Trust Bill I said I would ask the Committee to insert this new section 42 in the Legal Practitioners Act Amendment Bill (No. 2). Do you remember that, Mr. Thomson?

The Hon. J. M. Thomson: Yes.

The Hon. A. F. GRIFFITH: This amendment seeks to insert a new section 42 in the Act. Part V of the Legal Practitioners Act was never proclaimed and so it did not become operative. However, it provided that there would be a payment of £10 for a certain time, and on retirement the legal practitioner would be refunded that amount. I do not think we should meddle with a situation such as that. The practitioner should make a contribution and that will be the end of it. This amendment will provide that each practitioner who has held a practice certificate for two years shall, when applying to the Barristers' Board for his next annual practice certificate, pay $20 annually for five years or he can pay this amount in a lump sum.

This provision will not apply to a judge, a magistrate, or a retired lawyer who is not practising, because there is no need for them to hold a practice certificate. When the practitioner has paid this sum of money he will not be required to contribute any more, because he has fulfilled his obligation, but the money will not be returned to him when he retires. This responsibility will also fall upon a practitioner who is training to become a solicitor.

The only difference between the amendment and the subject of the discussion I had with some members is that the amendment provides that the amount of $20 shall be prescribed; it is not a set amount. When the Act becomes law, it is my intention to prescribe the sum of $20, because this will give fulfilment to the intent of the amendment. Once again I apologise for not having circulated sufficient copies of the amendment among members.

The Hon. H. K. WATSON: The Minister has told us of his intention, but the fact remains that the amount which has to be paid is not fixed in the legislation. It is to be an amount not exceeding $20, as may from time to time be prescribed. It is conceivable—just as it was in 1942 or thereabouts—the provision contemplates a payment of a certain amount a year by legal practitioners, but in fact it may not be proclaimed.

The Hon. A. F. Griffith: Do you doubt my word?

The Hon. H. K. WATSON: I am only explaining the position. I turn to the point made by Mr. Dolan the other evening when he spoke of the supremacy of Parliament, and of leaving matters such as this in the hands of the Executive. We have exactly the same circumstances before us. Mr. Dolan read an extract from a learned Q.C., and pointed out it should be the right of Parliament to decide what name should go into the schedule. I submit it is also the right of Parliament to decide what amount should be paid.

The Hon. A. F. GRIFFITH: When the honourable member stretches the bow he certainly goes the whole hog. Parliament has the right to determine the amount, and in this instance Parliament can decide that it shall not exceed $20. I repeat, it is my intention to prescribe an amount of $20. As time passes it might be competent to prescribe some other amount, but that is a matter in which Parliament will at the time have a say. If $20 is prescribed now, in 20 years' time the Minister might prescribe less than $20; but Parliament might disagree with that decision and could disallow the regulation.

The Hon. H. K. WATSON: I will not have the Minister twisting my words.

The Hon. A. F. Griffith: I am not. You are doing your best to defeat this Bill.

The Hon. H. K. WATSON: I am pointing out that if this matter is left to the Government then Parliament will lose control, and the Government will be able to prescribe any amount. That is factual.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

PUBLIC WORKS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

House adjourned at 5.21 p.m.

Legislative Assembly

Thursday, the 16th November, 1967

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

TAPE RECORDING OF PROCEEDINGS

Request from A.B.C.

THE SPEAKER: I would like to explain to members that I have received a request from the A.B.C. to make some tape recordings of the proceedings in this House. The A.B.C. requires the tapes for school broadcasts, and I have agreed to its request. There will not be a recording of any one speech, and the recordings are to be used purely for the purpose of educating school children in the procedures of Parliament.

BILLS (3): INTRODUCTION AND FIRST READING

1. Parliamentary Salaries and Allowances Bill.
2. Acts Amendment (Superannuation and Pensions) Bill.

Bills introduced, on motions by Mr. Brand (Premier), and read a first time.

3. Iron Ore (Mount Newman) Agreement Act Amendment Bill.

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

QUESTIONS (9): ON NOTICE

TELEVISION

Eastern Goldfields: Provision

1. Mr. EVANS asked the Premier:

(1) Would he please endeavour to ascertain from the appropriate authority on what date the microwave band link between Eastern and Western Australia is expected to commence operation?

(2) Would he also endeavour to ascertain whether a television service in the eastern goldfields will commence simultaneously with the operation of the said microwave band link?

Mr. BRAND replied:

(1) and (2) The Director of Posts and Telegraphs has made pamphlets—which I shall table—available which give all the necessary information sought by the honourable member.

2. *This question was postponed.*

ALBANY HIGH SCHOOL

Reticulation of Oval

3. Mr. HALL asked the Minister for Works:

(1) Can he advise what progress has been made to supply reticulated water to the Albany High School oval for the works programme to be put into operation?

(2) Is he aware the parents and citizens' association is to proceed, at considerable expense, with the construction of tennis courts because of the delay by the department in carrying out oval development?

Mr. CRAIG (for Mr. Ross Hutchinson) replied:

(1) Drilling tests to date have not been successful and further investigation will be carried out by test boring an alternative area.

(2) No.

A contract has recently been negotiated by the Public Works Department to provide:—

2 new tennis courts;

2 new basketball courts; and other works on the Albany High School area.

OIL SEARCH

Gulf Interstate and Overseas Limited

4. Mr. HALL asked the Minister representing the Minister for Mines:

(1) Can he advise the progress by Gulf Interstate and Overseas Limited in its oil search programme at Beaufort Inlet, Cape Arid area?

(2) What was the total area applied for and what was the area granted?

(3) What amount of money has been spent by the company to date?

Mr. BOVELL replied:

(1) to (3) Gulf Interstate and Overseas Ltd. does not hold a permit to explore in Western Australia. It applied for an area of approximately 25,850 square miles offshore from Bremer Bay, to East of Esperance, near Cape Arid, but later withdrew the application.

5. *This question was postponed.*

FISHING

Shark Bay: Report on Industry

6. Mr. NORTON asked the Minister representing the Minister for Fisheries:

(1) Has he received the report from the Fisheries Advisory Committee on the state of the fishing industry at Shark Bay?

(2) If "Yes," will he place it on the Table of the House?

(3) If "No," does he expect to receive it before the House rises?

Mr. CRAIG replied:

(1) No.

(2) Answered by (1).

(3) The committee meets today to finalise the report. It will be tabled before the House rises.

WATER SUPPLIES

Widgiemooltha: Survey of Rock Catchment

7. Mr. MOIR asked the Minister for Water Supplies:

(1) Has any exploration been carried out at Cave Rocks in the Widgiemooltha area to determine the water conservation potential of the large rock catchment in this district?

(2) If so, what was the result?

(3) If not, will a survey be carried out to determine if it is feasible to build a reservoir of a capacity that would make a substantial contribution to the future water requirement of the adjacent mining areas?

Mr. CRAIG (for Mr. Ross Hutchinson) replied:

(1) and (2) No.

(3) If and as the need arises, a feasibility study will be carried out.

SCHOOL HOLIDAYS

Dates in 1968

8. Mr. DAVIES asked the Minister for Education:

What firm dates have been set for term holidays in 1968 for—

(a) Government schools;

(b) independent schools?

Mr. LEWIS replied:

The school terms for 1968 are—

(a) Government schools—

Primary

1st term: 5th February-10th May

2nd term: 20th May-23rd August

3rd term: 9th September-20th December

Secondary

1st term: 5th February-10th May

2nd Term: 27th May-23rd August

3rd term: 9th September-20th December

(b) Independent schools—

1st term: 6th February-9th May

2nd term: 28th May-22nd August

3rd term: 10th September-12th December

ROAD MAINTENANCE TAX

Prime Movers Exceeding Eight-tons Capacity

9. Mr. BURT asked the Minister for Transport:

(1) Is a prime mover vehicle with permitted capacity of over eight tons, but which is travelling without its trailer, liable for road maintenance tax?

(2) If so, why, when such vehicle is not capable of carrying any load at all?

Mr. O'CONNOR replied:

(1) Yes.

(2) Road maintenance contributions are payable in respect of all vehicles with a load capacity over eight tons irrespective of whether any loading is carried or not at a particular time. In this respect, a prime mover travelling without a load is in the same category as any other vehicle travelling without a load.

It should also be remembered that road maintenance charges are not applicable to the whole load; they are only applicable to 40 per cent. of the capacity load of any vehicle.

PUBLIC SERVICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

MR. TONKIN (Melville—Leader of the Opposition) [2.25 p.m.]: We support this Bill, because we think the idea is a good one, particularly as it is obvious there is a shortage of employees in the Public Service and definitely in the teaching service. Accordingly, it is necessary to ensure as far as possible that this situation can be remedied by the employment of married women. The Government has found it necessary for a very long time to employ married women and they render excellent service. They suffer some disability in the service, because they are on supply in the teaching field. We welcome the steps which are now being taken to enable them to go onto the permanent staff.

I cannot understand why the Government did not consult the Civil Service Association and the Teachers' Union. These are two organisations which cover these people, and I would have thought that the Government would at least show the organisations the courtesy of letting them know what the Government proposed to do and of obtaining their views. The Government does not hesitate to consult the Employers Federation when it is going to introduce legislation with which that organisation might be concerned. I recall that a few years ago, when the Government decided to alter the arbitration system, it had plenty of consultation with the Employers Federation before steps were taken.

The Government claims to represent all sections of the people. I say, "claims," because I do not concede that the Government does represent all sections of the people, and I think this proves it does not. If the Government finds it necessary from time to time to consult the employers, one would think it right and proper when legislation is proposed which will very closely affect the working section of the community, for the Government to be prepared to contact the organisations which exist for the purpose of

looking after the interests of the people concerned in order, at least, to ascertain their points of view. I am sorry to say that was not done in connection with this legislation, and I think the Government was very remiss in not doing so.

There is one provision which I would like to see included in the legislation, because it ought to be included. I concede that the Public Service Commissioner must be in a position to retain the right to dispense with the services of married women if he feels that by keeping them on he is making it difficult for single women to obtain employment. The situation must have some flexibility so that the opportunity will exist for the younger people who are coming on to have their chance of obtaining employment in the Public Service. However, I feel that once a person is admitted as a permanent employee of the service, the fact that the person is married should not make any difference to the rights and privileges which normally go with membership of the Public Service.

I refer particularly to the right of appeal against dismissal. The Government ought to be prepared to give to these married women who are to be put on the permanent staff, the right of appeal, because it could be that the Public Service Commissioner could decide to dispense with the services of a married woman teacher or a married woman typist when her services ought to be retained and the services of someone else dispensed with. Once we admit these people to the permanent service we should extend to them all the rights and privileges which are normally enjoyed by members of the permanent service, and one of the privileges, of course, is the right of appeal. So in that respect the rights of these people should be safeguarded and I would like to see something done along those lines.

It is all very well to say that unfairness is never shown and people are never unfairly treated in any respect. That is not our experience; people are sometimes treated unfairly, and when this does occur they should at least have an opportunity to try to demonstrate that they have been unfairly treated. To deny this right of appeal is, I think, to show a weakness. If it were granted, I do not think it would greatly increase the cost of administration, but it would make for more satisfaction in the service and give the people concerned greater confidence in the Government as their employer.

Mr. Brand: We propose to bring forward an amendment to provide for them.

Mr. TONKIN: That is excellent; I am pleased to hear that. Having obtained that assurance from the Premier, I have no further complaint. The legislation is necessary and timely. Adequate safeguards are provided against the possibility of married women occupying positions and so preventing single people from being employed. I do not think that is likely to happen in this State for many years, if ever. In the main, these married women are experienced and very skilful and render excellent service. Many hundreds of them, for many years now, have justified their employment and have given the Government satisfaction for the wages they earn.

The placing of married women on the permanent staff will remove a disability under which they have suffered, and the proposed amendment which the Premier has advised will be brought forward will mean that their position will be properly safeguarded, and I think they should be well satisfied.

MR. FLETCHER (Fremantle) [2.34 p.m.]: I have a few comments to make on the Bill as a consequence of my close association with members of the Civil Service Association and with members of its executive, and the Premier knows of this. Let me tell the Premier and other members of the House that the Civil Service Association is seriously disturbed that the Government should suddenly introduce this Bill without the association being given any indication of its introduction, and without the Government seeking the views of the association on the principles involved.

For many years Governments of different political complexions have recognised the association as the mouthpiece of members of the Public Service and have extended to the organisation the courtesy of consulting it on all matters affecting its membership. In the past 12 months, however, there appears to have been a general breakdown of communication of this kind between the Government and the association. I will go so far as to say that this trend commenced with the steamrolling of the Public Service Arbitration Bill through the House after its introduction late last session. We are now confronted with this further legislative change, which will affect the Public Service, without any discussion whatsoever between the Government, the Public Service Commissioner, and the association. Other requests by the association for amendments to the Public Service Appeal Board Act, which amendments were supported by sound reasons, have been refused without any explanation being given. This causes concern among members of the Public Service.

I would suggest the Government has adopted a "could not care less" attitude in regard to this very important section of the community; namely, the Civil Service. Its attitude to the Public Service could be considered to be offhand. I will go so far as to say that to my own knowledge this is building up a certain amount of discontent among members of the Public Service who have not forgotten the manner in which the Public Service Arbitration Bill was forced through the House.

Mr. Nalder: It sounds as though you are contributing to it.

Mr. FLETCHER: The Government should keep in mind that it was the last straw that broke the camel's back, and that its action has created a great deal of discontent among those people to whom I allude. Even though I am being critical of the Bill I am pleased to see it before the House. I am merely letting the Government know the attitude of those I am representing at the moment.

Mr. Brand: You are having a couple of bob each way.

Mr. FLETCHER: I am not surprised at the Deputy Premier, with his rural associations and interests, being far removed from the interests of the people for whom I am speaking at the moment, but when he is speaking on behalf of those with rural interests I extend him every courtesy, and I ask him to extend the same courtesy to me now, so that I might have the privilege of speaking, without interruption, for those I represent.

Mr. Nalder: I was only commenting on what you said; that was all.

Mr. FLETCHER: As I have pointed out, requests made by the association for amendments to be made to the Public Service Appeal Board Act have been treated in a cavalier fashion. I have studied the Bill and I regret the Civil Service Association has had such a brief period to make a study of it.

The first knowledge the association had of the Bill was when I slipped copies of it under its office door late at night. That is not a very satisfactory manner by which the association should be advised that this Bill is to be brought before the House. The fact that the association lacks knowledge of the Government's intention in this regard is in direct contrast with the attitude adopted by the Commonwealth Government and the Governments of other States, such as the Governments of New South Wales and South Australia, in particular. However, I have noticed that the Government is not slow to confer with, and take instructions from, those at 1140 Hay Street, Perth.

Mr. Brand: How do you know that? You should not judge others by your own experience.

Mr. FLETCHER: That is, judging by the legislation which touches upon the working people. Events cast their shadows, and legislation which is introduced by those on the opposite side of the House—legislation which attacks the working people—is invariably not to the advantage of the working people, and as a consequence it is of advantage to No. 1140 Hay Street, and to what No. 1140 Hay Street represents.

Mr. Gayfer: Have you got the number right? Is it not No. 1080?

Mr. FLETCHER: In regard to this legislation it appears to me there is no necessity to insert proposed new section 29A to enable the Public Service Commissioner to retain the services of female officers who marry, or to employ married women. Those powers are already available to him under the existing Act, because all he has to do to achieve the purpose is to amend regulations 35 and 59. Regulation 35 states—

> When a female officer marries, she shall resign from the Public Service, unless the permanent head of the department wherein she is employed, recommends and the Commissioner certifies, that there are special circumstances that make her continued employment in the Public Service desirable.

I submit a simple amendment to that regulation could achieve the purpose of the Bill.

Mr. Brand: It might achieve the purpose, but it would not always be satisfactory. You are always speaking against Government by regulation, and here you are advocating it.

Mr. FLETCHER: Sometimes I see cumbersome legislation being introduced in this House, the purpose of which could be achieved by the amendment of existing regulations. I suggest the purpose of the Bill could be achieved in the manner I have outlined.

Mr. Brand: By regulation?

Mr. FLETCHER: Yes. Regulation 59 of the Public Service Act states—

> A married woman is not eligible for employment, either as an officer or as a temporary employee, unless the Commissioner certifies in each case that her employment as such is desirable, but the provisions of this regulation do not apply to a woman who is a widow or is divorced.

Mr. Brand: I am surprised to hear you advocating in this way after you supported the proposal to set up a committee to examine subordinate legislation. The purpose of that committee was to ensure that we did not have too much subordinate legislation.

Mr. FLETCHER: I have put forward a suggestion to the Premier; it is worth while, and it deserves consideration. I have seen cumbersome verbiage used in Bills introduced to amend parent Acts in order to achieve what I suggest could in this case be achieved by regulation.

Mr. Guthrie: What you are advocating is government by regulation.

Mr. FLETCHER: I am not.

Mr. Bovell: That is just what you are doing.

Mr. FLETCHER: I am not suggesting any such thing. If a regulation already

exists, and if it can be amended suitably, why not do so instead of introducing an amending Bill?

Mr. Guthrie: You bypass Parliament whenever you can.

Mr. FLETCHER: I am not suggesting any increase in the number of regulations.

Mr. Guthrie: You do not know what you are saying.

Mr. FLETCHER: Don't I?

Mr. Bovell: The member for Fremantle is getting into very deep water. I do not think he realises it.

Mr. Nalder: It would be better if he took a leaf out of the book of his leader.

Mr. FLETCHER: I have heard other suggestions from the Deputy Premier which were just as worthless as this one. I rise to let the Government know there is considerable hostility to the introduction of this Bill without prior consultation with the Civil Service Association.

I saw another step taken this afternoon which caused me similar concern and which gave me justification for the comment I have made. The Bill to amend the Superannuation and Family Benefits Act has had its first reading—

The SPEAKER: Order! The member for Fremantle cannot talk on the superannuation Bill while he is speaking in a debate on the Public Service Act Amendment Bill.

Mr. FLETCHER: Having said so much I am sure that you, Mr. Speaker, will allow me the privilege of saying this—

The SPEAKER: I do not think I should.

Mr. FLETCHER: It is a matter of grave concern to the Civil Service Association that I should have to ring up to let its members know that legislation which affects them so seriously and vitally has not received their prior consideration.

Mr. Brand: Are you referring to superannuation?

Mr. FLETCHER: The Government is treating the association in a cavalier manner—in a manner in which it does not deserve to be treated. I regret this legislation has not been discussed with the people concerned prior to its introduction. I have said that the Government is not slow in consulting No. 1140 Hay Street on matters relating to industrial arbitration and relating to the detriment of other workers. I should think that out of common courtesy the Government would have consulted the Civil Service Association prior to introducing this Bill, as the question dealt with affects that association.

This is the substance of my criticism: We on this side of the House, without a majority, have no possibility to amend Bills of this nature when they are introduced in the manner I have described.

As I interpret the position, the Bill does not make it obligatory on the Public Service Commissioner to retain the services of married women and to use the Premier's words—if I remember them rightly—only the diligent will be retained. They will not be retained at the expense of junior recruitment and that, as my leader has said, is desirable.

The parent Act provides that a female employee, beyond 18 years of age, with three years or more of continuous service is entitled to *pro rata* long service leave. The Bill will not disturb that entitlement if a woman resigns. However, additional provisions have been included in the measure to deal with the aspect of long service leave entitlement, but these should have been the subject of discussion with the Civil Service Association.

With that criticism, I support the Bill; but I still am concerned that the Premier did not discuss its provisions with the Civil Service Association before introducing it.

MR. DURACK (Perth) [2.48 p.m.]: I rise to support the Bill, and I do so with considerable enthusiasm. I would like to congratulate the Government for introducing a measure which not only will be, and is, most important to the efficiency of the Civil Service, but which is also of an important social character. It represents an awareness of the social advances which have been occurring in our community for some years.

As the Premier said in introducing the Bill, the principle of the employment of married women has been accepted in the Commonwealth Parliament and in the Parliament of New South Wales. Therefore we in this State are now well in the vanguard in Australia in recognising this principle. The employment of married women has been accepted in commerce, industry, and professions over a number of years. In fact, in this regard Australia has been behind other sections of the western world such as Britain, Europe, and America. However, in recent years we have been fast catching up in this respect, because of the number of married women who are remaining in employment, and returning to employment, after they have brought up their families.

I think that is possibly the most important aspect of the whole principle. It will enable married women, after they have had a family, to return to employment and thereby make the latter part of their lives much more useful than it would otherwise be. A woman is usually around 40 years of age when she has her family off her hands and then she begins to wonder what she will do with the rest of her life. Under this Bill it will be possible for such a woman to be employed in the State Public Service, and this is most im-

portant, particularly with regard to a woman with high professional qualifications.

I would also like to point out that the policy behind this Bill follows very closely upon another important decision of the Government. I hope that you, Mr. Speaker, will allow me to congratulate the Government on its having accepted the principle of equal pay for employees of the State Government.

The member for Fremantle said that in his view there was no necessity for the introduction of this Bill. Technically he may be correct, because a study of the Public Service Act reveals that it contains no actual prohibition on the employment of married women, but under the regulation-making power contained in the Act the Government is able to prescribe the terms on which the services of a female officer may be terminated on her marriage.

Whatever the legal niceties of the question may be, the fact is that it has been the policy in this State from the very beginning of the Public Service Act not to employ married women. Female officers have had to resign on their marriage. Therefore I think it is right that the Government should introduce a Bill to make this important change in policy, and thus enable the views of members to be aired.

There is one feature of the Bill which concerns me and I have noticed that it also concerns the Leader of the Opposition. I am in agreement in principle with the remarks he made with regard to the provision which seems to place married women in a second-class position in the Civil Service as far as their right of appeal is concerned. I agree that would be undesirable.

As the provision stands, it means that a married woman could be employed permanently, but her services could be terminated at any time. I was very pleased to hear the Premier say in answer to the Leader of the Opposition that he proposes to rectify that position when the Bill is dealt with in Committee. I do think there is an important principle involved here. It has always been the policy, to preserve the independence of the Civil Service, that a person shall have the right of appeal in regard to dismissal and other matters. However, I think that there may be some practical difficulty involved in achieving this objective within the policy outlined by the Premier.

I think there is probably a distinction between the continuance in service of a female officer who marries, and a female officer who is actually employed as a married person. I do not think there is any distinction in principle, I hasten to say. I think it is merely a practical difficulty in that the commissioner, when he determines to carry on a woman's employment wishes also to reserve the power to dispense with her services if single women are experiencing difficulty in obtaining employment. The situation is that probably the commissioner would not have continued with the employment of the married female officer if, at that time, the shortage of work for single women had been evident.

I think that possibly for the time being it would be wise to preserve this power for the Public Service Commissioner. I personally feel that as time goes on it will be found that the power is not necessary, and the principle of full right of appeal for married officers, regardless of the way they have been appointed, will be established. However, in the light of the policy to hasten slowly in this matter, some distinction between the two types of officers will probably be necessary.

I wish to comment on two other features of the Premier's speech. I was most interested indeed to read what the Premier said in regard to providing, under regulations, for married women to have leave for childbirth. I believe this is a most remarkable piece of social awareness on the part of the Public Service Commissioner. It is a principle which perhaps is not very widely observed in private industry where probably it is more difficult to implement.

I do not necessarily want to suggest that I agree with the principle that a married woman should be able to have a few weeks off for the purpose of having a child and then return to employment. I think that strong arguments exist against her doing that sort of thing. She should remain at home and look after the children for at least some years. However, the fact is that this is a matter of personal choice. It is very much a basic principle of personal freedom and decision—a decision in regard to which the husband would no doubt have some say.

As many families approve of this type of behaviour, it is important we should recognise this and make provision under the regulations to enable such women to return to employment at an early stage if they so desire. I do not want to get involved in any argument as to whether a woman should or should not return to work immediately after the birth of her child. It is a personal and moral decision which only she can make. However, it is most commendable that under this Bill the Government is recognising the right of a woman to make this personal choice.

The other matter on which I would like to comment is the reference at the end of the Premier's speech that this policy will apply not only under the Public Service Act, but also to those employed by the Education Department. Apparently there is no intention to amend the appropriate Act as it is not necessary, but this policy is to be adopted. This is probably far more important—and a matter of urgency—in regard to the Education Department than it is in regard to the Public Service.

We have seen for many years to what extent the Education Department has had to rely on the services of married women as supply teachers. As time goes on, I believe the Civil Service itself will be employing more and more professional women in various spheres of its work. However, in the Education Department we have the obvious example of the necessity to use the services of professionally qualified women to teach.

This raises another most important question; that is, the problem of retaining these women to equip them for such employment. I believe that with the opportunity for married women to be employed on the permanent staff of the Education Department—in the same way as under the Public Service Act—there will be an increasing number of married women who will seek to go back to their professional employment. Probably these women will be in their forties or at a time of life when their families have reached the stage when it is no longer necessary to look after them all day every day.

I am sure there will be a great number of women of this kind who will seek employment. They will be women who have attained a professional qualification earlier in life, who have worked for some years prior to marriage, who have been away from work for some years while attending to their family, and who now wish to return to their profession. Of course, at that stage of their career those women need some retraining in their profession. They just cannot go back straightaway after a period such as I have just mentioned.

I believe it is a good policy to employ married women and thus make use of the great reserve of professional competence available in the community. To make the fullest use of this reserve and also of the policy which we are now adopting in this legislation, I believe the Government should make plans for the retraining of such women. I support the Bill.

MR. BRAND (Greenough—Premier) [3.2 p.m.]: I would like to thank the Leader of the Opposition for his forthright support and for the comments he made. He put the case very briefly. I thank him for his support of the whole matter, and I thank the member for Perth.

I want to refer to the emphasis that has been placed on the fact that I did not contact the General Secretary of the Civil Service Association. I believe this decision is a matter of policy. It is not a controversial one. I have received a number of deputations requesting such a change over a number of years. In a matter of policy, I would think that once the Government has made its decision and has introduced a Bill which makes the facts public, that is sufficient. I would like to add for good weight that, when the Government made the decision for equal pay, I received a number of calls from organisations—which I do not think fully support the Labor Party—saying that they should have known about it before the announcement was made. This is a human reaction and I appreciate it. But I also feel that once the Government has made a policy decision of this nature and makes it public, it is, from then on, a matter of representation, controversy, or discussion as to how that decision, in the form of legislation, emerges from Parliament.

I recognise it could have been a courtesy to ring Mr. Collier and tell him. However, I do not think that is really so important. In other matters where there has been controversy and real change, we have, or the commissioner has, kept closely in contact with him, and naturally we will continue this policy.

I do not think there is the necessity for me to add anything more, except to say that the member for Perth has drawn my attention to the need for an amendment in respect of the appeal rights of married women. A suitable amendment has been drawn up in order to give effect to this decision.

In connection with the matter of retraining married women so that they will be more efficient in fulfilling their place, it seems to me this does not only apply to married women but also to a host of people. For example, it applies to tradesmen who might have been, say, carpenters for years and now find themselves in a situation where, because of the introduction of other building materials, they need retraining. This applies to many people. However, I accept the suggestion of the member for Perth as being worth while. I would like to think that the Government—not only our Government, but any other Government—would provide the ways and means of ensuring that people are well trained and able to give of their best, whether they are single or married, in any job they take on.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Brand (Premier) in charge of the Bill.

Clause 1: Short title and citation—

Mr. **TONKIN**: I rise to make only a very short observation in relation to the explanation which the Premier gave as to why organisations were not consulted. As an analogy, he said that when he made the announcement about equal pay, certain organisations which were not wholly in favour of it rang and informed him that he should have let them know about it. Of course, that situation is very different. The Premier never had time to let them know about it, because he made the decision so hurriedly. Probably if he had had

more time to think about the matter before the decision was made and had not been in such a hurry to announce it, he would have contacted those organisations. I believe that is the explanation he gave them. Under the circumstances, I do not consider it is a fair comparison. There was ample time for the Government to have contacted the organisations that were concerned with this legislation in order to obtain their views.

I want to say that I have found it is very useful to a Minister who is preparing a Bill to obtain the views—particularly divergent views—of as many people as possible. It is my experience that in the clash of opinion one comes to a far better conclusion than one arrives at without any clash of opinion.

It might very well have been that had the Premier consulted these organisations beforehand, there would not be the necessity for the amendment he now proposes to move. He would probably have seen the necessity for this after consultation with the organisations. It is always advantageous to have prior consultations, irrespective of whether or not one is prepared to accept the point of view of those with whom one is consulting.

I do not think it can be gainsaid that consultation is very valuable, and quite often, the more divergent the views the better the result obtained; because then one is in a position to weigh up one view against another and can determine the right course of action to follow.

It seems to me the explanation as to why the Premier did not get in touch with those organisations that might not be completely happy about the equal pay decision was that he did not have time to do so.

Mr. BRAND: I have heard the Leader of the Opposition comment on this point on a number of occasions and I do not suppose it matters whether one makes such a decision in a rush or does it very slowly. The fact remains the Government made a decision and it was announced, and I do not think there was anything wrong with that. In the event of his having been in my position, I am sure the Leader of the Opposition would have done exactly the same. It is all very well to say, in this congenial atmosphere, "Look at me. I have always discussed these matters with all the parties concerned." We know that is not true, of course.

Mr. Tonkin: How do you know that?

Mr. BRAND: There are many occasions when tactics—if one cares to refer to this as such—in regard to certain legislation dictate a certain course of action; and I am sure all Governments examine the possibilities in one direction or another, either publicly or otherwise, to ensure that they have a piece of legislation which is as near acceptable as possible, but well knowing that parts of it may not be, and could not possibly be, no matter what was involved. During the 22 years I have been in this Chamber Governments of all political colours have introduced legislation which common sense dictated, and have not taken that legislation from one organisation to another to see what those bodies thought about it. However, sometimes certain organisations rise up in righteous indignation, as is their right, and state that they are opposed to certain legislation; and on occasions they do this before it is even framed.

I repeat that it was rather regrettable I did not let the Civil Service Association know about this, because I understand it was discussing it; but it shows how much the Government is on the ball. I would like the Leader of the Opposition not to be so concerned about the equal pay decision, because there is nothing very new about it. We have received all sorts of pressures and requests from many organisations with which women are associated for some consideration in this regard; we made a decision and announced it; and I think it is a very good one.

Mr. Tonkin: Why didn't you provide for it in the Budget?

Mr. BRAND: Because we had not made up our mind in respect of it.

Mr. Tonkin: That is just what I said.

Mr. BRAND: If, as the Leader of the Opposition suggests, we should have all such moves provided for in the Budget, it would mean that in the event of his introducing a deputation to the Government and the Government deciding to agree to the provision of a certain sum of money, we could not do anything about it until the Budget for the following year was presented.

Mr. Tonkin: It would take the Government 12 months to make up its mind about it.

Mr. BRAND: Let us keep to this subject. On that basis a Government would have to wait for 12 months before it could make a practical solution of some problem. In a Budget there are allowances for the estimated surpluses and estimated expenditures, and it is hoped that in the long run they will balance out at the end of the year.

Clause put and passed.

Clause 2: Section 29A added—

Mr. BRAND: For reasons I have outlined, and to which the Leader of the Opposition and the member for Perth referred, I move an amendment—

> Page 2, lines 9 and 10—Delete the passage "or appointed under subsection (2) of this section".

The removal of the words will simply remove from the commissioner the right to terminate the services of a married woman at any time where that woman has been

regarded as taking a position after marriage as distinct from being continued in her employment on marriage. Such cases will continue to be subject to the normal processes of Public Service legislation.

Mr. DAVIES: Does this mean that married women will be in exactly the same position as single girls? I think that will be the position, judging from the tenor of the debate, but I am not quite clear about it.

Mr. BRAND: As I have just said, this will remove from the commissioner the right to terminate a woman's services in the instance to which I referred, and she will fall back into the normal category of an employee. As I said, such cases will continue to be subject to the normal processes of the public service legislation.

Mr. TONKIN: All I wish to say is that this is a most desirable and necessary amendment and it has my full support.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Section 56 amended—

Mr. HAWKE: I was interested to hear the member for Perth dealing with the question of a married woman being employed again after she had been given leave to have a child. I do not know whether the Premier and his appropriate officers have discussed the procedures which would be adopted in the re-employment of such women, but I am a bit anxious to know, if the information is available, what would be the main criterion as to the date of re-employment, and the period during which a married woman could remain away from employment in order that the welfare of the infant might be completely safeguarded. In my view, in a situation of this kind, the welfare of the child should be the paramount consideration.

We know that in these days economic necessity is a powerful driving force in relation to many married women going into employment in the first place following marriage, and then following the birth of a child or children. Federal social services' policy, unfortunately, is so lousy—if I may use the term—in this direction as to make that economic necessity much stronger than might otherwise be the case. However, what I am trying to find out, if the Premier is in a position to make any information available, is whether any thought has been given to the length of the period which it is considered a married woman should remain away from her employment in the Public Service following the birth of her child.

If very little or no consideration has been given to this most important question, I appeal to the Premier and his advisers to seriously consider the welfare of a child not only while it is an infant, but also later, before a decision is taken as to the date of re-employment.

Mr. BRAND: My notes indicate it is proposed to fix a minimum and maximum time. But I will discuss the matter with the Public Service Commissioner who, no doubt, will obtain what advise he can to ensure that sufficient time is given to such a married woman to prevent her from having to rush back to her job—for fear of losing it—before she satisfactorily settles the problems referred to by the member for Northam. It would be most undesirable if a married woman felt it necessary to return to work in a limited time which might be inadequate for her to establish herself and provide satisfactory conditions for the new baby. I will discuss the matter with the officers concerned.

Mr. DAVIES: I wonder whether the Government gave any consideration to providing paid leave for women undergoing confinements. It would be a great step forward industrially and socially, and would be comparable with the advance made in conditions overseas.

I found in America it is common practice for paid leave to be provided by the employer for a certain period for an employee undergoing confinement. No doubt the Premier and his advisers have read the Department of Labour and National Service publications which deal with women in the work force. These indicate Australia is far behind the rest of the world in employing married women. Even by 1976 the number to be employed will be far behind that which existed in other countries in 1963.

If we are to encourage married women to have families, this is one of the first steps the Government should take. It would not be a financial burden on the Treasury. Perhaps the Premier will consider this aspect, because I understand these people cannot take ordinary sick leave. Like the member for Perth, I am not sure whether married women should return to work after having a family, but if they are permitted to do so, we should give them all the assistance necessary. If married women find it necessary to work they obviously need the money, and we should consider allowing them confinement leave.

Mr. BRAND: I think the member for Victoria Park knows that real consideration has been given to this matter; and we must be realists. The Commonwealth has changed its laws quite recently, as has New South Wales; we are the third Government to do so. Some time must elapse before we can consider other changes which might involve economic and associated problems. As the country becomes more prosperous and there is a continuing need to employ married women, further improvements can be made to the Act.

Clause put and passed.

Title put and passed.

Report

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

DRIED FRUITS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

RESERVES BILL

Second Reading

Debate resumed from the 14th November.

MR. KELLY (Merredin-Yilgarn) [3.28 p.m.]: This is a Bill which is normally introduced at this time of the year. Frequently it is taken for granted, because many of the transactions contained in it have already been enacted, and some of them are already in force when the legislation is introduced. The Bill deals in the main with "A"-class reserves, and in other cases with land held in trust. The excisions contained in the various items dealt with frequently concern land that is required by the Public Works Department, or some other department, and not much exception can be taken to most of those transactions.

Very frequently additions are of benefit to "A"-class reserves, because these transactions merely entail a return in kind for land that might have been made available previously by the authority controlling "A"-class reserves. This might be done for the purpose of continuing some necessary public work, and frequently the land returned in place of the land taken for public works is greater in area and probably of the same type as the land so taken. It could, however, be in a different position and adjacent to a Class "A" reserve.

From that angle, there would be advantages when land is added to the reserve under those conditions. I do not subscribe to the line of thought that regards Class "A" reserves as being sacrosanct. I feel there should be a considerable amount of elasticity in all matters pertaining to Class "A" reserves. I think changing times have brought about a changed outlook. Even in the submission with this Bill there are several references to a changed outlook; the purpose for which a reserve was originally set aside has changed considerably. Therefore, for various reasons, the area is no longer required for the purpose for which it was set aside.

Over the years reserves have been created in a haphazard manner. I say that, because in many cases where land is lying idle, somebody gets the idea that it should be declared a reserve. The next thing we find is that the land has been declared an "A"-class reserve and a few more hundred thousand acres have been added to the huge total area of the reserves already set aside. I think it could be said that in the main reserves are neglected areas of land. In past years we did not seem to have any real policy in regard to the matter of advancing the interests for which "A"-class reserves had been set aside. As a matter of fact, in many instances these reserves were quite forgotten in the general picture. That, of course, is not the case with all "A"-class reserves—I am speaking in a general sense—but I feel many would come into that category.

As the result of an answer to a recent question, I know that 4,000,000 acres have been set aside for fauna alone, some of the land being in quite large parcels of the order of several hundred thousand acres. The reasons for setting aside this land are varied and many, but I am afraid that some of them are not very cogent. Nevertheless, although the reasons may not be very convincing, once these areas of land are declared "A"-class reserves, they become sacred. I do not know why that should be the case.

People do not feel that their corns are being trodden on if there is an alteration to an "A"-class reserve. In nine cases out of 10 these reserves are created departmentally because of the desire on the part of someone to protect something, or for some other reason; and when an officer of a department gets it into his head that certain areas should be set aside, the Minister receives a minute and the area is declared to be an "A"-class reserve.

I think there should be a great deal more scrutiny before reserves are declared in that way. I had quite a number of minutes sent to me at different times with a request that certain areas be regarded as "A"-class reserves; and, after delving into the reasons why the land should be so set aside, I found they were not real reasons at all; they were simply a justification for some thought or idea that someone had. I do not think that is good enough; and I am of the opinion we could quite easily appoint a committee to examine not only the existing reserves, but also the reasons for dedicating future reserves. I think quite a lot of recommendations would not be approved if we had a strong, competent, and open-minded committee which was totally independent of departments.

It is entirely wrong that these reserves are created only at the suggestion of departments. There is no outside influence at all. I am sure the Minister would agree with me when I say that this situation must puzzle him at times. Although reasons are given for the creation of these reserves, they are not very good reasons. In my own electorate there have been cases where frustration has occurred because of certain activities. It is possible to have a shire clerk who is very wrapped up in areas that are reserved, because he may have a yen for parks, or for hoarding up a lot of gravel. I know of one

piece of land that was entirely surrounded by farming properties. Actually it was of no use at all as a reserve, but originally it had been a stopping place in the horse and buggy days.

This reserve had been perpetuated from that time on. When the particular shire clerk was pressed for reasons why the area should be retained as a reserve when it could have been put to good use and action could have been taken to get rid of a serious vermin infestation at that time, the only excuse he could think of was that somebody had reported to him that there had been a mallee-hen nest on this piece of land. Goodness gracious me, we have mallee-hen nests all over the country! Because someone thought he saw a mallee-hen, that was sufficient justification for the area to be retained as a Class "A" reserve.

I think we get into some ridiculous positions from time to time. We should have a committee to very carefully survey such areas. When I say a committee, I do not mean a departmental committee, because I think the outlook of such committees is biased. I do not use the word "biased" in a derogatory fashion, but departmental officers are naturally looking for Class "A" reserves and other reserves as part and parcel of their job. I do not think there is one single department in the State which is not anxious to get its hands onto land for one reason or another. Once areas come under the control of a department, or become attached to a department, those areas are jealously guarded and there is not much possibility of the land being taken away from it.

Some 50 years ago—or at the turn of the century—huge areas of land were blanketed off following various mineral finds, particularly gold. Considerable portions were involved in some districts, without any justification. In many cases there have been few additional discoveries over the years, but we find these huge areas of land are tied up under mineral leases.

I think there is some justification for a close geological examination of such areas; but once it has been determined that they do not contain minerals, the land could be thrown open to serve a useful purpose. The Mining Act provides that if any mineral or gold is discovered outside a recognised field, the area can be taken over to enable the land to be treated as a mineral area even though, at the time, it might be used for producing grain.

In reviewing this year's Reserves Bill I find there are 18 transactions involved. Of these, 14 would come under the category which I would term as being "O.K." or "No comment needed." However, there are one or two to which I would like to refer. I will mention clause 7, and in this case my comments will be purely on the principle involved, and not against the particular action which has been taken. This transaction deals with the Trustees of Public Education Endowment Lands which were leased 31 years ago. The term of the lease was for 99 years, as was the custom at that time.

The person concerned, knowing full well the conditions of the lease, erected a residence on the land, and only as recently as 1965 requested the right to acquire the freehold of this lease. After examination the trustees apparently agreed to accept $350 in payment for the area of land. I suppose the 99-year lease would have been at a peppercorn rental. Land at the present time—as was the case in 1965—brings high prices, and $350 does seem to be a small amount to pay for this area. I think it was a rather unusual request and if we are to transform 99-year lease properties into complete ownership, that will be outside the original intention when the land was first set aside.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. KELLY: For quite a long time we have regarded this practice as squatting. There are examples of it at Safety Bay, Emu Point, and other places where people have been given the right to stay on the land for quite a long time merely because they have been in occupation of the land. However later the authorities suddenly decide that they want the land for some other purpose and they refer to these people as squatters. In this particular instance it is a matter of squatting; there is no doubt about that. The land has been under a 99-year lease, but it is now to become the subject of a sale.

The next proposal in the Bill deals with an area of land at Cottesloe held by the North Cottesloe Surf Life Saving Club Incorporated. It is lot 19, with a frontage to Marine Parade. Apparently the surf club is desirous of building fairly extensive premises, but regards the piece of land it holds at present as being insufficient in size. We could, perhaps, string along a little with the idea that a small portion of an "A"-class reserve should be granted to an association to continue its activities, especially when we know that the services rendered by it are voluntary and are directed towards saving lives. But that is not the fact of this case. What the association seeks to do is to have this small piece of land added to its own block so that it can become a suitable size for sale, and the department is prepared to grant, from a Class "A" reserve vested in the local authority controlling the area, 11 feet of land to the surf club to increase the size of its block so that it can make a satisfactory sale of the land possible.

This is the wrong principle for us to adopt in a situation such as this. I do not agree that a piece of an "A"-class

reserve should be excised merely to increase the size of the block adjoining. I cannot understand such a proposal being approved by the Minister or the officers of his department. I know that 99 per cent. of the members of this House would be kindly disposed towards the surf club because of the work it is doing in saving lives, especially when the services of the members of the club are given voluntarily; but I do not think we should establish the principle of granting a piece of an "A"-class reserve to a person or body so that a block can be increased in size and, as a result, can be sold at an enhanced price. We should also keep in mind that the purchase price to be obtained for the block will be used to assist the club in erecting the type of building it wants.

If this proposal is agreed to it could be regarded as a forerunner to the Government's granting other pieces of land in a similar fashion and we would thus be creating a dangerous precedent. In a roundabout way we are making a very handsome gift of land, because although it is only 11 feet wide it is situated in a valuable area and it is facing the ocean. To a prospective buyer it would have tremendous potential. When the block owned by the surf club is increased by the addition of this 11-foot piece of land it will be the same size as the other blocks in the vicinity.

I think the Minister should have a careful look at this proposal before the Bill becomes law. No doubt the measure will pass through this House, but it should be amended in another place, because this principle could be difficult to control once a precedent is established.

I now wish to comment upon clause 11 which deals with one of those areas to which I referred earlier. This land was originally set aside, in 1892, for the purpose of public utility, but over the years its purpose has been changed. It was changed for the purpose of public recreation, being no longer required for public utility purposes, and was vested in the Town of Mosman. It is now considered it is of no further use as a recreation reserve. Be that as it may, the reasons that have been advanced do not justify the use of the land for other than recreational purposes, because in this area there are very few other recreational reserves. It is essential we should preserve reserves of this kind in all communities for the future use of the people. Particularly strong reasons would have to be advanced to convince me that we should use these reserves for purposes other than those for which they were originally reserved. What a howl there was when in this House a proposal was put forward to establish a swimming pool in King's Park. The Minister was certainly against that proposal.

Mr. Bovell: This is not King's Park, though.

Mr. KELLY: No, but it is a reserve; and, whilst I was one of those who would have agreed to put the pool in King's Park, I do not think the Minister can regard this proposal in a light or jocular fashion, because, as I have just remarked, there is very little open ground within a reasonable distance of this recreation reserve.

Mr. Bovell: It will provide many homes for people.

Mr. KELLY: No, it will not. This land will be used in part for road construction. The excuse "for the purpose of public utility" is very slender. Five reasons have been put forward by the Minister as to why this land should be reclassified. It seems that the department has taken some consolation from the fact that the Mosman Town Council and the committee which has been appointed to inquire into the use of this land both agreed that the area could be developed with advantage for multi-residential purposes. It is now desired to change this Class "A" reserve into an area for building sites. I do not care what is the purpose; the principle is bad, and we should not subscribe to it.

Four reasons have been given by the Minister for the reclassification and change of purpose of this reserve. The first is—

> It is situated on Stirling Highway which is the major vehicular traffic access from Perth to Fremantle and development into playing fields would provide an extreme traffic hazard.

Along all major roads in the State we find sporting grounds. We have many secondary schools with sporting fields established adjacent to fairly dense traffic routes. Many sporting grounds, and cricket and football fields all over Western Australia have been established alongside important roads. The first reason given by the Minister in support of the reclassification is therefore very slender. The second reason given is—

> If established for recreation purposes, the area would attract its own traffic and parking demands.

Of course it would, and so does every other reserve in Western Australia. This reason is also very slender. The third reason is—

> The levels of the land demand considerable earth moving for the creation of playing fields;

If this land is to be used for any purpose at all it will require a certain amount of levelling. With the modern machinery which is available today this should not present any problem. We all know that along the foreshore of the river just below us about 4,500,000 tons of sand have been used to fill up the area. It does not seem to be considered a costly project, although the Premier has had many sleepless nights because of the huge amounts that have been spent. This is a silly reason for the

Minister to put up in these days. This reason would be valid at the turn of the century, and at that period the levelling of 4½ acres might present quite a problem; but today it is only an overnight job.

The next reason given for this very valuable Class "A" reserve to be used for the building of houses is—

> There is available, other tracts of vacant Crown land in the southern and eastern portions of the district which are more readily adaptable for recreational purposes both from a traffic density viewpoint and economical development.

I do not know whether the Minister had particular areas in mind, but there is not very much open space in this district. The land in the Mosman area is some of the most costly in Western Australia. There is very little open space nearby that has not been bespoken in some form or other.

It is very wrong for the department to divert the use of this valuable piece of land in an area where there is little recreation ground available within a reasonable distance. I hope the Minister will reconsider this matter.

The next point I wish to raise is contained in clause 13 which seeks to excise a portion of a Class "A" reserve in Perth. It is a complicated area. This Class "A" reserve has been set aside for public buildings, and contains about 4½ acres. We have been told its excision is subject to the unanimous decision of the committee which has been appointed to investigate sites for the erection of a concert hall. I have not seen any of its reports, and I do not think any have been published.

Apparently the department must have something in mind in this regard, because the suggestion is that the Chevron-Hilton Hotel site be set apart for a concert hall. The excision would be about 2 roods 25.4 perches. I have not heard that this is to be the chosen site for a concert hall, nor have I been told that a concert hall will be built. It is proposed to set aside this valuable piece of land for that purpose. Apparently the Government has made up its mind, but has said very little to anybody about it.

There is another aspect of this piece of land, because some very interesting matter appears in the Auditor-General's report for the year ended the 30th June, 1967, in relation to it. On page 161 the following appears:—

> Chevron-Hilton Hotel Agreement Trust Account.—Under the provisions of an agreement ratified by Act No. 20 of 1960, a deposit of $45,000 was received from the Chevron-Hilton Hotels Limited on the sale of certain land vested in the State Government Insurance Office. The company failed to comply with its obligations, and in accordance with clause 13 of the agreement, the deposit was forfeited.
>
> As required by section 12 of the Act, the deposit was invested. The amount appearing in the Balance Sheet under the above heading, comprised:—

	$	$
Deposit		45,000
Interest earned		18,133
Rents received		* 21,787
Proceeds from the sale of portion of of the vested land to the Commonwealth Government		24,000
Profit on redemption of 3⅛% 15/11/1965 Commonwealth Inscribed Stock		4,190
		113,110
Less—		
State Government Insurance Office Administration charges	1,100	
Incidental charges	500	
		1,600
Balance at 30th June, 1967		†$111,510

* Represents proceeds from the rental of portion of the land as a car park on a weekly tenancy basis. With Treasury approval these rentals were credited to the Trust Account.

† Of this amount, $68,000 was invested in State Electricity Commission Inscribed Stock and the balance, $43,510, was invested in common with State Government Insurance Office funds.

This leads one to query where the State comes in if the land is to be turned over. Will any charge be made against this land for the establishment of a concert hall? In what direction does the State benefit from a concert hall? Will there be any adjustment of the amounts mentioned? What will be the outcome of this fund? We would want to know much more than that before we agreed to this proposal. A very full explanation should be given either by the Premier or by the Minister.

That covers all the points I wish to raise. Very little comment needs to be made in regard to the majority of the items in this Bill, but I feel justified in bringing to the notice of the House the points I have raised. I hope the Minister or the Premier will be able to give some satisfactory answers.

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

BRANDS ACT AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS) BILL

Second Reading

MR. BRAND (Greenough—Premier) [4.30 p.m.]: I move—

That the Bill be now read a second time.

For many years now, a problem has existed in providing for the adjustment of pensions so as to allow for increases in the cost of living. Several methods of compensating pensioners for increased costs have been applied in this State during the past 20 years, but none has been completely satisfactory.

One method employed here, which has also been used by the Commonwealth and other State Governments on a number of occasions in the past, has been to increase the value of the unit of pension. One result of this type of adjustment is to increase the pensions of persons who have just retired for which there is generally little, if any, justification, particularly in those cases where the contributor has elected to take up his full quota of units.

Units are available to contributors according to salary or wage and as a person's remuneration increases he becomes entitled to contribute for additional units. Salary and wage levels move upwards with rising living costs and because this movement entitles a contributor to further units of pension it will be clear that he is automatically protected against inflation, provided he takes up those additional units.

If the scale of unit entitlement is considered to be reasonable—and as yet I have not received any submission to the contrary—it will be apparent that there is no justification for increasing the pensions of persons just retired or to lift unit values of present contributors to the fund. It will be appreciated, also, that contributors who retired recently were able to take out more units than older pensioners, which means that an increase in the unit value could grant the largest pension increases to persons just retired.

I would suggest that what we should be looking for is a method of adjusting pensions so as to give exactly the opposite result; that is, a grant of the relatively largest pension increase to those who have been on pension the longest.

I think that this reasoning can be best explained by taking the case of a permanent head of a department who retired, say, 10 years ago on the then maximum number of units available to him, which was 26. There have been substantial increases in living costs and in salaries since 1957 with the result that the successor to the permanent head can now take up 50 units. The Government contribution, to a pension of 50 units is $3,302 per annum, to which is added the fund's share of $1,300 per annum, being the amount for which the pensioner himself paid. The previous permanent head, however, receives only $1,742 per annum from the Government. The fund's share in his case is $676 per annum. The difference in the fund's share of pension is, of course, justified as the man who takes out 50 units pays more into the fund than he who contributes for 26 units.

It is less clear, however, why the Government should pay more to one man by way of pension than to another for service of the same kind, simply because he gave his service at a different point in time. In 1961 the Commonwealth acknowledged the shortcomings of the unit-value method of adjusting pensions, by introducing an entirely different basis for determining periodical increases.

In the case of a pensioner who retired before the 19th April, 1954, the salary he would have received on that date was ascertained as if he occupied the same position on the 19th April, 1954, as he did when he retired. The Government share of pension appropriate to that salary was then calculated as if the pensioner had retired on the 19th April, 1954. To this new Government share of pension was added the pension paid for by his contributions to the fund and the resulting total amount was the new pension payable. If the pensioner had not previously taken up his maximum entitlement, then the Government share was reduced *pro rata*.

In 1963 the Commonwealth updated its scheme by substituting salaries as at July, 1961, for those of April, 1954. I understand that a further updating to July, 1967, is now in progress. Victoria adopted a similar basis of adjustment in 1966, and updated pensions to the 12th July, 1961. In effect, a pensioner-member of the Commonwealth and Victorian superannuation schemes received an increase equal to the Government share of the additional units he would have been able to take up but for his retirement. Pensions of widows were supplemented on a proportionate basis.

A committee set up earlier this year to examine our own superannuation and pension benefits has recommended the adoption of an updating procedure similar to that applied in the Commonwealth and Victorian superannuation schemes. Pension increases which would result from the adoption of such a procedure could not be granted quickly, as it would take a considerable time to make the calculations involved in the updating process. The Government would also need a firm estimate of cost before committing itself to the proposed new method and this could not

be taken out until the calculations of individual pensioners' entitlements were completed.

At this stage, therefore, the Government is not in the position to agree to the proposed scheme of pension updating and even if it could agree, it would not be possible to pay any increases in pensions for some considerable time. The Government has, therefore, come to the conclusion that it should agree in principle to the new scheme and that all necessary administrative processes should be put in hand to obtain the information necessary to determine the increases which would result from updating, together with the costs involved.

When this information is available, which I should hope would be by June-July next year, a determination will have to be made of the extent to which Consolidated Revenue and the fund can support the pension increases disclosed by the survey to be appropriate.

If it is found that it is beyond the financial capacity of the State to meet the cost of updating, consideration would have to be given to the use of any available surplus in the Superannuation Fund to assist in meeting the cost of pension adjustments. Such a use for a surplus is, in fact, recommended by the State's consulting actuary in his report of August last, which he submitted following an investigation into the state and sufficiency of the Superannuation Fund. This investigation revealed a surplus in the fund as at the 30th June, 1964, of $3,790,000.

In view of the general support given to the updating method of adjusting pensions, including that of the consulting actuary, it would be desirable to wait until the necessary information is to hand to enable decisions to be made in this matter. However, the Government is conscious of the undertaking it gave last year to review pensions and in view of the surplus in the fund, we believe there should be some adjustment to pensions in the meantime. It is mainly for this reason that the Bill before the House has been drafted.

Although the surplus in the fund is substantial it does not go very far in terms of increased benefits to individuals and, in fact, it has been estimated that it would allow only 10c per unit to be added to fortnightly pensions. Widows would be entitled to 22/35ths of this increase.

As the surplus was earned on transactions on the fund prior to the 30th June, 1964, its distribution is being limited to units held at that date. This means that the extra benefit is to apply in respect of all units of pension payable at the 30th June, 1964, and in the case of pensions coming into operation after that date, only to those units actually held at the 30th June, 1964.

An extra benefit of 10c per unit, per fortnight, gives reasonable increases—$2 plus—to those persons with 20 or more units, but a unit-holding of two units would result in an increase of only 20c per fortnight. Persons with four units—nearly 60 per cent. of all pensioners—would receive an increase of 40c per fortnight.

In order to lift the fortnightly pensions of ex-contributors who retired on pension before the 30th June, 1964, by a minimum of $2, provision has been made in the Bill to pay from Consolidated Revenue the difference between this sum and the extra benefit of 10c per unit to be paid from the Superannuation Fund. This supplement, which ranges from 10c per fortnight in the case of a unit-holding of 19 units to $1.80 per fortnight for two units, is estimated to cost $153,000 per annum. The supplement is also to apply to contributors retiring after the 30th June, 1964.

Provision is made in the Bill to grant comparable increases to pensioners drawing benefits under the 1871 Superannuation Act and the 1948 Government Employees' Pensions Act. In those cases the estimated cost of $4,500 per annum would all be charged to Consolidated Revenue.

Increases are to date from the first pay period in January, 1967, which will result in an estimated charge to Consolidated Revenue in this financial year of $236,000. Provision has been made in the Budget for this year to cover the payment of this sum.

The estimated pay-out from the Superannuation Fund on account of the extra benefit of 10c per fortnight per unit held at the 30th June, 1964, is $134,000 in respect of the period January, 1967, to June, 1968.

Other proposed amendments to the Superannuation and Family Benefits Act which are contained in the Bill allow for—

A female employee to remain a member of the Superannuation Fund if she continues in service after marriage.

Payment of *pro rata* pensions to contributors with less than 20 years' service.

Payment of the fund's share of pension where a contributor remains in service after attaining the age of 65 years.

In view of the Government's recent decision with regard to the employment of married women, it is proposed to remove the existing restriction in the Act which prevents a female employee from continuing as a contributor to the fund after marriage.

At present no employee may elect to contribute for superannuation unless he can complete an aggregate period of 10 years' service before attaining the elected retiring age. It is possible, however, for

a person to qualify for the full Government share of pension for a period of less than 10 years' service, which is really an absurd situation.

For example, an employee can join the Government service on his 55th birthday and be eligible to join the Superannuation Fund. When he reaches age 60, after only five years' service, he may elect to retire on an actuarial equivalent pension. This gives him a small reduction in the portion of pension paid from the fund, and a full Government share.

In order to rectify this situation, it is proposed to introduce a provision whereby the full Government share of pension is paid only to those members of the Superannuation Fund who retire after an aggregate service of 20 years or more.

For those whose aggregate service at the time of retirement is 10 years, but less than 20 years, the Government share of pension would be determined on a proportional basis. For example, retirement after 11 years' aggregate service, would bring an entitlement of only 11/20ths of the full Government share of pension. Where aggregate service is less than 10 years, a refund of personal contributions only would be payable.

As the Act now stands, a pension does not become payable until a contributor actually ceases duty on or after attaining the elected retiring age which means that an employee who continues in office after the age of 65 years receives no immediate benefit from his contributions.

It has become the practice for teachers to remain in the service until the end of the school year in which they attain the age of 65 years and in these cases the Teachers Union is asking for payment of full pension benefits from the date the teacher turns 65.

The Government does not agree that the State should pay its share of pension as well as salary but there is no logical reason why the fund's share of pension should be withheld after a person attains the age of 65 years.

The Bill therefore provides that for service between the ages of 65 and 66 years, a contributor shall be entitled to the fund's share of the pension to which he would have been entitled if he had retired on reaching the age of 65 years.

There is an existing provision in the Act which allows for an increased fund share of pension to be paid when a person continues in the service after attaining the age of 66 years.

In moving the second reading, I would like to apologise to the House for the late introduction of this Bill. I can assure members that it has taken a long while to resolve some of the problems, particularly as the original report which came from a special committee which was set up did not really cover all the difficulties. In fact, as a result of an examination of the recommendations, it was found that the State could not finance the whole scheme immediately because of Grants Commission considerations about which there was some little misunderstanding when the Committee made its recommendations.

Having said that, I can assure the House it is the desire of the Government to go forward with the necessary investigations to introduce an up-dating scheme which seems to be a practical outlet and a reasonable way to resolve some of the problems about which we have heard so much in this House over the years. This seems advisable, especially when one considers that the Commonwealth has successfully introduced this scheme, which action was followed by the State of Victoria.

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

PARLIAMENTARY SALARIES AND ALLOWANCES BILL

Second Reading

MR. BRAND (Greenough—Premier) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill, as the long title shows, is to make provision with regard to the establishment of a tribunal to determine the remuneration to be paid to Ministers of the Crown, officers of Parliament as defined by clause 4 (2), and members of Parliament, and to repeal the Parliamentary Allowances Act, 1911-1965, and the Members of Parliament, Re-imbursement of Expenses Act, 1953-1965.

Members will be aware that when in the past any questions of revision of salaries of Ministers, officers, and members of Parliament have arisen they have been resolved by a variety of means, ranging from decisions by Parliament itself to the adoption by Parliament of the recommendations of a number of *ad hoc* committees which were appointed from time to time.

In this direction it is of interest to note the variations in procedure which have occurred over a number of years. For example, in 1944 Parliament altered the Parliamentary Allowances Act to provide that salaries be adjusted in accordance with basic wage variations.

In 1947 the Government of the day appointed a tribunal comprising the Chief Justice, the President of the Arbitration Court, and the Public Service Commissioner to review salaries and allowances.

On a similar basis a further committee was appointed in 1950, consisting of the late Sir Ross McDonald, Q.C., and the then Public Service Commissioner. Three years

later, in 1953, another special committee was appointed consisting of the Chief Justice, the President of the Arbitration Court, and the Public Service Commissioner, their task being to review statutory and other fixed salaries and allowances for members of Parliament.

Later, in 1959 and following recommendations made by the Parliamentary Rights and Privileges Committee, legislation was passed which provided for increases to both salaries and allowances of members.

Again, in 1962, further legislation to provide for increases was introduced following a recommendation made by the Parliamentary Rights and Privileges Committee.

This brings us to 1965, when the Government appointed a committee consisting of the Chief Justice, Mr. R. F. Rushton, and Mr. J. M. Groom to inquire into and make recommendations on the salaries and allowances of members. The recommendations made were subsequently adopted by Parliament.

The Government considers, however, that these methods have not been entirely satisfactory and that it is now desirable for a permanent tribunal to be established.

As members will be aware, the Parliaments of both Tasmania and South Australia have already adopted the principle of having a permanent tribunal. I understand that the second report has already been made in Tasmania.

The proposed tribunal will be known as the Parliamentary Salaries Tribunal and will consist of three members who shall be appointed by the Governor. Of the three persons to be appointed, one shall be a judge and one shall be a person who is practising the profession of accountancy and who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants. The chairman of the tribunal shall be the member who is a judge.

Under clause 7 the tribunal is empowered to make such determinations and submit to the Governor such recommendations as to the remuneration of Ministers, officers of Parliament, and members of Parliament as it is required or authorised to make or submit.

Clause 9 of the Bill provides that the Governor shall cause the tribunal to be called together to commence an inquiry for the purpose of clause 7 of the Bill not earlier than the first day of June, 1968. Subsequent inquiries for the purpose of this clause are to be carried out not later than three years after the date on which the immediately preceding inquiry commenced. A determination, however, shall not be revoked until it has been in force for at least three years.

Clause 13(a) directs that the remuneration presently payable to the holders of ministerial offices and to officers and members of Parliament shall continue at the rates prescribed in and in accordance with the provisions of the second, third, fourth, and fifth schedules to the Bill until a determination is made by the tribunal.

I shall now refer to the objects of some other clauses in the Bill. It is provided that this Act shall come into operation on a date to be fixed by proclamation. This will ensure that sufficient time is given to the Government to select members of the tribunal.

Clause 4(1) defines "remuneration" as including salaries, allowances, fees, and other emoluments, and "ministerial office" as being an office specified in the first schedule. Clause 4(2) defines the persons who for the purpose of this legislation are officers of Parliament.

Clause 6 makes provision for the appointment of a secretary to the tribunal, who may be an officer of the Public Service. Clause 8 confers upon the tribunal the powers, rights and privileges that are specified in the Royal Commissioners' Powers Act, 1902, as appertaining to a Royal Commission.

Under clause 10 the chairman of the tribunal is required to notify the Governor of a determination and to forward to the Governor and to the Treasurer a copy of such determination. In addition, the chairman is required to publish as soon as practicable a copy of the determination in the *Gazette*.

The tribunal is also called upon, under clause 11, to prepare a report by way of explanation of a determination or of any recommendations or by way of giving reasons for making such determination or recommendations. One copy of this report is to be sent to the Governor and two copies to the Treasurer. It will then be necessary for the Treasurer to lay upon the Table of each House, within the first seven sitting days of the House, a copy of the report made by the tribunal following the making of a determination or recommendation.

A determination, when made by the tribunal, will be binding upon the Crown and all officers and members of Parliament, and will have effect in relation to the remuneration of Ministers, officers, and members notwithstanding anything to the contrary in any Act passed before the date on which the determination takes effect.

It is also provided that a determination made by the tribunal shall not be challenged, reviewed, quashed, or called in question before any court.

I would point out that, after much discussion, it has been decided by the Rights and Privileges Committee—and, I believe, the various parties of this Parliament—that it is desirable to take a regular review of salaries and allowances payable to members of Parliament. Of course there

is always general publicity when amendments are made to the existing Act or increases of salaries are put forward. However, I feel that nothing can be done about this. In this regard it seems that members of Parliament are quite good targets, but I think most members learn to live with it and accept that there will always be an interest taken by the public in connection with salaries and allowances determined for members of Parliament. The important thing is that the decision to make a review is not left to any Government or to any committee to decide. From now on, we hope it will be automatic and that pay for members of Parliament, Ministers of the Crown, and certain officers associated with Parliament will be reviewed regularly.

It must be pointed out, of course, that once recommendations are tabled they will be final, and we will have to accept them whatever they are. I sincerely hope that this legislation will remove at least some of the problems and worry that has existed around this question. I commend the Bill to the House.

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

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th November.

MR. TONKIN (Melville—Leader of the Opposition) [4.59 p.m.]: I have closely examined this Bill and I consider it is desirable and necessary. At present, there are difficulties in administration because of the necessity for two departments to be consulted when it is proposed to lease buildings or land. As far as possible, we ought to try to streamline our legislation so that the necessary procedures under it may be simplified, the paper work cut down, and the work generally expedited. I can see nothing in the measure to which any reasonable person could take exception. I am impressed by the fact that, although it will mean the Lands Department will lose the control which it exercises at present, it is quite prepared that it should and raises no objection in this connection.

As there is complete agreement between the two departments, and it is considered this change is necessary and desirable, I think it behoves us to facilitate it. This legislation is solely for that purpose—no other—and, therefore, I think it can be supported by members without any misgivings. I support the measure.

MR. BOVELL (Vasse—Minister for Lands) [5.1 p.m.]: I thank the Leader of the Opposition for his comments. The Bill was prepared after close negotiations and discussions between the Minister for Works and myself. Actually, the Minister for Lands will still have the final say as regards the disposal of land; but, as the Leader of the Opposition has indicated—and he is a former Minister for Works and will know what I am talking about—when buildings under the control of the Public Works Department become redundant the matter is referred to the Lands Department because the Public Works Department cannot do anything about disposing of the land as it is vested for whatever the purpose might be. The Public Works Department has no authority to allow a local authority or itself to lease land. This Bill will, as the Leader of the Opposition has said, streamline proceedings and I am pleased with the reception he has given to the proposal.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

POISONS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 8th November.

MR. JAMIESON (Beeloo) [5.5 p.m.]: As the Minister indicated when introducing the Bill, this measure really has the effect of trebling the penalties associated with breaches of the narcotics section, or that section dealing with the taking of drugs of addiction, under the provisions of the Poisons Act.

There are a few comments I would like to make because there has been a good deal of publicity of late in the Press, and through other media, about the amount of LSD that is being used in the community. As a matter of fact, from the publicity it has received, it seems to be a popular drug. Incidentally, I notice it will not be listed in the eighth schedule, but I assume that under the powers in the Poisons Act it can be proclaimed as a prohibited drug even though it is not specifically named in the schedule.

New drugs are always being introduced into the community and it is a great pity that a drug of this type, which has a hallucinatory effect, should have become so popular and that people should seek it for the purpose of addiction. I am not sure, from what I have read, of its ultimate effects, but it seems to make some people so crazy that they attempt suicide. The most unfortunate part about it is that the drug is easily manufactured from readily available ingredients to the extent that one student newspaper in the Eastern States described the method of manufacture. Apparently it is so easy to

make that a 15-year old who lives in the district of the member for Wembley actually manufactured this drug.

I have seen details of how to make it but as *Hansard* is fairly widely read I do not propose to give details of the ingredients or how it is manufactured at this stage. In my view the public would be rendered a great service if less publicity were given to drug addiction by the newspapers and other mass media. Many people seem to get a kick out of reading something sensational, and if the newspapers did not feature articles on drugs and the like I think it would be of great assistance.

Instead of the newspapers ignoring news of this description they seem to exaggerate the actions of some people who have drug parties and give those parties publicity. If there was less publicity of actions of this kind the public generally would be less interested in the question of drugs. There are a lot of other news items which remain unreported, but the more sensational happenings and events get a great deal of publicity. Therefore I believe all forms of news media have a responsibility in this connection.

We have to consider our youth. Young people are always anxious to try out something new. If they are advised not to try something it seems to make them more determined to do it. They must try things for themselves and that, of course, is not confined to drugs, as no doubt the member for Avon would agree. The natural bent of youth is to try everything out, and that gets them into a lot of trouble. In recent times many of them, apparently, have been trying the drug LSD and no doubt some of them will become addicted to it.

The person of whom I have the lowest opinion is the one who traffics in drugs. I have a good deal of sympathy for those who become addicted to drugs because they are to be pitied more than criticised; but the person who traffics in drugs, and who makes money from the habits of unfortunate individuals is the one who should be despised. As a matter of fact, I do not like anybody who makes money from drugs or from the failings of the weaker people in the community. Such a person is holding unfortunate people to ransom. Poor devils who need the assistance of drugs, because they have become addicted to them, are held to ransom by those who traffic in drugs.

Apparently over the years people have become addicted to different type of drugs. As a matter of fact, the list in the eighth schedule runs into some hundred or more of drugs from coco leaf to methyldihydromorphine. Many of these drugs are more widely known because of their medical benefit. Several of them have been discovered through our own efforts but others have been known for years in primitive form in other countires, particularly Asia. The Asiatics, due to the type of vegetation in their countries, seem to have stumbled on many different types of drugs and they have enjoyed the benefits—if they are benefits—for centuries.

Because of this many places where people can indulge in drugs have sprung up in the Orient. However, such places are discouraged in this country and we should continue to discourage them. We should do everything in our power to prevent such places being established.

There is one matter about which I am a little concerned. There are some drugs which are not drugs of addiction, as I understand it—I refer to hashish, pot, or marihuana, or whatever it is called. I understand that this drug is not a drug of addiction but is something that is used as a sex stimulant, particularly by young people. Why they should need a sex stimulant I do not know. I could understand some members of this Chamber indulging in hashish, but not young people.

Mr. Craig: Don't look at me.

Mr. JAMIESON: Many young people have parties at which hashish, pot, or whatever it is called, is used—or at least it would seem that that is the position, judging from newspaper reports. I do not know that this drug is harmful, as it is used only as a means of stimulation, but people can get involved. I do not know whether the member for Avon has a personal experience of this—

Mr. Gayfer: Steady.

Mr. JAMIESON: I assume he has not. Perhaps we criticise people who take drugs which are not drugs of addiction more than we should do, but if it is found that a drug is a danger, action can be taken under the Poisons Act.

Marihuana is prohibited but it does not appear as though it has caused much damage in the community—certainly not as much as drugs of addiction have done. For instance, I cannot recall one rape case of the large number that have been reported in the Press, where the person associated with it has been at a marihuana party. People who attend such parties seem to go there under a mutual arrangement and whatever transpires is, more or less, their own business. If anything unsavoury follows as a result of people indulging in the practice of using marihuana then I think we would have something to complain about. However, it is not something we should encourage and we should do everything possible to dissuade people from using it. At times a number of us become addicted to various drugs which are available. For example, I know the Minister is addicted to tobacco, while other members have their own particular vices.

Mr. Gayfer: What is your addiction?

Mr. JAMIESON: I have no particular addiction; I enjoy probably as many vices as the member for Avon.

Mr. Graham: Not as many as that!

Mr. JAMIESON: I admit I am setting my sights rather high, but I hope to aspire to those heights at some time in the future! I do not know whether we should be over-critical of people who, for instance, like tobacco, alcohol, or even marihuana, because those are drugs of their choice. For my part I would not like to see anybody encouraged to take any form of drug.

We have certainly had enough condemnation of tobacco for it to qualify for a place in the Poisons Act as a prohibited drug. An over-indulgence of alcohol could also possibly be classed as a drug and placed in the schedule. While this has not been done, I do sound a note of warning to the Minister that such harmful drugs, while they may be troublesome, are not nearly as dangerous as the hallucinatory drugs such as LSD. I hope it will be possible for us to stamp out trafficking in these drugs, and I trust that the magazines and newspapers generally will clamp down in their advertising as it concerns the manufacture of such drugs.

If this is not done every back yard will become a reservoir for these drugs and people who are after a quick dollar will probably produce as much as they can to the detriment of the community as a whole.

I commend the Minister for introducing the Bill. I feel that action must be taken at once to prevent people from trafficking in the drugs I have mentioned. In the case of the less harmful drugs however—those that do not hurt anybody very much—perhaps we can be a little more tolerant, as we have been with tobacco and alcohol.

DR. HENN (Wembley) [5.18 p.m.]: Obviously the Bill is mainly concerned with certain drugs of addiction. I was a little surprised, however, when the Minister, in his second reading speech, mentioned only two types of drugs. The Bill is entirely concerned with habit-forming drugs, and accordingly I will confine my remarks to those mentioned in the Minister's speech. Like the member for Beeloo, however, I too would like to bring in one or two others which are mentioned in either the fourth or the eighth schedule.

Members will know, of course, that all drugs in the pharmacopoeia are listed in the various schedules; those with which we are concerned at the moment are in the fourth schedule and the eighth schedule. The eighth schedule contains drugs of addiction such as morphia, heroin, cocaine, and so on. These are fairly adequately controlled throughout Australia under the Police Act, and I do not think we have very much difficulty with them, because they are controlled through the manufacturers and by prescription and distribution by chemists.

It is with those drugs in the fourth schedule with which I am mainly going to deal. The penalties for taking these drugs or trafficking in them, have been increased threefold from $500 to $1,500, or three years' imprisonment, or both. At first glance this punishment would appear to be a little severe, but like the member for Beeloo, I have no sympathy with people who get hold of these drugs at a certain price and make a huge profit by selling them, thus breaking down the physical and moral well-being of the individual to whom they are sold. That is why I support the Bill, as I am sure will every other member.

I would like to make a few remarks on the various types. The Minister mentioned the amphetamines in his second reading speech. The amphetamines will be well known to members under the names of Phetaden, Dexadrine, or Duramine. These drugs are prescribed quite freely by doctors to their patients who want to lose weight. At the same time, however, they stimulate the central nervous system and give what is described as a lift. So one must be careful when prescribing them, because when a patient is taken off these drugs—when they have been used for the reduction of weight—he might feel he has been doing well on them, particularly in his business and his work, and he might be inclined to continue taking them.

As I have said, the amphetamine group stimulate the central nervous system; they are the drugs which are reputed to be taken by truck drivers in great quantities, particularly in the United States of America. They take these drugs to keep themselves awake.

The other types of drugs mentioned in the Minister's second reading speech were the barbiturates. For many years these have been given to patients by the medical profession. They have the opposite effect to the amphetamines, because they depress the central nervous system and are inclined to make one tired and sleepy. Accordingly they are given for anxiety states; they are given to people who are nervous, or to those who are going through some period of distress, overwork or something of that nature.

I might mention here that I am very pleased to note that the Commonwealth Medical Department, and also the State Medical Department have seen fit to advise medical officers of the dangers of over-prescribing these drugs.

I think it was timely, because in these days of group practice in most of the cities where there are four or five doctors operating, it is quite frequent that the

doctor sees the patient perhaps only once a fortnight or once a month. If the patient becomes addicted to any of these drugs the patient makes sure he does not see the same doctor twice. So if he goes for a prescription only once a month, it may well be five months before the doctor sees the patient again. Therefore it is easy for the patient to get more of the drugs than perhaps is good for him.

Getting back to the question of sedatives and barbiturates, I have some sympathy for those people who suffer from an anxiety state, because who of us, at some time, has not suffered a period of depression or anxiety due to some happening in his life? It does not matter whether one is the Lord Mayor of a city, a member of Parliament, or someone on the basic wage; at times we all have our difficulties of even existing. Therefore, we are all inclined to suffer, and no doubt do suffer, with an anxiety state to some extent.

Some of us can rationalise this matter without recourse to drugs, or to alcohol, but on the other hand, we are not all made alike. Therefore, it is much easier for some people to resort to drugs.

I was pleased that the member for Beeloo mentioned the question of alcohol, because I was going to do so myself. I agree with him that it may well be that C_2H_5OH —which is the chemical formula for alcohol—could be in the fourth schedule. It seems strange at this time of the century that we should pass this Bill for amphetamines and barbiturates, and leave out alcohol.

Mr. Brady: What about nicotine?

Dr. HENN: That could be added, too. I have certain views on nicotine, but I have different views on alcohol, because one is aware of the very widespread damage that is caused to individuals by alcohol, not only physically, but mentally. It also affects their families and homes.

Mr. Jamieson: It has some benefit in that it provides a form of relaxation.

Dr. HENN: Indeed it does. I do not know my classics well enough to quote, but there are many famous people who praise alcohol. No doubt they know how to drink it and use it. I do not agree with the member for Swan that nicotine is such a dreadful drug.

Mr. Brady: It all depends on how much you take.

Dr. HENN: It is a matter of opinion. We are now in a certain stage of 1967 and the medical profession has made a certain statement. However, we will see what the score about nicotine is in 1987.

Mr. Jamieson: It is a most inexact science, isn't it?

Dr. HENN: That is quite true. I have said that the amphetamines excite the central nervous system while the barbiturates depress; and I also want to say a few words about a drug in the fourth schedule, the name of which is lysergic acid diethylamide. The short name for that drug is LSD. I have no doubt that this Bill has been introduced for the purpose of LSD, although I do not think it was mentioned in the Minister's speech. Nevertheless, it is in the fourth schedule and can be dealt with in the same way as the other drugs that were mentioned by the Minister.

LSD is used in psychotherapy by psychiatrists in the treatment of nervous disorders. It can also be obtained from a drug which today is freely prescribed by the medical profession for patients with certain conditions. Like the member for Beeloo, I could go further, but I will simply say that this drug can be obtained quite freely. By a simple chemical experiment or process LSD can be manufactured from it; and it only requires as much LSD as one can put on the point of a pin to enable a person to go for a trip for four or five hours.

So we can well imagine how it is possible for this trafficking to be carried out. I understand that people write to a certain address and receive in reply a postage stamp on the back of which is the drug. A lick of the stamp and the person concerned goes on a trip for about five or six hours. Other methods are also used such as blotting paper, and so on. These are dastardly methods of passing the drug on to those who want it. This Bill is obviously designed to deal with such people.

I am sure everyone in this State would congratulate the Department of Health because, as yet, we have no problem in this regard. The problem certainly exists, though, in New South Wales and, to a much greater extent, in America. In fact, in one of the States in America the penalties were very small for this type of thing and it was through that State that the drug was getting into the country. It was only when that State raised the penalty in a prohibitive sort of fashion that the trafficking was reduced.

I have mentioned the small quantity of LSD required for a so-called trip. Unfortunately, the main effect of LSD is hallucinations. There was the case of a fairly young married man who was under the influence of this drug, and when he returned home and entered his wife's bedroom he thought he saw an alligator on top of her, so he got hold of the nearest blunt instrument and proceeded to beat the alligator to death. Unfortunately there was no alligator and his wife was dead in a very short time. He was subsequently arrested for murder. This is the type of tragedy for which this drug can be responsible; and, as I said before, it is undoubtedly the reason for the introduction of this Bill, which contains very severe penalties, but not so much for the taking of the drug as for the trafficking and the manufacture of it.

Mr. Jamieson: What are your thoughts on marihuana?

Dr. HENN: I was interested to hear the honourable member express his thoughts. I do not know very much about it at all. I hope one day to be able to study it. I feel that the older I get, the more need there will be for it.

The ACTING SPEAKER (Mr. Mitchell): Will the honourable member please address the Chair.

Dr. HENN: I have almost concluded the remarks I wish to make on this Bill. Finally, I would like to say that the drug gets into the chromosomes of those who take it, and therefore any progeny of such people are inclined to be deformed in various ways, and not at all healthy. This is another reason why the drug should be stamped out.

The management and treatment of drug addicts is one of the least rewarding of all treatments. The treatment of alcoholics is quite successful, but I am given to understand that approximately only five per cent. of the drug addicts who are treated are cured. Therefore we can realise how serious is drug addiction in comparison with alcoholism.

I think I have said enough to indicate that this Bill has my full support. I once again congratulate the Public Health Department of Western Australia for taking early steps in this matter. I am sure we will appreciate the benefit this Bill will afford in the years to come.

MR. CRAIG (Toodyay—Minister for Police) [5.35 p.m.]: I do not think there is any need for me to speak at length on this. However, I wish to thank the members for Beeloo and Wembley for their support of the Bill. As yet, LSD has not created a problem in Western Australia. This is the drug to which so much publicity has been given lately. However, there are other drugs which are causing trouble, and these were referred to by the member for Wembley. They include the amphetamines such as purple hearts and pep pills, and the barbiturates known as "goof balls." That particular type of drug is one which is taken by those in a depressed state of mind.

I would like to say that the Commissioner of Police is very concerned with the apparent danger from this problem which could arise in this State in time unless some action is taken against those who avail themselves of this form of addiction. This action is being taken now in the form of very severe penalties. The commissioner recently returned from an Interpol conference in Japan, at which this particular matter was the No. 1 item of discussion. As a result, each of the participants undertook to do his utmost to convince his respective Government to take the strongest possible action towards eliminating this form of drug-taking.

Like the member for Beeloo, I only hope that the publicity associated with LSD does not have the very undesired effect of arousing the curiosity of, say, some of the young people who want to give it a go just for kicks. However, I sincerely trust that this will not occur, because the Press will no doubt give full publicity to the dangers associated with these drugs and the penalties which will be applied to those who are convicted of partaking of, or trafficking in, them. I once again thank members for their support, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and passed.

POLICE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 8th November.

MR. BRADY (Swan) [5.40 p.m.]: This is a small Bill which will have a major impact on the effectiveness of the Police Act. As the Minister said, the Bill is complementary to the Poisons Act Amendment Bill (No. 2), and contains two amendments.

The Minister, when introducing this Bill, said it set out to define a specified drug; that is, a substance declared by the Governor, by an Order-in-Council, to be productive of effects of substantially the same character as drug addiction. The interpretation will now set out what a specified drug is.

This is necessary because the Government, in amending subsection (2) of section 94A of the Police Act, deleted a reference to what could be done in regard to people using drugs of addiction, and has replaced that provision with a new subsection. The new subsection will set down that a drug of addiction is one included in the eighth schedule in appendix A to the Poisons Act, 1964, or a poison which is added to that schedule—and this is the important part—pursuant to the provisions of that Act, and any specified drug.

A specified drug could possibly include LSD, as referred to by the honourable member who spoke on the Poisons Act Amendment Bill (No. 2). I take it that if it was felt LSD had to be listed as a specified drug, it would be attached to the eighth schedule. As a consequence, anybody who was hawking LSD, or any of the other drugs listed in the eighth schedule of the Poisons Act, would be liable to a penalty.

The penalties provided under the Police Act have been trebled, as was the case under the Poisons Act. As the Police Act stood, the penalty was $250 or 12 months. As the member for Wembley has said, the penalty now applying under the Police Act will be $1,500 or three years for anyone who is convicted of handling these drugs of addiction.

I think everybody agrees that we cannot afford to have these drugs on the market and have them hawked about. I support the amendments as proposed in the Bill.

MR. CRAIG (Toodyay—Minister for Police) [5.44 p.m.]: I wish very briefly to thank the member for Swan for his support of this Bill. Its purpose, of course, is to bring the penalties into line with those prescribed in the Poisons Act which has already been agreed to by this Chamber.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and passed.

IRON ORE (MOUNT NEWMAN) AGREEMENT ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.48 p.m.]: I move—

> That the Bill be now read a second time.

The Bill now before the House is to ratify an agreement to amend the Iron Ore (Mount Newman) Agreement Act, No. 75 of 1964. Members will recall the difficulty involved in bringing the Mt. Newman project to the construction stage. The Broken Hill Proprietary Co. Ltd. was approached and agreed to assist in the development of the important iron ore deposits of Mt. Newman.

Finally a consortium of companies consisting of B.H.P.—through its subsidiary company Dampier Mining Company Limited—Amax Iron Ore Corporation, Pilbara Iron Limited—which is a subsidiary of C.S.R.—Seltrust Iron Ore Limited, and Mitsui-C. Itoh Pty. Ltd. was formed for the purpose of carrying out the provisions of the Mt. Newman agreement.

For these companies to participate in developing the Mt. Newman iron ore deposits, in accordance with the State agreement, it becomes necessary to make certain amendments to the Mt. Newman agreement because of the requirements of the lenders concerned, and also to place B.H.P. in the same position as it is under its 1964 agreement with the State in respect of ore from the Mt. Newman deposits but processed in Australia.

By way of explanation, there was a complication in having a company which was the top steel producer in Australia joining with companies which did not have similar commitments. The capital investment has been fairly well publicised with the announcement of the cost of over $200,000,000 to get production to the first phase, and the work is now well advanced.

With regard to B.H.P.'s participation in the development of the Mt. Newman deposits, it became necessary that the development of its deposits at Deepdale be deferred for a period of 10 years and also that B.H.P. would not be involved in the Mt. Newman processing commitments, as this would have meant duplicating its existing commitments under the 1964 State agreement.

For these reasons B.H.P. has been given an extension of time for its development of the Deepdale deposits and is now required to—

(a) submit a proposal for location of port, sites for and general design of wharf, rail terminal, etc., by the 31st December, 1978;

(b) commence construction of facilities required for the Deepdale project by the 31st December, 1981; and

(c) complete construction of facilities required for the Deepdale project by the 31st December, 1986.

It is also necessary to vary the Mt. Newman agreement to provide that in the event of the State terminating the Mt. Newman agreement owing to the failure of Joint Venturers—other than Dampier, which I emphasise—to install a plant for secondary processing or an integrated iron and steel industry, the agreement and leases, etc., are to vest in Dampier, but with the right for the State to grant to another party a 65 per cent. interest—or such lesser interest as may be approved by the Minister—as tenant in common with Dampier mining. This means that the State will have the right—under such unlikely circumstances—to virtually direct a partner onto Dampier Mining Company so as to ensure that the requirements of the Mt. Newman agreement for secondary and other processing are met. The amendments proposed are—

> 1. Section 2 of the principal Act to be amended by adding after the interpretation of "The company" a passage reading—
>
> "the variation Agreement" means the Agreement a copy of which is set forth in the Second Schedule to this Act.
>
> This amendment is purely one of definition.

2. To add after section 3 of the principal Act a new Section 3A to read—"The variation Agreement is approved."

3. To add after section 4 of the principal Act a new section 5 to ensure that no consent other than that of the Minister, as provided for in clause 19 of the Agreement, is required.

In explanation the lenders were concerned that some other consent besides the Minister's consent under the Agreement would be necessary to the validity of a mortgage by way of a floating charge over the interest of a joint venturer.

Any floating charge given by a joint venturer must be submitted to the Minister for his approval. This is a safeguard to the State and the consent of any other Minister should not be necessary.

The amendment makes it clear that only the consent of the Minister to such a mortgage is necessary to render it effective.

It might be seen that this section repeats in substance the amendment to subclause (1) of clause 8 of the agreement. The lenders deemed this necessary as a precautionary measure because of the reference to the Acts concerned. I consider it is overcautious from a legal point of view, but it loses nothing by incorporating it into the legislation.

In view of the very large sums involved, the lenders wanted to be assured that the one consent was all that was necessary to make their security valid. This was considered a reasonable request for clarification, especially in view of the complexities of the financial agreements. There was a suggestion that more than one Act could be involved and, to avoid any of the securities failing for want of consents having been obtained from places which were not thought of at the time, it was requested that there should be some clarification to define exactly what consent was necessary. The question of consent is very important from the State's point of view.

4. To add after the new section 5 a further new section 6 to ensure that any joint venturer could not approach the Supreme Court and apply to have the interests of the parties partitioned or sold.

Under the Partition Act, 1878, where two or more parties are interested in property the Supreme Court may, on the request of any of the parties interested, and notwithstanding the dissent or disability of any others of them direct the sale of the property accordingly and may give all necessary or proper consequential directions.

The Joint Venturers, however, in their own agreement have provided that if any one party wishes to withdraw from the venture the remaining Joint Venturers may continue to operate the project and none of the parties wishes any of the other parties to have the right to apply to the Supreme Court for a partition and sale of the property concerned.

It is therefore necessary for express provision to be made that the Partition Act is not to apply. This section repeats in substance one of the amendments to the agreement.

It will be appreciated that at the time one of the parties wishes to retire from the joint venture the value on the open market of that party's share in the project may well be considerably greater than the price to which he would be entitled under the agreement which the Joint Venturers have made between themselves and that therefore unless the application of the Partition Act is negatived the party wishing to withdraw would seek a sale on the open market under the Partition Act. Some new party may be the highest bidder, whereupon the remaining Joint Venturers would lose their interest in the project.

There is also another reason why we agreed to the amendment to negative the provisions of the Partition Act. In certain circumstances the ridiculous situation could exist where a project was viable, running along very smoothly indeed, in the best interests of the State economically, and everybody concerned, including employees, were quite satisfied; but, if the Partition Act applied there would be the risk of the project being dismembered. Therefore, not only is it a desirable provision from the Joint Venturers' point of view, but in my opinion it is a good provision in the interests of the State.

5. The amendments required to the agreement comprising the schedule to the Iron Ore (Mount Newman) Agreement Act, 1964, are as follows:—

(a) Clauses 3, 7, 8 and 11 of the agreement to become the second schedule to the Mt. Newman Act provide for—

(i) No additional payment of rent, at the rate of 2s. 6d. per ton after the fifteenth anniversary of the export date, in respect of iron ore sold or otherwise disposed of to B.H.P., A.I.S., or to a company or companies related to B.H.P. or A.I.S. for use within the Commonwealth for manufacture into iron

or steel. This provision is necessary to relate the B.H.P. part of the project to its other agreements and, of course, only relates to the material that is actually processed within Australia, and does not, under any circumstances, relate to material which is exported.

(ii) No obligation as to prices for ore sold or otherwise disposed of to B.H.P., A.I.S., or any company or companies related to B.H.P. and A.I.S. when such ore is for use within the Commonwealth for manufacture into iron or steel.

Again, this is for the purpose of putting the B.H.P. part of the Mt. Newman consortium in the same position as the other B.H.P. agreement. Of course, the State is not interested in the internal price, because it is not *ad valorem* royalty as is the case with export. I repeat, this does not apply in the case of export.

(iii) "locally used ore" is defined in the agreement to include iron ore sold or otherwise disposed of to B.H.P. or to A.I.S. or to any company or companies related to B.H.P. or A.I.S. when such ore is for use within the Commonwealth for secondary processing or for further manufacture into iron or steel.

(iv) No restriction as to quantity of iron ore sold or otherwise disposed of to B.H.P., A.I.S., or to a company or companies related to those companies for use within the Commonwealth for secondary processing or for further manufacture into iron or steel.

Under the existing Mt. Newman Agreement—again, this is to bring this part of the consortium arrangement into line with the other agreements—a penalty rental not exceeding 10s. per ton is payable on iron ore offloaded at a place outside the Commonwealth, unless the prior written approval of the Minister is obtained, but the penalty does not apply to ore the subject of secondary processing or iron and steel manufacture by the company or an associated company within Western Australia.

Neither does the penalty apply to ore processed by the company or an associated company within the Commonwealth but outside Western Australia provided the tonnage of ore so processed does not in any year exceed 50 per cent. of the total quantity of iron ore the subject of secondary processing and/or iron and steel manufacture by the company or an associated company within Western Australia.

The penalty also does not apply to ore processed by the company or an associated company within the Commonwealth but outside Western Australia in excess of 50 per cent. of the total quantity of ore the subject of secondary processing and/or iron and steel manufacture or steel manufacture by the company or an associated company within Western Australia with the prior written approval of the Minister.

The effect of the proposed amendment is that there is no restriction similar to those outlined above for the export of iron ore supplied to B.H.P., A.I.S., or to a company or companies related to B.H.P. or A.I.S. provided it is used within the Commonwealth for secondary processing or for further manufacture into iron or steel.

These amendments are required for the purpose of placing the B.H.P. part of the arrangement in the same position as regards Mt. Newman ore as they would have been in respect of Deepdale ore.

(b) Clauses 4 and 6 have already been explained in dealing with the new sections proposed to be added to the principal Act.

(c) Clause 12 proposes an amendment to deal specifically with the determination of the agreement on default. The lenders were concerned that the period within which default could be remedied was expressed as "a reasonable time." They required something more specific and therefore various times are now set out in this amendment providing fixed periods in which default can be remedied.

It is, of course, possible to determine at law what is a reasonable time, but it is subject to so much argument from time to time that by the time the matter is placed before a court and decided all manner of unpredictable damage can be done to a project as a result of the delay and this can, in fact, be prejudicial to the

interests of the State. Continuing with the proposed amendments—

> The amendment proposes, firstly, that if the company makes default, such default shall be remedied within a period of 180 days after notice has been given by the State and secondly, if the alleged default is contested by the company and within 60 days after such notice is submitted by the company to arbitration then within a reasonable time fixed by the arbitration award but not less than 90 days after the award where the question is decided against the company.
>
> This proposed amendment gives a clear definition of the time factor and is much more satisfactory from the State's point as well as from the Joint Venturers' point of view. It avoids any disagreement as to what may be considered "a reasonable time."
>
> (d) In clause 13 the proposed amendment provides that if the Joint Venturers other than Dampier do not establish secondary processing or an integrated iron and steel industry and the agreement is determined by the State for that reason then the agreement and the leases, etc., vest in Dampier with the right for the State to grant a 65 per cent. interest to another party as tenant in common with Dampier.
>
> (e) In clause 14 the proposed amendment is to give the company the same provision as already exists in the B.H.P. 1964 agreement. This gives the Minister power in his discretion to release the company from liability where it has assigned all its rights and the Minister considers that such a release is desirable and not contrary to the interests of the State.
>
> It should be emphasised that the company cannot obtain such a release as a right, but only in the absolute discretion of the Minister, and there are circumstances when this is desirable in the case of a reorganisation.
>
> (f) Clauses 5, 9, 10, and 15 are purely consequential amendments.

That summarises the main, if not all, the points in this amending agreement for which ratification is sought through legislation. I should report to the House that this project is of tremendous importance to us. It is proceeding extremely well. Since it was at the construction stage I have visited it quite often. The progress now being made is accelerating, particularly in regard to the work being done on the port and the railway.

To those who have not visited the area recently, the development of the port is really something to see, and it is hard to believe that the Port Hedland that we knew in the old days, capable of accommodating ships not more than 30 feet in length, is already accommodating ships nearly 800 feet long; and, in fact, it is of interest to tell people visiting Port Hedland that ships entering that port are bigger than those that can enter Sydney Harbour, and bigger ones are to follow.

It is also of interest to know that much of the planning surrounding Mt. Newman Mt. Goldsworthy, and Leslie Salt, and based on the progressive build-up of the port tonnage, is directed towards the shipment of bulk tonnages of ore in excess of 30,000,000 tons per annum by 1980.

Another interesting factor is that they have developed the technique of handling ships 800 feet in length, and apparently one problem that was causing some concern—the question of pratique—has been overcome. This is extremely satisfactory because it looked as though we could be placed in the position where we could upset the port working timetable they would work up to by 1969. However, with the co-operation of the Commonwealth and State Government departments and the medical profession this problem seems to have been overcome. So now ships can come and go by day and night and will not be held up because of the question of pratique.

Debate adjourned, on motion by Mr May.

PARLIAMENTARY SALARIES AND ALLOWANCES BILL

Message: Appropriations

Message from the Administrator received and read recommending appropriations for the purposes of the Bill.

House adjourned at 6.7 p.m.

Legislative Council

Tuesday, the 21st November, 1967

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

ACTS (19): ASSENT

Messages from the Governor received and read notifying assent to the following Acts:—

1. Child Welfare Act Amendment Act.
2. Poisons Act Amendment Act.
3. Stock Diseases Act Amendment Act.
4. Land Act Amendment Act.
5. Supply Act (No. 2).
6. Local Government Act Amendment Act.
7. Electoral Act Amendment Act.
8. Weights and Measures Act Amendment Act.
9. Cremation Act Amendment Act.
10. Ord River Dam Catchment Area (Straying Cattle) Act.