining to the same clause.

The CHAIRMAN: The question before the Chair is quite clear. I cannot allow a debate on an amendment which has not been moved. The Hon. Ronald Thompson.

The Hon. R. THOMPSON: I will get around it this way, Mr Chairman, by saying I feel the amendment is worthy of acceptance. The Attorney-General's amendment does not state the situation to the satisfaction of the legal draftsman who prepared my subsequent amendment. It does not cover all aspects of the rights of the people and, therefore, the new clause is one that should be accepted in conjunction with this amendment. I trust the Committee will agree to that.

The Hon. D. K. DANS: I want to thank the Government for taking notice of those points put forward by the Opposition. I am not prepared to say who submitted the best case; but the fact that the Government has taken some notice of the suggestions made by members on this side of the House is gratifying.

Let me remind the Government that the Opposition would not have taken the line that it has taken if all the information which has been made available tonight by the Attorney-General had been available last Thursday. It appears to me that this is becoming somewhat of a practice. When Bills get to the upper House information that we tried to solicit in another place is not forthcoming. Suddenly the Bill arrives in this Chamber and normally there is an amendment suggested in another place, but it is not proceeded with, therefore, it arrives on the notice paper of the Legislative Council.

The Hon. D. J. Wordsworth: That is part of the two-House system.

The Hon. D. K. DANS: It is happening rather frequently.

The Hon. J. C. Tozer: We are a House of Review.

The Hon. D. K. DANS: It is a matter of argument whether we are a House of Review; but we are not discussing that at this stage. When we have very little else to do we can go on until all hours of the morning on that subject without any decision being reached. Politics is a game of numbers, as the honourable member is aware, and if one does not have the numbers one may win the argument but lose the vote.

I agree with the Attorney-General. In the first instance, we are dealing with a validating Bill and the amendment which is now before the Committee is what we are discussing. I would have to support this amendment because it removes some of the obnoxious areas we spoke about previously.

No Government likes to introduce validating legislation. No Government likes to supersede the power of the court. This Bill does not achieve all I would like it to achieve; but at least it allows the action which has been initiated by the Cockburn Town Council and others to proceed. That is the important issue.

This Bill has not removed the right of the people to process their claim before a court of law, which every citizen of this country should rightfully be able to do. It is true that validating legislation has been introduced previously and that right has been taken away. One matter which disturbs me about this validation Bill and the amendment to it is that it covers only a limited number of problems which are found in the Act. I would like to see the Attorney-General, who is handling the Bill in this place on behalf of the Minister for Water Supplies, telling us, "We realise a number of issues outside this Bill which have been raised by the people of Jandakot have been raised in Parliament by Mr Thompson and others."

The issues concern compensation, in the first place, and the environment. I do not have the technical knowledge to argue about the assurances given by the Metropolitan Water Board to the Minister.

It seems to me no harm would be done if the Bill were put to the bottom of the notice paper to allow some informal discussions to take place on these very complex issues. Mr Thompson raised the question of compensation and the right of the court. I know the Bill does not deal with compensation, but we are dealing with people who do not spend their days reading legal documents but concern themselves only with matters which are likely to affect them. The Act itself says that where compensation is in dispute the matter may be taken to a court. That is right and proper, but some ground rules should be laid down, because we are moving into a relatively unknown area.

I agree with the Attorney-General that the projections for the Gnangara mound were minimal; in fact a better result than was anticipated is being achieved. That may not be the case here. This may be a little hasty.

We agree to the validation. We disagreed with the amendment which appeared on the notice

paper the other day but we agree with the amendment which appears on today's notice paper.

Any member of Parliament has a responsibility to represent the people in the area. It would not hurt to give those people a little time to think about things and put their minds at rest about the matters which are not contained in the amendment now before the Committee but which are exercising the minds of the people whom the Leader of the House and I saw in my office the other night. I hope in the time it will take to implement the scheme, even if I were to suggest a period of 12 months—and I know the Leader of the House will be horrified at my saying that—

The Hon. G. C. MacKinnon: Can you hear what I am thinking?

The Hon. D. K. DANS: I suggest the people could be given a little time in which their faith in our democratic parliamentary system could be restored and they would know what compensation means, and that if anything unforeseen occurs compensation will be available. It did not seem to worry anyone that the Swan Brewery was paid a certain amount for loss of air space. The negotiations started off with one Government and finished with another, for valid reasons. Using that as a model for people's rights, we could explain the situation to the people, which we cannot do here.

The Chairman has been patient with me because I have not been talking about the amendment but about the very human problem associated with the whole exercise. The problem could be explained to the General Manager of the Metropolitan Water Board and assurances could be given.

People are entitled to their land and to derive some benefit from it. It is a risky business and, as the Attorney-General said, part of that subdivision may be interfered with in the future. I agree that the amendment goes a long way towards removing the objection we raised the other night, but I hope the Government will give some consideration to the other matters I have raised. It would help a great deal, not only with the Bill but also with the image of representatives of the public.

The Hon. W. R. WITHERS: During the second reading debate I said I would speak to this clause and oppose part of the amendment which was on the notice paper at that time. I also said that as a legislator I could never vote for retrospective legislation which would circumscribe our law courts and take away the right of the people to charge the Government in a court of law.

The amendment which appears on the notice paper now is an example of what happens in a true democracy, when in a House of Review members of both the Opposition and the Government can criticise an amendment which is on the notice paper and the Minister in charge of the Bill in this place, heeding the words of members on both sides of the House, can go to the Minister responsible for the Bill in another place and have the amendment changed to please members in this House who represent those who may be aggrieved. I thank the Attorney-General for taking notice of those who spoke against the amendment during the second reading debate.

I also want to comment on what the Leader of the Opposition said a few moments ago. He said he would like to see the Bill put down to the bottom of the notice paper so that members could discuss the matter freely.

The Hon. D. K. Dans: Not only members but also the General Manager of the Metropolitan Water Board and the Minister.

The Hon. W. R. WITHERS: Regardless of their ability in oration or just talking common sense, members of Parliament are known throughout the world as gas bags. We could say of any Bill, "Let us discuss this further", and keep putting it off.

The Hon. D. K. Dans: But there are two very important issues in this Bill— environment and compensation.

The Hon. W. R. WITHERS: The subject of environment could be debated for ever and ever.

The Hon. D. K. Dans: That is why I suggest we do not delete it.

The Hon. W. R. WITHERS: I think the Attorney-General has adequately covered compensation. Compensation must be something very definite. I conclude by extending my sincere thanks to the Attorney-General.

The Hon. I. G. MEDCALF: I thank the Leader of the Opposition and Mr Withers for their contributions. I can assure them notice will be taken of their comments. I am afraid I cannot say I would have any sympathy with the suggestion that we drop the Bill to the bottom of the notice paper, for the simple reason that this is a validating Bill, to validate all the works which have been done over many years by all Governments. I do not know when the Serpentine and South Dandalup Dams were commenced, but there are other things in the Bill besides Jandakot.

They are matters we must rectify and we cannot leave them any longer.

We have protected the Jandakot people who have taken proceedings. They are specifically excluded; I give them my guarantee on that. They can therefore carry on with their proceedings in the court, which will not be affected by the Bill. I believe we must proceed with the Bill, otherwise I fear we may be in for more trouble.

Amendment put and passed.

Clause, as amended, put and passed.

New clause 3—

The Hon. R. THOMPSON: It was gratifying to hear the Attorney-General's last comments, when he guaranteed the litigation before the court will be able to proceed without interference. He has virtually ruled out any opposition to the new clause I propose. I move—

> Page 2—Add after clause 2 the following new clause to stand as clause 3—
>
> 3. Provided that nothing in this Act shall operate to prevent the continuance of the proceedings in Supreme Court Action No. 1622 of 1977 between the Town of Cockburn and others and the Metropolitan Water Supply, Sewerage, and Drainage Board, nor as between the parties to those proceedings to affect any rights powers duties or obligations vested in or imposed upon the parties in respect of the matters in issue in those proceedings at the commencement thereof.

The Hon. G. C. MacKinnon: Did you not hear the Attorney-General give his guarantee?

The Hon. R. THOMPSON: Yes, but this makes doubly sure because it spells it out in no uncertain terms.

The Hon. G. C. MacKinnon: With the Attorney-General's guarantee you do not need to be assured.

The Hon. R. THOMPSON: My proposed new clause spells it out in no uncertain terms. Guarantees are not written into legislation and are not admissible before courts. A second reading speech may be totally objectionable and contrary to the meaning of a Bill. Therefore, a second reading speech containing a guarantee is not admissible in a court as evidence. It is a personal guarantee.

The Hon. G. C. MacKinnon: It is not a personal guarantee. It is a Government guarantee given by the Attorney-General on the floor of the Chamber, and you know it.

The Hon. R. THOMPSON: Knowing the Attorney-General to be an honourable person it is reasonable to accept that guarantee but the amendment spells it out in no uncertain terms.

The Hon. I. G. MEDCALF: I cannot find any necessity to support the proposed new clause because the amendment that has already been accepted by the Chamber specifically excludes any proceedings instituted before the 21st September, 1977. The amendment we have already passed applies only to proceedings instituted before the 21st September, 1977, not to proceedings instituted after that date. That is really the end of the matter.

Proceedings instituted before that date are unaffected by the amendment and can proceed. Proceedings issued before that date were issued on the basis that the old Act contained certain requirements and those requirements were not fulfilled. Those proceedings can continue but, for the future, on or after the 21st September no proceedings can be instituted to challenge the provisions in the old Act. Therefore, I must ask the Committee to reject the amendment on the ground that it is superfluous and unnecessary, and is already taken care of in the amendment the Committee has passed.

New clause put and a division taken with the following result—

Ayes 2	
Hon. D. W. Cooley	Hon. R. Thompson *(Teller)*

Noes 23	
Hon. G. W. Berry	Hon. N. F. Moore
Hon. R. F. Claughton	Hon. O. N. B. Oliver
Hon. D. K. Dans	Hon. W. M. Piesse
Hon. Lyla Elliott	Hon. R. G. Pike
Hon. H. W. Gayfer	Hon. R. H. C. Stubbs
Hon. T. Knight	Hon. J. C. Tozer
Hon. R. T. Leeson	Hon. Grace Vaughan
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. F. E. McKenzie	Hon. D. J. Wordsworth
Hon. T. McNeil	Hon. G. E. Masters
Hon. I. G. Medcalf	*(Teller)*

Pair	
Aye	No
Hon. R. Hetherington	Hon. N. McNeil

New clause thus negatived.

Title put and passed.

Bill reported with an amendment.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th October.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [9.19 p.m.]:

Yesterday the Leader of the Opposition asked a series of questions relating to matters he felt perhaps were not covered by the Bill. I have obtained from the Minister for Labour and Industry a copy of an answer, and if members will bear with me, I propose to read it to the House, as it gives the exact position, particularly in relation to the actual bodies which are concerned.

The Leader of the Opposition is opposed to the insertion of clause 4 which will allow the Attorney-General under section 98A to be regarded also as a person with sufficient interest who has a right of intervention in cases where the commission may suspend or cancel any or all the terms of an order, award or industrial agreement.

Applications by persons with sufficient interest can be made to the commission in cases where unions party to an order or award or industrial agreement—

(a) have by act or omission contravened the Act, order, award or agreement; or
(b) that a substantial number of members of a union refuse to accept employment at all or in accordance with an order, award or agreement; or
(c) for any other reason where the order, award or agreement ought to be suspended or cancelled in whole or in part.

It is imperative that the State has the opportunity to intervene where the application of the terms of an order, etc., could have drastic implications financially both to the Government and private sectors. This was recently emphasised in wage indexation decisions of the WA Industrial Commission which were given in advance for several quarters in 1977 and could have brought about pronounced anomalies between wage earners on Federal and State awards. There was justification for seeking the suspension of an order so that cognisance could be taken of decisions of the Commonwealth commission.

Disputation initiated by industrial unions today not only covers wages and conditions of employment but also branches into social and environmental aspects. More so, therefore, should the State be able to participate in resolving such matters.

It was always thought that the Attorney-General would be a person with "sufficient interest" under section 98A but a legal opinion of the Crown Law Department given recently places such interpretation in jeopardy. The Act contains no definition of the term nor does it seem to have received judicial consideration. Under the circumstances explained and to put the matter beyond doubt, clause 4 of the Bill will insert the words "Attorney-General" into section 98A; there seems ample reason for the Government to have the opportunity to watch the public interest when matters are before the WA Industrial Commission which will have important effects on the community.

By the amendment, the Attorney-General will at least have the opportunity to apply to the commission and be heard by the commission, which will still retain the prerogative to determine whether the merits of an application are sufficient to cause the suspension or cancellation of the terms of an order, award or agreement.

The honourable member also intimated from his understanding of clauses 2 and 3 that some employees will be brought within the ambit of the Public Service Board. That is not the intention. Section 11A of the Industrial Arbitration Act sets out the conditions which must be satisfied before a person is a "Government officer" subject to the Public Service Arbitration Act. Those conditions will not be altered by the Bill. It will not be possible for all employees of bodies established by State Statute to be included within the ambit of the Public Service Arbitrator.

Within the conditions referred to, the WA Industrial Commission in court session may declare by order employees in certain Government departments or agencies to be "Government officers" and hence subject to the Public Service Arbitration Act. Such officers must be eligible to become members of the Civil Service Association.

The commission drew attention some time ago to officers employed in some agencies who were eligible to become members of the Civil Service Association and had similar wages and conditions of employment applied to them as did Public Service Act officers and were more appropriate for cover by the Public Service Arbitrator, so that awards or agreements could be handled for all by that arbitrator. Some technical aspects precluded this, but clause 2 of the Bill will overcome the difficulty.

This Bill does not significantly change existing circumstances relating to industrial cover of employees of public authorities by either the Industrial Commission or the Public Service Arbitrator. An application to the Industrial Commission to have a body included in an order is still argued before the commission with interested unions having the opportunity to oppose it.

Section 11A of the Act mentions specific officers who are deemed not to be Government officers—for example, Education Department

teachers, and Railways Department officers subject to the Railways Classification Board Act—and clause 2 will add the State Energy Commission. A small sample of persons who would also be excluded by reason of non-eligibility to join the Civil Service Association are—

(a) Police officers eligible for membership of the WA Police Union of Workers;
(b) wharfingers, assistant wharfingers, officers in charge of good sheds, clerks at ports under the control of the Harbour and Light Department, unless employed under the Public Service Act; and
(c) persons eligible to join the MTT Officers' Union of Workers.

It may be informative for the honourable member to know that the agencies to which attention was drawn who could be considered for inclusion in an order by the commission are—

Board of Secondary Education
Pre-School Education Board
WA Coastal Shipping Commission
Youth Community Recreation and National Fitness Council
Tertiary Education Commission
Lamb Marketing Board.

I hope this explanation may satisfy the honourable member that no great change is contemplated by reason of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Transport) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. D. K. DANS: I thank the Minister for the information, which has confirmed what I thought to be the case. Again, I criticise what happens in the other place. It would be far better if some of the information we seek from time to time were given readily. This is certainly removed from the arena of industrial disputation about which we are always talking out in the wide world.

The Minister has confirmed what I thought; namely, that the Bill does not seek to do a great number of things other than what was laid down in the second reading speech. That fact is not clear from a reading of the debate in the other place; it is lost in a maze of words. Possibly, members are surprised at the light opposition I expressed towards the Bill. However, when one takes away all the surplus words, one comes back to the very things I asked the Government in the first place.

I do not intend now to oppose the Bill. The Minister has given me an explanation in relation to clause 4, and the right of the Attorney-General to intervene. I know this practice is widespread, and that it operates within the Commonwealth Conciliation and Arbitration Commission. The question of Government intervention on the ground of public interest is a double-edged sword. I have been involved in action where we intervened on the ground of public interest.

One of the problems besetting industrial tribunals in Australia is that there are simply too many of them. On my last count I found there were over 300 wages boards and arbitration tribunals etc. and they have got away from their original concept of being boards, courts, or tribunals which were primarily charged with the prevention and settlement of industrial disputes.

Over a period of time this has been widened to allow Attorneys-General to intervene and to allow all kinds of people to get into the act. It has become a happy hunting ground for the legal profession and I do not think industrial relations have improved one bit as a result of that. I support the idea that we should have judges on all these boards. I know some people do not agree with me but I consider legally trained people make decisions based on the evidence put before them. Sometimes they are influenced by actions outside the court as Justice Joske admits in his book. This would be understandable as it would be difficult not to listen to 20 000-odd people protesting outside a court. Perhaps without them there a person might make a different decision.

Instead of intervention in courts we should be trying to steer the parties back to their original intentions, free of the bric-a-brac we always build into our lives whether it be arbitration tribunals or whatever. We get the immediate application of Parkinson's law and in this field it serves no useful purpose.

The public interest has to be considered. I sometimes think that should be the consideration of all judges, chairmen, or commissioners when dealing with the prevention and settlement of disputes.

There will be no end to this; it is something we are doing in a minor way, but in the final analysis I do not see that it serves any useful purpose. The Fremantle Port Authority used to control three times as many wharfies and had five times as

many ships to contend with without anywhere near the equipment it now has. We now have a magnificent Fremantle Port Authority building with a signal station on top. It has public relations officers, only a third as many wharfies, and only one-eighth as many ships to handle with much more mechanical equipment. However, I suppose that is the way the world is going. I have made my point and I shall not proceed any further.

The Hon. D. J. WORDSWORTH: I thank the Leader of the Opposition for those comments. I think very few of us would disagree that he has a wide experience in this field and his observations are worthy of attention. Obviously we have to do something about arbitration and conciliation in this country as we are clearly leading ourselves into difficulty by many of our actions. Like the Leader of the Opposition I too would like to get down to a finer line or definition of their ambits.

Clause put and passed.

Clauses 2 to 4 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. D. J. Wordsworth (Minister for Transport), and passed.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 11th October.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [9.35 p.m.]: This is a consequential Bill and I must apologise to the Leader of the House that I allowed the second reading of the Bill to take place and debarred him from speaking to it. I am sure if he wishes to comment on the Bill he can do so in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. D. W. Cooley) in the Chair; the Hon. D. J. Wordsworth (Minister for Transport) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. D. K. DANS: I appreciate what the Hon. D. J. Wordsworth has said; we did agree to this Bill the other night and we see no reason to change our minds. It was a difficult situation in which I found myself through no fault of the Minister. Perhaps on some other occasion a little bit of unofficial communication might prevent a similar happening.

Clause put and passed.

Clauses 2 and 3 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. D. J. Wordsworth (Minister for Transport), and passed.

METROPOLITAN MARKET ACT AMENDMENT ACT

Second Reading

Debate resumed from the 6th October.

THE HON. G. E. MASTERS (West) [9.40 p.m.]: As no member of the Opposition rose to speak I assume they support the Bill. The Bill merely confirms the powers of the Metropolitan Market Trust and I think that is all there is to be said. There was little debate in the other place and I think it is simply a matter of accepting the powers the trust has at this time.

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 the Hon. G. E. Masters, and passed.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND) (No. 2)

Consideration of Tabled Paper

Debate resumed, from the 11th October, on the following motion by the Hon. G. C. MacKinnon (Leader of the House)—

That, pursuant to Standing Order No. 151, the Council take note of tabled paper No. 245 (Estimates of Revenue and Expenditure and related papers), laid upon the Table of the House on 21st September, 1977.

THE HON. D. W. COOLEY (North-East Metropolitan) [9.44 p.m.]: This is another motion that gives to members of this House an opportunity to speak on a wide range of subjects. We do not often get such an opportunity. I think we ought to take the opportunity of making this Chamber what it is intended to be by highlighting some of the inequities which are prevalent at the present time with respect to the management of the economy of this State.

This has been the quietest session I have experienced in this Chamber. Everyone is sitting back very complacently, particularly Government members, in the belief that they have a considerable majority in this place and in another place. They have an unassailable majority in this place, the so-called House of Review, and a massive majority in the Federal sphere. I am referring, of course, to the conservative forces in this country. They are all sitting back complacently believing that all is well, when all is not well. This country is in a very parlous situation at this time and instead of members in this and another place being complacent they ought to be shaking the building to its foundations.

I believe the galleries ought to be full of people every night, indicating people are facing problems in the community, particularly in respect of unemployment and the ravages of inflation which are hitting us at this time.

The Hon. W. R. Withers: Possibly the people, not Parliament, are at fault.

The Hon. D. W. COOLEY: Maybe they are. I have always said in this place that the majority are not always right. Sometimes they are wrong, as has been demonstrated in this House when members opposite, with their vast majority, have made a number of bad mistakes, by applying the cruel process of numbers.

The sad part about it is that although we are living in a great country we are in a very bad economic situation which we should not be experiencing.

Because of the ravages of inflation and high unemployment, the gap between the "haves" and the "have nots", which was beginning to close under a more enlightened Labor Government, is becoming a gulf. This is because of the policies and performance particularly of the Federal Government. We have a Prime Minister who has no understanding at all of the needs of ordinary people. He is a millionaire in his own right, who believes that life was not meant to be made easy for anyone except himself.

The Hon. D. J. Wordsworth: Go on!

The Hon. G. C. MacKinnon: That is not what he says.

The Hon. D. W. COOLEY: Every day, because of his policies and broken promises, he is making it harder and harder for the people.

The Hon. G. C. MacKinnon: Now start talking common sense.

The Hon. D. J. Wordsworth: No wonder the galleries are empty now.

The Hon. D. W. COOLEY: He has broken his promises in respect of what he would do to get the country on its feet. He is a man who believes that life was not meant to be made easy, yet at a cost of $2 000 his wife and daughter spent a night at the opera. They used a VIP aircraft to fly from Canberra to Melbourne for the occasion. If that is not a Marx Brothers analogy I do not know what is. A sum of $2 000 of public money was spent for two women to have a night out.

The Hon. G. C. MacKinnon: You are talking total rubbish.

The Hon. D. W. COOLEY: He believes that life was not meant to be made easy, yet he is going to buy a $15 000 car to fit his long legs.

Several members interjected.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: He is going to buy this $15 000 car yet the Government must cut down on its spending on social services. The workers must have only partial indexation while he is enjoying all these luxuries. He is a Prime Minister who believes that $8 000 is not too much to spend on a dinner set—$8 000 to equip his house with a dinner set. However, we must cut down on Government spending, while the Treasurer himself has a $100 000 penthouse on the Gold Coast in Queensland. He and others are telling us we should be tightening our belts and should not be enjoying the fruits of the prosperity of this country. With decent management in this country we could all be enjoying luxuries at this time.

The Hon. G. C. MacKinnon: Tell us about the purchase of "Blue Poles".

The Hon. D. W. COOLEY: At least that was a work of art.

The Hon. G. C. MacKinnon: It is a pity *Hansard* cannot record "raucous laughter".

Several members interjected.

The PRESIDENT: Order!

The Hon. G. C. MacKinnon: It was not even painted in Australia.

The Hon. R. F. Claughton: It is recognised as being well worth the price.

The Hon. D. W. COOLEY: Perhaps in the fullness of time—the expression of the Leader of the House—we will appreciate "Blue Poles".

The Hon. G. C. MacKinnon: I thought your explanation was typical—quite in character.

The Hon. Grace Vaughan: At least "Blue Poles" will be seen by the public. The $8 000 dinner set will not be.

Several members interjected.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: Coming nearer to home, we have a Treasurer and Cabinet who follow these policies. We cannot blame the Treasurer personally because he is subjected to the dictates of his Cabinet, although we do hear talk of a one-man band. I am not informed about that because I am not in the Cabinet room.

We have a Premier who can spend $150 000 updating a suite in the Superannuation Building, which is an almost new building. He has provided luxurious surroundings and new carpets. All the fittings were taken out and replaced at a cost in excess of $150 000, according to the answer to a question asked in another place.

The Hon. G. C. MacKinnon: What about Curtin House and the Medical Department?

The Hon. D. W. COOLEY: They are in bad circumstances over there. I do not mind that.

The Hon. G. C. MacKinnon: I am sure you don't!

The Hon. D. W. COOLEY: I was in the trade union movement and I built an office in Leederville.

The Hon. G. C. MacKinnon: Don't you think the position regarding Curtin House and the Medical Department was pretty bad?

The Hon. D. W. COOLEY: The Prime Minister and the Premier tell us that life was not meant to be easy and we must cut back on Government spending, but at the same time they are doing the very opposite. The Treasurer has given $50 000 to a millionaire to wallow in luxury at Newport. That was a disgraceful action and I will refer to that a little later.

A miserable $110 000 has been set aside in the Budget for small sporting clubs and recreational organisations in Western Australia, but he gives $50 000 to a millionaire to take his yacht to Newport, Rhode Island, in the forlorn hope that he will win the America's Cup, which is impossible.

The Hon. G. C. MacKinnon: You are not even right about the $110 000.

The Hon. R. F. Claughton: Isn't it that much?

The Hon. G. C. MacKinnon: It is that amount, but he is not right about it.

The Hon. D. W. COOLEY: The information is given on page 20 of the publication *The Western Australian Economy* and that is the amount mentioned.

The Prime Minister and our Premier tell us we must crack down on people who are referred to quite unceremoniously as dole bludgers. People have had the real value of their wages reduced because of the policies adopted in respect of wage indexation. The Treasurer has betrayed the pensioners in respect of their entitlements by tying their increases to the Consumer Price Index and he has taken away their travel concessions. At the same time the Prime Minister and our Treasurer give special tax deals to farmers under equalisation plans. They say that Whitlam was a spendthrift and spent too much money, but let us consider what is occurring at present. They give money to people who mostly are in fairly good circumstances.

I know that sections of the farming community are going through difficult times, but some of them are not, and public funds are being handed out to them at the expense of underprivileged people. Yet they are the same people who say we must cut down on public spending.

On page 1 of the Budget speech, the Premier said some satisfaction can be drawn from the fact that economic conditions in Western Australia are in a better state than they are in most other parts of Australia. I think that is only a cover-up to hide the bad track record this Government has in respect of inflation and unemployment.

The Hon. G. E. Masters: There is more employment now than last year in this State. What do you think about that?

The Hon. D. W. COOLEY: They appear to gain satisfaction from the fact that unemployment is marginally better in this State than it is in the country as a whole.

The Hon. G. E. Masters: I did not say that.

The Hon. D. W. COOLEY: The Treasurer said some satisfaction can be drawn from the fact that economic conditions in Western Australia are in a better state than they are in most other parts of Australia.

The Hon. G. E. Masters: The reason there is a lot of unemployment here is that so many people

are coming here from other States because there are more opportunities here. You know this.

The Hon. D. W. COOLEY: That is a lot of nonsense.

The Hon. G. E. Masters: That is absolutely correct and you know it.

The Hon. R. F. Claughton: There are still 25 000 unemployed in Western Australia.

The Hon. G. E. Masters: We are not proud of that.

The Hon. D. W. COOLEY: The stark facts are that the Government has not been able to control the situation and it will do anything to cover up.

The Hon. G. C. MacKinnon: There is no question of covering up.

The Hon. D. W. COOLEY: It is trying to cover up its track record. Previously it had the Whitlam Government to flog. In one Budget document there were no fewer than 20 or 30 references to the poor performance of the Whitlam Government. Last year it had the unions to flog, and now, because the unions have shown a responsible attitude in this last year—

The Hon. G. C. MacKinnon: What day was that?

The Hon. D. J. Wordsworth: When was this?

The Hon. D. W. COOLEY: —by accepting partial indexation, it is now trying to cover up its bad performance. I might mention that the Government has not made any mention of the role the trade union movement has played and the way it has accepted its position over the last two years. The only way the Government can cover up now is to say that the situation in this State is marginally better than it is in Australia as a whole.

Let us look at the position. If I were publishing this document covering the economic situation of Western Australia, I would have either left out that reference to the registered unemployed and unfilled vacancies in Western Australia, on page 11, or I would have put it in very small print had I been in the Government.

The Hon. R. G. Pike: We are not like the Labor Party. We deal with facts. We do not hide them. We leave that to the Labor Party. You told us you would hide them if you had the chance.

The Hon. D. W. COOLEY: I would not print them.

The Hon. R. G. Pike: We are honest and straightforward.

The Hon. D. W. COOLEY: Let us have a look at the facts as presented in the document on the economy in Western Australia in 1976-77. In June, 1972, in Western Australia—one year after the Tonkin Government came into office—the unemployment figure was 12 076, which represented 2.75 per cent of the work force, while the Australian figure was 1.78 per cent.

The Hon. V. J. Ferry: How many people were employed then?

In the golden year of 1973, when we had Labor administration in Canberra and Labor administration in Western Australia, the figure fell from 12 076 to 8 461. When John Tonkin went out of office in 1974 the figure was down to 7 782. The situation was coming under control as a result of Labor administration. However, what do we find to be the situation since then? If I were in Government I would be ashamed. In August of this year, the number of unemployed was 25 595. Mr Masters can well laugh.

The Hon. G. E. Masters: I was not laughing at what you are quoting.

The Hon. D. W. COOLEY: It is a terrible situation. Miss Lyla Elliott introduced a motion in this House. She took that action in a very positive manner because we wanted to do something about the unemployment situation, and we considered the Government ought to be giving some consideration to our thoughts in the matter. Miss Elliott presented a very good motion, with some good suggestions with respect to employment. However, the Leader of the House made an impromptu speech on the same day in reply, and that was the end of it.

While Miss Elliott was speaking Mr Masters, and one of our newer members on this side, were giggling like girls. They seemed to think it was very funny.

The Hon. G. E. Masters: You are being very personal. You have said some wicked things about me. I was laughing at your performance.

The Hon. D. W. COOLEY: The member opposite should not have been giggling, he should have been doing something positive. Many people are suffering as a result of the unemployment position.

It would not have been so bad had the Government accepted the position when it came to office. However, in June, 1972, the figure was 12 076 whereas it is now 26 595. On the 16th August, 1972, the Premier said—

> . . it is the responsibility of a Government to provide opportunities of employment for the work force. It is drafted to do that job when it is elected, ...

The Premier further said—

> This is a State responsibility.

A little earlier, the Premier had said—

> If we are given the opportunity to perform we will solve the problem.

When asked how long he would take to solve the problem, the Premier replied—

> Within six months of getting back into office and sorting out some of the mess which has been created.

He further stated—

> We would love to have the responsibility to show what can be done by a Government with the right philosophy. I would be prepared to stake my reputation on success.

There is his success: the unemployed figure has gone from 7 782 to 26 595. That is the extent of the performance of this Government.

I cannot understand how the Government was elected after a period of almost two years of broken promises and bad management by a conservative Government in Canberra.

The Hon. V. J. Ferry: And balanced Budgets.

The Hon. D. W. COOLEY: I can also speak about Budgets.

The Hon. G. E. Masters: You would not know what they mean.

The Hon. D. W. COOLEY: There is more in governing this country than balancing Budgets. A deficit of $20 million would be better than 23 000 people out of work.

The Hon. G. E. Masters: Do you not understand the day of reckoning must come? Who will pay for it eventually?

The Hon. D. W. COOLEY: Who will pay for the deficit being created by the Federal Government at the present time? That deficit runs into thousands of millions of dollars.

The Hon. G. E. Masters: What is your answer to that?

The Hon. D. W. COOLEY: My answer is to get the people to work. It might be good book management to have a surplus of funds, but what about the economy of the country and the people for whom the Government is responsible to provide work? The surplus could have been spent on providing work.

The Hon. R. F. Claughton: Consumerism is based on family deficits. If people do not have credit, goods would not be sold.

The Hon. D. W. COOLEY: Members opposite will not listen to advice. They want to sheet home the blame onto somebody else. In this place, and in the other place they frequently refer to dole bludgers. There are people having expensive lunches in Perth every day and claiming a tax rebate; those people are taking money out of the country's purse. However, members opposite want to crack down on the unfortunate people who are victims of the Government's policy.

The Hon. G. C. MacKinnon: No wonder the galleries are empty; no-one will listen to this dreadful rubbish.

The Hon. D. W. COOLEY: The Government takes pride in the fact that it has brought down a surplus Budget, and at the same time it claims that it has not increased charges. That is another confidence trick on the people of Western Australia, because charges have been increased so much over the previous three years it would not be possible to put them up further. The $3 million surplus last year was unnecessary; it was the result of increased charges which were inflicted on the people.

The Hon. G. E. Masters: Would you like a copy of the last State election figures? It might be of interest to you to see what the public thought about the Government.

The Hon. D. W. COOLEY: That is what I said. Members opposite are basking in the success of the last election, and they are not doing anything.

The Hon. G. E. Masters: We are not basking in it at all; I asked whether you had seen the figures.

The Hon. D. W. COOLEY: The Government is complacent and lazy, and will not do anything.

The Hon. G. C. MacKinnon: We are not complacent. As a matter of fact, we are aiming to repeat the surplus.

The Hon. D. W. COOLEY: If we were told what was to be done to correct the situation, we could be satisfied to some extent. When the conservatives were elected in 1975 it was said we would have an investment-led recovery of the economy. I do not know whether members are aware of the fact, but some $1 500 million has been fed into the private sector in an attempt to stimulate that investment-led recovery. However, we still have a high inflation rate—even though it is coming down a little. If the figures were correct, they would be greater than those shown. We still have high unemployment. A large sum of money has been transferred to the private sector, but that sector has done worse than was the case during the era of the Whitlam Government when money was made available for consumer purposes to stimulate the economy.

It seems the capitalist system as we know it is starting to break down. No matter what is done in the western economy, the situation is that we

cannot get along without unemployment and inflation under the present system. We live in a wonderful country and our economic climate should be far better than it is.

The principal fault of our present system, and the reason for the present problems, stem from the fact that a Federal Government elected in 1972 by the people was not allowed to run its full course. It was a Government of the people's choice.

The Hon. G. E. Masters: The people made the final decision, when asked to decide.

The Hon. D. W. COOLEY: The public had no say in what Sir John Kerr did in 1975.

The Hon. V. J. Ferry: The public agreed.

The Hon. D. K. Dans: A great old gentleman, Mr Wentworth, had something to say about that today.

The Hon. G. C. MacKinnon: I know him as well as does the Leader of the Opposition, and I have another opinion of him.

The PRESIDENT: Order!

The Hon. D. W. COOLEY: The Whitlam Government was harassed, and forced to go to the polls three times in less than three years. How can a Government operate effectively under that type of pressure? It was elected in 1972 by a majority of the people, and it was entitled to three uninterrupted years in office, which it did not get.

The Hon. G. C. MacKinnon: It was not entitled to it.

The Hon. D. W. COOLEY: A second reason for our economic problems was the rejection of the Whitlam Government's referendum on wages and prices. The trade union movement opposed the wages section of that referendum, and I was one who was in the forefront at that time.

The Hon. G. E. Masters: You still are.

The Hon. D. W. COOLEY: I would not say so. The member opposite is telling me my opinion; he has no reason to make that remark. If the same proposition were put to me at this time, as was put to the Australian people in 1973, I would vote, "Yes" to both propositions so that something positive could be done in an endeavour to get us out of this trouble.

The Government has misused the wage indexation system which was introduced during the time of the Whitlam Government. If it had been allowed to run its proper course of full indexation, under the proper guidelines of the Industrial Arbitration Commission, we would not have half the disputation which is occurring at the present time, and which is having a bad effect on employment and the economy in our country.

The Hon. D. K. Dans: Stagnation, as Mr Wentworth put it.

The Hon. D. W. COOLEY: That is true; they are falling by the wayside.

The Hon. D. K. Dans: Now Dr Richardson.

The Hon. D. W. COOLEY: We know that mistakes were made during the time of the Whitlam Government. However, after the Whitlam experience and two years of the present form of Government the answer to our ills lies in the principle of democratic socialism.

There can be no question about that at all.

The Hon. G. C. MacKinnon: There is the biggest question mark of all about that.

The Hon. D. W. COOLEY: We need a world in which the gap between the "haves" and the "have nots" is not so great, and a world in which exploitation can be controlled to prevent the emergence of overnight millionaires.

The Hon. G. C. MacKinnon: Tell me the last millionaire who emerged overnight.

A member: What is the difference between communism and democratic socialism?

The Hon. D. W. COOLEY: That illustrates how narrow is the thinking of the honourable member. He asks about the difference between communism and democratic socialism. Fancy a member of Parliament asking a question like that in this place. It is disgusting to think that any member of this place would be so politically ignorant as to ask such a question.

The Hon. G. C. MacKinnon: Tell us the name of the last millionaire who was made overnight.

The Hon. D. W. COOLEY: The person to whom this Government gave $50 000 to sail a yacht; that is the sort of person who ought to be controlled, instead of being given lavish gifts at Government expense.

Several members interjected.

The PRESIDENT: Order! I ask the honourable member to address his comments to the Chair.

The Hon. D. W. COOLEY: I am sorry, Mr President. We should have a world in which proper social justice can be the right of all people under a democratic socialist system.

The Hon. R. G. Pike: Would you define democratic socialism? I have heard it defined as—

The Hon. D. W. COOLEY: Mr Pike is politically ignorant if he believes that.

The PRESIDENT: Order! The interjections are out of order.

The Hon. D. W. COOLEY: The socialist countries of the world, whether they are on our side of the so-called Iron Curtain, or on the other side of it, have shamed the capitalist system in respect of economic management. In the vast majority of socialist countries there is very little inflation and certainly no unemployment.

The Hon. H. W. Gayfer: What countries are those?

The Hon. D. W. COOLEY: There is Sweden, Norway, Denmark, and even Britain is at the moment doing far better than the conservatives are doing in this country. What is wrong with West Germany, and its system of government? Of course, as soon as one talks about socialism members opposite put on their political blinkers and look straight ahead and can see only communism; and they think because a socialist system is working the country concerned is being subjected to communism. That is not correct.

The Hon. H. W. Gayfer: The communists say they are socialists.

The Hon. D. W. COOLEY: Of course, there are various forms of socialism, just as there are various forms of conservatism. If one considers the conservatism that prevailed in Germany in 1943, one finds that it was fascism. And when one considers the right-wing elements in Australia and in this Chamber, one can see there are various forms of conservatism. They are now coming out of the woodwork in the form of Wentworth and Chipp, etc.; people who have a brand of conservatism different from that of Fraser's.

The Hon. R. G. Pike: You still haven't defined democratic socialism.

The Hon. D. K. Dans: This isn't a question and answer session.

The Hon. D. W. COOLEY: I believe Australia will not emerge from its present economic morass until the people accept the form of Government that an Australian democratic socialist Labor Party can give it.

Therefore, I say to members opposite and the parties they represent, if they cannot do better than they are doing at the present time, in either the Federal or State spheres, they should move over and allow a party that has the interests of all people at heart to do the job.

THE HON. O. N. B. OLIVER (West) [10.20 p.m.]: It was most interesting to listen to the tremendous amount of gloom and doom forecast by members who have preceded me.

The Hon. D. W. Cooley: You should have been here when Whitlam was in office.

The Hon. O. N. B. OLIVER: I am absolutely amazed to hear these remarks. Previously I heard Mr Claughton quoting statistics of February, 1977, and then later I heard a digest of gloom and doom, and the suggestion that the country is in complete disarray. Frankly I am wondering how often I will have to listen to such comments.

The Hon. G. C. MacKinnon: Every time a Labor bloke gets up.

The Hon. D. K. Dans: Every five minutes if Whitlam gets in again.

The Hon. O. N. B. OLIVER: Do you know, Sir, that apart from surveys conducted and concluded in retrospect, in actual fact things are looking better in Australia? Does that surprise you, Sir?

The Hon. D. K. Dans: No. Prosperity is just around the corner.

The Hon. O. N. B. OLIVER: May I quote from *Rydge's Digest* of July, 1977.

The Hon. Grace Vaughan: That is three months ago; that is history.

The Hon. O. N. B. OLIVER: If the honourable member likes I will quote from the September issue, which says under the heading of "Sales and new orders on an uptrend"—

> MORE THAN 70 per cent of Australia's top companies expect an increase in their sales in volume terms (as distinct from dollar sales) in the 12 months . . .
>
> Over half of these (37 per cent of all companies) expect to increase their volume sales substantially—10 per cent or more—in the next 12 months.

I will also give the other side of the story. I quote as follows—

> By comparison, only 19 per cent of top companies expect their volume sales over the next 12 months will stay about the same, and only 3 per cent expect a drop in volume sales.

The following are some typical comments made on the matter—

> "We think the problems which business has had for several years have been lessened—there is less Government interference, there have been no major disasters and inflation is not increasing"
>
> "Inflationary effect of devaluation hasn't been as severe as first thought"
>
> "Sales are more buoyant than six months ago"

"Signs that anti-inflation measures are working"

"More optimism from customers—greater anticipated demand"

The Hon. D. K Dans: Who said that?

The Hon. O. N. B. OLIVER: These are comments made in a survey of 70 per cent of top Australian companies.

The PRESIDENT: Order! If the honourable member is quoting from a publication, would he give the name of the publication and the page from which he is quoting, please?

The Hon. O. N. B. OLIVER: I am quoting from *Rydge's* of September, 1977, pages 28 and 29. The comments continued as follows—

"Just have a feeling for things—the trough has passed and the only way is up"

The main factors limiting production are the lack of consumer demand (mentioned by 62 per cent of companies) and export orders (42 per cent).

On page 30 the article goes on to say—

Labour disputes (21 per cent) are also considered important.

In this debate we are concerning ourselves with a Budget—the people's money. When a Federal Treasurer stands in Parliament and presents a Budget with a deficit of $570 million after six or eight weeks of the financial year have expired, and then completes that financial year with a deficit of $2 600 million, who in this House would say that anyone is being deceived? What would we think of a public company or any person who made such a statement and 10 months later produced such a different result? It actually happened in the Federal Government. Frankly, I would imagine if a private company did that Royal Commissions would be called for, and if the Government did that it would be held in disrepute. I imagine that any person who did it would be run out of the country.

It is incredible that at the time when the Budget was delivered 76 000 people were unemployed, and at the end of the financial year 246 000 were unemployed. Yet I listened tonight to Mr Cooley referring to a figure of 23 000 unemployed, and Mr Claughton referred to an increase of 5 200 in 12 months. Are you aware, Mr President, from the month of January following that August Budget to which I have referred, the annual rate of inflation ran at 19 per cent for six months?

The Hon. Lyla Elliott: Do you remember that Menzies had an inflation rate of 25 per cent?

The Hon. O. N. B. OLIVER: I do, and it was brought under control.

The Hon. Lyla Elliott: You were not prepared to give the Labor Government that chance.

The Hon. R. G. Pike: That is not true. You produce your facts and figures.

The Hon. Grace Vaughan: Come, come!

The Hon. O. N. B. OLIVER: The point I want to make is what president, treasurer, secretary, or other official of any company—or even of any Government—would take satisfaction in such a situation?

I heard mention of the Keynes theory, and the honourable member who preceded me suggested that theory should be persisted with at the present time. The Keynes theory is based on a deflationary situation, when prices are falling.

The Hon. D. K. Dans: It is a completely new situation.

The Hon. O. N. B. OLIVER: It is based on a deflationary situation when the value of money is rising and prices are falling, and the Keynes answer to a deflationary situation is that Governments should spend more money than they receive.

The Hon. Grace Vaughan: That is right, and people are beginning to acknowledge it now.

The Hon. O. N. B. OLIVER: I will come to that in a moment. The theory is that Governments should operate on a deficit budget, and increase the supply of money in the community. Does anyone propose this particular solution today? I just heard a member to my rear suggest this deficit spending.

The Hon. Lyla Elliott: Every other country is indulging in it.

The Hon. O. N. B. OLIVER: I do not propose to be a battlefield for academics and professionals.

The Hon. Lyla Elliott: Are other countries doing this?

The Hon. O. N. B. OLIVER: Let me come to this.

The Hon. Grace Vaughan: You should divorce financial thinking from fiscal thinking, you know.

The Hon. O. N. B. OLIVER: The benefits achieved from deficit financing are short-lived, simply because the resultant inflation reduces monetary values. May I quote as follows—

Inflation is not a remedy for unemployment, but one of its major causes.

That comment was made during the recent summit meeting of OECD countries in London at

which President Carter was also present. All Governments of major western countries are thus agreed that unemployment cannot be solved without first solving inflation.

I quote again: "You just cannot spend your way out of a recession and increase employment by cutting taxes and boosting Government spending." That is a most interesting comment. When I read it I was quite surprised as to who actually said it. I continue: "I tell you in all candour that that option no longer exists. In so far as it ever did exist, it worked by injecting inflation into the economy".

The Hon. D. K. Dans: You should give it an artificial recharge!

The Hon. O. N. B. OLIVER: I was also a little uncertain about what an artificial recharge is. Incidentally, those comments were a confession by Mr Callaghan, the current Prime Minister of the United Kingdom.

If ever there was a time for Australia to be united in thinking instead of grandstanding and taking up philosophical positions, that time has come now. I do not believe we should try to get political notoriety from this position and pay lip service to the unemployment situation.

We have heard about the unemployed. Who are they? What is their age group? What is their sex? Where are they located? What is their vocation? What are the other characteristics? We should be asking these questions. These are the things I should like to know.

Another factor is the imbalance between supply and demand which is related to mechanisation and computerisation; that is, there is a marked acceleration of the machinery to labour ratio. Alternatively, due to growing cost consciousness what has been the extent of the rationalisation of work force levels? In addition, our educational needs seem to have gone badly astray. Even with our current level of unemployment we have a shortage of certain skilled tradesmen. Therefore, we need a total review of technical education.

I saw that Mr Cooley used the document entitled *The Western Australian Economy 1976-1977*. The summary on page 3 states in part—

> Civilian employment at 30 June 1977 was 3.0% higher than a year earlier, a figure which is in sharp contrast to the small reduction of 0.3% for the nation as a whole.

Page 11 of that document refers to the ratio of registered unemployed to unfilled vacancies. The figures for New South Wales are 19 to one, for Queensland 23 to one, and for South Australia 20 to one. Those States were considerably worse in August than Western Australia which had 13 registered unemployed for every unfilled vacancy.

The Hon. Grace Vaughan: Comparisons are odious when the figures are as bad as that.

The Hon. O. N. B. OLIVER: Let us face facts. I should now like to draw attention to the state of unemployment in other countries. I shall be relevant and quote from the latest figures. In Canada in June there was 8 per cent unemployment.

The Hon. Lyla Elliott: What is your source?

The Hon. O. N. B. OLIVER: The source of the figures is the Reserve Bank. In the USA in June the figure was 7.1 per cent; in West Germany 4.5 per cent in May; and in Switzerland minus 1 per cent in June. How interesting that a country as small as Switzerland in the heart of Europe believes in a 44-hour week! Do members know that in December last year three-quarters of the population of Switzerland at a referendum voted for the retention of a 44-hour week; that is, more than three-quarters of the people refused to accept a 40-hour week? This may explain why that country has an unemployment rate of minus 1 per cent and an inflation rate of 1 per cent.

The Hon. Grace Vaughan: Of course, there might be some variables that come into it.

The Hon. O. N. B. OLIVER: I am pleased the member has mentioned variables because I believe we are not dealing with a situation in which we can have a simple arrangement of spending $20 million, as Mr Cooley said previously with a wave of the hand. I have never seen $20 million but Mr Cooley talks about millionaires going out and spending and having lunches. He seemed to be very carefree about spending with a wave of the hand the money of the taxpayers of this State. Perhaps the attitude towards work in Switzerland helps to explain the high standard of living which that country enjoys.

I gain no satisfaction from making the points I have made with regard to the problem of the registered unemployed in this country. How can this situation be explained to the coming generation in terms of providing self-respect, fulfilment, incentive, and productivity? Is it an affront to human dignity, or is it realistic, to recognise that there is a market for labour just as there is a market for goods in which supply and demand operate? Of course, there are very complex factors in this supply and demand situation. Normally an increase in supply depresses prices. However, in recent years strong forces have boosted supply and demand. Many women, especially married women, have found it possible and desirable to join the work force for

reasons unrelated to the level of wages. Perhaps women's liberation and higher standards of education have given women the ability and the desire to participate more actively. It is right that this should be so in a democracy. I do not know whether it happens in a socialist situation but in a democratic country we should not question it.

People have made comparisons between the situation in 1933 and the situation now. In 1933 married women made up 2.5 per cent of the total work force. In 1975 married women made up 22.3 per cent of the work force. In 1933 married women made up 11 per cent of the total number of women in the work force. In 1975 married women made up 62.8 per cent of the total number of women in the work force. We have witnessed a massive rise in female participation rates for two reasons—the social factors I have already mentioned and the higher price offered to them, because I believe supply and demand operate also in this situation.

In recent years wages for different categories of workers have increased, but rates for female and junior workers rose faster than those of the work force collectively. This was no doubt brought about by the social considerations related to equal pay for equal work. Fortunately we in a democratic society are free to judge such matters. The important thing is that any increase in the price offered in a market—in this case the wages of female labour—is likely to attract a greater supply. In addition, lack of experience amongst inexperienced junior workers is now not tolerated. Previously junior workers who had youthfulness and who showed a willingness to learn and progress were accepted by employers. But at that time rates were relatively low.

The social consequences of this are yet to emerge because the junior wage rate has priced such workers out of the market, and they feel understandably rejected. They cannot gain experience because they cannot get a job. This situation is further compounded by Australians now leaving school at a later age. Not only are they leaving school at a later age, but also, because they cannot find employment as juniors, due to the influx of funds into education they often move on to tertiary institutions in the hope of furthering their education so that they can improve the opportunity to secure satisfactory employment.

Naturally their aspirations increase; but their wages also increase. Therefore, this compounds the situation. In 1930 nearly half the students left school when they were 14 years of age; less than 2 per cent stayed after 17 years of age. In 1974 less than 4 per cent of the students left school at the age of 14 and 40 per cent stayed after the age of 17.

I am a member of a board of advanced education and I can assure members that our numbers increased dramatically from 1973-74 onwards, because all these people were hoping that by advancing their education they would be more eligible for employment. To be quite frank, it has become almost a form of employment, because of the funds which were allocated to education. Therefore, apart from improving their education, this has become another form of employment.

Of course, it has been found that this additional education is no longer required. However, at the same time we are clamouring for certain skilled tradesmen. If the prophecies of business people who invest their capital, as I quoted earlier, are correct, obviously we will need these tradesmen. We have virtually priced the youth of this country out of the market by the demands of the Trades and Labor Council. I hope the council finds no warmth in that. I certainly find no warmth in it.

The Hon. R. F. Claughton: What about the increased profits? You put your prices up to increase your level of profits, don't you?

The Hon. D. W. Cooley: Give us one example of demands made by the Trades and Labor Council.

The Hon. O. N. B. OLIVER: I will quote an example to the honourable member. I will come back to that in a moment.

The Hon. R. F. Claughton: We will remind you.

The Hon. O. N. B. OLIVER: There will be no need to remind me.

The cost per productive hour for carpentry and joinery apprentices from July, 1975, as a result of applications to the court by the Trades and Labor Council—

The Hon. D. W. Cooley: The Trades and Labor Council does not make applications on behalf of individual groups; it makes applications on behalf of the work force as a whole.

The Hon. O. N. B. OLIVER: I have witnessed people appearing before the court and I have been present at many Industrial Commission hearings. Unless I am wrong, I have seen the Trades and Labor Council representatives presenting a case.

The Hon. D. W. Cooley: The Trades and Labor Council cannot act on behalf of an individual group.

The Hon. O. N. B. OLIVER: Affiliated unions do.

The Hon. R. F. Claughton: That is a different matter. You are talking about the affiliated unions doing that, not the Trades and Labor Council.

The Hon. O. N. B. OLIVER: Well, the affiliated unions do this; but they co-operate and consult with one another. For example, from July, 1975, to June, 1976, in the carpentry and joinery trade the cost per productive hour for apprentices rose from $4.95 to $6.80; that is an increase of 38 per cent in 12 months.

Why employ an apprentice at a greater hourly rate than a tradesman, particularly when the apprentice does not have a family to feed and is not placed in the position of "first on last off"? When I was an employer I would not place myself in that predicament. I always put the person with a family, who was employed by me, first. One hears prophecies of gloom from the Hon. R. F. Claughton and from the Hon. D. W. Cooley. Employers will lose confidence if these prophecies of gloom spread out into the community. I hope that the publicity of gloom and pessimism which keeps appearing will not pervade the whole nation.

The Hon. Lyla Elliott: You should have been here when Sir Charles Court was Leader of the Opposition.

The Hon. R. F. Claughton: There were no greater harbingers of gloom than the present Government members when they were in Opposition.

The Hon. G. C. MacKinnon: We were not prophets of gloom; we were staters of fact. Let us know when you want to continue, Mr Oliver.

The Hon. R. F. Claughton: He might be able to continue if you would stop interjecting.

The PRESIDENT: Order! Would the honourable member please direct his comments to the Chair.

The Hon. O. N. B. OLIVER: I thought I was, Sir. If I was not, I apologise. I believe education should provide training for life; that is the ability to use one's skills in one's vocation. Education should not merely provide a certificate or degree.

Previously I spoke on the subject of mechanisation and computerisation. I know one member referred to the fact that he was not particularly keen on this journal, but I would like to quote from it. The quotation will give an example of what inflation is doing and what employers are thinking. At page 79 the following words appear—

> Eight smallish companies recently pooled their office operation leading to a sharp reduction in operating costs and allowing the introduction of large scale modern systems.
>
> A GROUP of eight companies, all located in the same building, recently decided to take some dramatic action to increase efficiency, decrease manpower and centralise office accommodation. They operated in fairly separate fields of marketing, public relations, business brokerage and tourism.
>
> A before/after study gave the following figures—personnel saving 37 out of original 128 staff; space saving of some 4 000 sq ft; cash saving (with an average cost of $8 000 p.a. for staff and $10 per square foot of floor space) is a total of $336 000 per annum.

In my first job I was somewhere below a labourer. I was a junior and, therefore, was not physically mature enough to do the work of a labourer. I was what one might call an assistant labourer. I do not really know the terminology for the position; but I was classed as a junior. In the particular department of the company by which I was employed, we worked a 40-hour week. I worked with some magnificent people and I enjoyed it very much. I spent some of the best years of my life in that position. I am very grateful that I worked there and I enjoyed it very much.

In the department in which I worked there were 54 skilled tradesmen. Today in that same department there are four unskilled labourers. The reason for the decrease in staff is the advanced technology which is now available. The laboratory has taken over with a scientific process.

The Hon. Lyla Elliott: What field are you referring to?

The Hon. O. N. B. OLIVER: It is the processing of greasy wool. We now have the method of core testing of wool. We used to handle wool bales in a very complex situation. We had to ensure that the quality of the wool was correct. Today that is no longer required. The process is carried out by a system of core sampling. An accurate certificate is issued by an authorised laboratory and no longer are trained tradesmen required. Only four unskilled labourers are required for the work.

The Hon. D. W. Cooley: Perhaps that is a matter which should be taken to the Trades and Labor Council.

The Hon. O. N. B. OLIVER: These are some of the problems which we must face. We should forget about deficits and handouts. If this trend continues our unemployed will continue to be purely a numerical figure to which we pay lip

service. As I see it, Sir, the unemployed will be used as political pawns.

The Hon. Grace Vaughan: People who are unemployed do not see themselves as pawns and do not see themselves as numbers.

The Hon. O. N. B. OLIVER: I would like to mention a situation which came about when it was decided to use the system of adult retraining. It is an idea of retraining people who have become redundant in industry. I sat on a committee which was investigating this matter. I had my own business to attend to; but I was concerned about adult retraining. We sat on that committee for week after week. The records held by the Department of Labour and Industry will show this.

There was uncertainty among unions as to what would happen if adult retraining were suddenly introduced. I had dealt with the Building Workers' Industrial Union and the Builders' Labourers Federated Union. The situation developed and after a long dissertation by a union official for whom I have a great deal of respect—and I believe the respect is mutual—I put a question to him. I will not quote his name. I asked him, "Do you mean you are in favour of adult retraining?" He wavered and could not remember what he had said previously. Eventually he said, "Yes."

That was after eight weeks. He then had to run the gauntlet of the Federal executive for suddenly departing from a policy that everyone must go through the pipeline like a string of sausages and nobody should be allowed to come in other than through the normal channels.

So we got the scheme under way. I must say that union official has now fallen into disfavour and is looking for a job. After the major problem of getting the scheme under way, we had a change of Government with the accession of the Whitlam Government. So after being involved in this organisation and having to place the people with employers, when they were agitated by the gentleman who has taken the place of the displaced union official—and I was told it was because they were uncertain of their future that they were so edgy—I then had to attend to the graduation ceremony and, with the change of Government, herald a wonderful scheme of adult retraining which that Government had introduced. How incredible! Six months previously it was not the policy. Then there was a change of Government and they stood up and said what a wonderful scheme the Government had introduced, when the Government had been in office for approximately 10 days.

We need a complete revision of our method of technical training. Frankly, some of the subjects we are now teaching are outdated. I believe there is a problem in that the number of years spent in adult training determines the wages for skilled or semi-skilled work, but the syllabus for bricklayers, for instance, has not changed. In the last 10 years I have not seen a septic tank which was built of bricks.

The Hon. W. R. Withers: A tank or a drain?

The Hon. O. N. B. OLIVER: I am talking about the circular tank. Bricklayers are even using trowels which I think they got from the museum. One cannot hold them. They were built for an earlier day. Another subject they are taught is upper and lower case Australian standard printing.

Our technical training has reached a stage which is similar to the situation of a pilot flying at 30 000 feet when the engine fails because the generator has not been wound correctly. It is important that he know how the generator is wound—presumably so that when the engine fails he can climb out on the wing and rewind the generator!

It is time we started to look at technical education in order to make it more attractive to employers to accept apprentices. I believe that is one part of this very complex problem. Do not let us counsel everyone to undertake a Bachelor of Arts degree or a degree in business management. There is nothing disgraceful about being a tradesman. I was not allowed to do certain things when I was a junior because I did not have the strength to do them, but I would not like to take on in the ring some of the 14 and 15-year-olds today. Times have changed. The apprentice system dates back to the time when a person made his mark because he could not write his name. It was the system of indenture. No-one will accept a compromise. The Boan report of 1964 has not been implemented.

I would have liked to deal with another area in which I am interested but time does not permit me to do so. I make just one plea. Can we have less of gloom and doom and the end of the world? Can we have confidence? I do not mean super-optimism, but can we give some confidence to the community? Without confidence, how can we expect employers to employ people and be prepared to train them?

Debate adjourned, on motion by the Hon. Grace Vaughan.

House adjourned at 11.07 p.m.

QUESTIONS ON NOTICE

WATER SUPPLIES

Mundaring Weir

177. The Hon. R. F. CLAUGHTON, to the Attorney-General, representing the Minister for Water Supplies:

(1) What quantity of water has been transferred to Mundaring Weir from sources supplying the metropolitan area?

(2) What is the present storage in Mundaring Weir?

(3) (a) What further quantity of water is it planned to transfer to Mundaring Weir by the 31st March, 1978; and

(b) is this amount included in the 94 million cubic metres remaining in the metropolitan area storage at the 31st March, 1978?

The Hon. I. G. MEDCALF replied:

(1) 2 637 220 cubic metres.

(2) 41 670 000 cubic metres.

(3) (a) It is planned to transfer a further 6 000 000 cubic metres of water by 31st March, 1978 but the actual amount will depend on the consumption and rainfall in the intervening period.

(b) No. The estimated storage of 94 million cubic metres allowed for the transfer of water to Mundaring Weir.

TRANSPORT COMMISSION ACT

Offences

178. The Hon. F. E. McKENZIE, to the Minister for Transport:

Referring to the article "The Long Haul to the North" in *The Sunday Times* on the 9th October, 1977, will the Minister—

(a) have court proceedings instituted against Bell Freightlines for blatantly breaching section 48 of the Transport Commission Act;

(b) advise whether the Transport Commission has taken any enforcement proceedings under this section of the Act during the last 12 months; and

(c) ensure that the provisions of section 48 of the Transport Commission Act will be enforced in the future?

The Hon. D. J. WORDSWORTH replied:

(a) No. The newspaper report is not considered to be evidence of a breach of the Transport Commission Act.

(b) No.

(c) The matter will be examined.

HOSPITAL

Royal Perth

179. The Hon. LYLA ELLIOTT, to the Minister for Transport, representing the Minister for Health:

What was the strength of the nursing staff at the Royal Perth Hospital—

(a) Main hospital;

(b) Mt. Lawley annexe; and

(c) Shenton Park;

as at the 30th June for each of the years 1975, 1976 and 1977?

The Hon. D. J. WORDSWORTH replied:

Royal Perth Hospital figures are not readily available as at 30th June each year, but the actual nursing staff strengths (expressed as whole time equivalent) on the dates shown were as follows—

	21/7/75	14/6/76	27/6/77
Main hospital, including Administration	956.1	913	961.5
Mt. Lawley Annexe	78.4	74.6	73
Royal Perth (Rehabilitation) Hospital	273.2	283	272.3
Total (whole time equivalent)	1 307.7	1 270.6	1 306.8