

We must work together on this sort of thing and use any ideas that will pay off to wage the war against venereal disease. I can assure the House we are doing our best.

The Hon. John Williams referred to the number of reported cases. The figures in front of me show an upsurge in the number of reported cases since 1966. Mr Claughton said that up till 1960 there was a reduction in the number of cases. It is a coincidence that in the period from 1953 to 1959 the Roe Street brothels were being phased out. It is remarkable that during that period the incidence of venereal disease was very low and remained low. As soon as the brothels disappeared the number of cases started to rise considerably. I do not know why this was so but it is a fact that when they were phased out the number of cases started to increase phenomenally.

The figures I have show that in 1966 there were 710 reported cases, rising in 1975 to 2 648 cases. Up to the 30th October, 1976, 2 056 cases were reported, so it looks as though this year the number will be up again.

Nowadays more doctors are interested in the problem because of the campaign we are waging with regard to the reporting of cases. It is very hard to say, "Let us wait until the end of the year to see where the reported cases come from and what is happening", because it depends on the doctor whether he reports cases. Doctors in some areas report cases and doctors in other areas do not report cases. This fact makes a big difference to our figures and it is very hard to prove what they are. Mr Williams would be fairly accurate when he said that there are possibly 10 000 cases of venereal disease in Western Australia.

I shall take up the suggestion of the Hon. Mr Williams to invite Dr Newnham and his staff to the House to give us an address on venereal disease. I think that would give members a run-through of what is happening at present and would show us what plans Dr Newnham and his staff have and what they are actually doing in an attempt to decrease the incidence of venereal disease.

I thank honourable members once again for their comments. This Bill deals in the main with reports by laboratories, which is a new concept, and the protection of a person who reports another person from whom he or she contracted venereal disease.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 300 amended—

The Hon. R. F. CLAUGHTON: As I raised this clause in my speech at the second reading stage I should have liked to spend a little time on some of its provisions.

The Hon. N. E. Baxter: Relating to the charge?

The Hon. R. F. CLAUGHTON: Yes. I should have liked to add to some of my comments in the light of the Minister's reply at the second reading stage. I would appreciate it if the Minister would report progress and seek leave to sit again.

Progress

Progress reported and leave given to sit again, on motion by the Hon. N. E. Baxter (Minister for Health).

House adjourned at 6.13 p.m.

Legislative Assembly

Thursday, the 4th November, 1976

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

QUESTIONS ON NOTICE

Postponement and Closing Time

THE SPEAKER (Mr Hutchinson): I advise members that questions will be taken at a later stage of the sitting; and I further advise that when the House sits at 2.15 p.m., as it may do, on Wednesdays and Thursdays in the next several weeks, the closing time for questions will be 4.00 p.m.

STATE FORESTS

Revocation of Dedication: Motion

MR RIDGE (Kimberley—Minister for Forests) [2.18 p.m.]: I move—

That the proposal for the partial revocation of State Forests Nos. 4, 28, 43, 58 and 63 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on 2nd November, 1976, be carried out.

I do not believe it is necessary for me to make any lengthy comments in support of the motion. Members will be aware that a similar motion is moved in the House traditionally at about this time each year; and no doubt they will be aware that as a result of having tabled papers in connection with this proposal yesterday, there are five items for consideration.

The proposed excisions of State forests amount to 86 hectares, and the gain to State forests through exchanges contingent upon this proposal amounts to 49 hectares. This results in a net loss to the State forests of 37 hectares, which is attributable mainly to adjustments on surveys of the locations associated with them.

Notes on each of the five areas have been included in the papers tabled in the House yesterday. I do not think it is necessary for me to go into a lengthy discussion on them at this stage. This aspect can be dealt with later when members will have the opportunity to speak to the motion.

I commend the motion to the House.

Debate adjourned, on motion by Mr A. R. Tonkin.

LICENSED SURVEYORS ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [2.21 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks amendment to the Licensed Surveyors Act to give effect to the following requirements—

- (1) To provide for the termination of the articulated pupil system.
- (2) To provide that the only means of entry to the profession of surveying will be by the holding of a university degree or the equivalent qualifications from a tertiary institution.
- (3) To ensure that one member of the board shall be a member of the teaching staff of a Western Australian educational institution conducting a course in surveying acceptable to the Land Surveyors Licensing Board.
- (4) To increase the penalties for unauthorised persons practising as licensed surveyors and for breaches of the regulations.
- (5) To amend the definition of "institution" from "The Institution of Surveyors, Western Australia Incorporated" to "The Institution of Surveyors, Australia, Western Australian Division".

Resolutions were carried at the 1958 and 1962 conferences of the reciprocating surveyors' boards of Australia and New Zealand—and confirmed by resolution of the Land Surveyors Licensing Board of Western Australia in 1965—that action be taken to terminate the articulated pupillage system to provide that thereafter the only means of entry to the profession of surveying would be by the holding of a university degree or other equivalent qualifications from a tertiary institution.

The Institution of Surveyors, Australia, has been pressing for abolition of the articulated pupillage system since 1964.

Each of the boards representing the various States of the Commonwealth of Australia and of the Dominion of New

Zealand, with the exception of Western Australia abolished the articulated pupillage training system several years ago. There has been contention for some time that the present reciprocity of Western Australia with the member boards of the reciprocating boards of Australia and New Zealand is in jeopardy unless the articulated pupillage system is abolished.

Due to new techniques and new equipment surveying is becoming more and more complex and consequently the need for concentrated education at an appropriate academic institution is essential. The inadequacy of the articulated pupillage system—which necessitates students studying at night frequently under difficult conditions—is reflected in the extremely poor results arising from the board's examination. At the present time there is an average failure rate of about 75 per cent in all papers set under the board's examination system.

This has been partially responsible for the introduction of an "external/sandwich course for professional surveyors" at the Western Australian Institute of Technology of which many pupils are availing themselves. The sandwich course has enabled students to be usefully employed either in relation to their intended profession or elsewhere while fulfilling portion of the requirement of the Institute of Technology towards the conferring of a degree in surveying. Country and city students are not therefore penalised greatly even with the absence of financial assistance with tertiary educational training. It is interesting to note that in some cases existing pupils under the articulated pupillage system are using the sandwich course to obtain credits against the board's examinations.

The proposal to insist upon the preliminary requirement for entry into the surveying profession to be a university degree or other equivalent academic qualification will exempt students from the board's written examinations, but will still require students to serve under articles to ensure a minimum 18 months' field experience after graduation and to then pass the board's practical examination before being registered as licensed surveyors. Both the Western Australian Tertiary Education Commission and the Public Service Board indicated in 1972 that they are in favour of the change.

It is contended that these proposals if adopted will not impose any hardship on any person desirous of entering the surveying profession because of the financial assistance readily forthcoming for tertiary education for training and because of the sandwich courses now available from the Western Australian Institute of Technology.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE BILL

Second Reading

Debate resumed from the 21st October.

SIR CHARLES COURT (Nedlands—Premier) [2.25 p.m.]: When this Bill was last before the House it was very widely debated by the Opposition, and it will be recalled that there was a wide divergence of opinion within the Opposition. The member for Boulder-Dundas was in support of the measure and gave good reasons for that support. Some of his colleagues were vehemently opposed to it, and if one studies the objections taken one realises they really represent an unfounded fear that the supremacy of Parliament is being challenged.

In point of fact those who look at legislation objectively will appreciate that far from challenging the supremacy of Parliament the Bill establishes in very fair and unmistakable terms that what the Government seeks to do in accordance with its election promise is to create another facility which can have a little regard for the private citizen who does not have the facilities to acquaint himself or herself with all that goes on in the law, and particularly what goes on in regulations. At least someone with expert knowledge and proper experience will be deputed by Statute to have regard for the rights, privileges, and responsibilities of individuals.

It is true that members of Parliament, individually and collectively, have responsibilities in respect of legislation while it is being dealt with in the House and also when it is reviewed from time to time. They also have responsibilities in connection with regulations, reports, and other documents which are tabled, and there are very clearly defined rights which members have in moving to disallow or challenge any of these regulations, by-laws, documents, and so on.

We have probably a unique number of methods whereby a private member on either the Opposition or Government side can participate in the legislation. This applies not only while the legislation is going through the House, but also at other times because members have the opportunity to comment on it or even move amendments or motions in respect of it subsequent to its being passed. Of course, this applies not only in respect of regulations when they are tabled and are open to challenge, but also at other times because we have a unique machinery whereby a private member can move for the disallowance or amendment of regulations once they have been tabled and even when the necessary time has lapsed for disallowance in the normal way, he can move to amend.

But leaving all that aside, whatever is in the Bill does not in any way denigrate the position of a member of Parliament nor

of the Parliament. It supplements the machinery which already exists, and it still leaves the members, individually and collectively, with the responsibility to study legislation, reports, regulations, and by-laws which are tabled from time to time.

While most members conscientiously pursue their duties, it is almost impossible for every member to study every report and regulation which is tabled, and there is an old saying that everyone's business is no-one's business. We find this in life, whether it is at home, at work, or in sporting bodies. If everyone is asked to remember to do something no-one does it; but if Tom, Dick, or Harry is nominated to do it, and accepts the responsibility to do so, it has a sporting chance of getting done.

Under the legislation, in accordance with our election promise, we believe the machinery will be established which will become more and more expert over the years and that it will be able to act as a watchdog on behalf of John Citizen in respect of legislation and, more particularly in my opinion, in respect of the great mass of regulations and by-laws which are passed from time to time.

This statutory body will not be a rubber stamp for a Government; it will not be a rubber stamp for a Parliament. It will be an independent body with the expertise and machinery available to it, and it will have the statutory commitment to study all these matters and, where appropriate, report accordingly. It was claimed by the Opposition that the legislation would make Parliament a rubber stamp. Of course, that is the fault of members.

Mr Bertram: The fault of numbers.

Sir CHARLES COURT: If members are prepared to say that in respect of this legislation, not only are they admitting defeat but they are also admitting indifference. I have been a member of the Opposition for a total of nine years during the period I have been in Parliament, so I have a rough idea what goes on on both sides of the House; and when I was a member of the Opposition I was a rather busy boy.

We get the impression from the comments made when this Bill was previously debated that members of the Opposition find it difficult to fill in their time. They want to form a number of standing committees to do these things. They can have their own committees if they want them, and I remind them they have their responsibility, both moral and legal, to do their duties as far as this Parliament is concerned. If they do not do their duties, the electors have a very happy knack of dealing with them at the next election.

When this Bill was debated tremendous emphasis was placed on Parliament, and I do not disagree with it. But I cannot recall anyone on the other side other than the member for Boulder-Dundas referring

to the public. I do not care how good we are as members of Parliament, individually or collectively; it is well nigh impossible to cover all the matters which are tabled here, and it is comforting to know that in addition to the responsibilities and any capabilities of members of Parliament we will now have statutory machinery imposing an obligation on a body to look at all these matters. I refer particularly to regulations.

The ever-increasing mass of regulations in all Parliaments, State and Federal, is quite overwhelming, and I would like to feel we have a body which has a responsibility to look at them in an expeditious way as soon as they are actually promulgated. It is interesting to look at the five headings under which the committee will have to look at the regulations, rules, and by-laws to determine whether the attention of Parliament should be drawn to their provisions—

- (1) That they are *ultra vires* or not in accordance with the general objects of the Act under which they have been made;
- (2) that their form or purport is unclear or unsatisfactorily expressed and requires clarification;

I suggest that is long overdue. To continue—

- (3) that they unduly trespass on rights or liberties previously established by law;
- (4) that they confer too much discretion on the executive in that they create authority which should be dependent upon judicial rather than administrative decisions;
- (5) that they contain matter which should properly be in an Act of Parliament rather than in regulations, rules, or by-laws.

Those five criteria which the committee must examine have a very familiar ring. Every one of them has been the subject of argument, question, and challenge in this Parliament over the time I have been here. We are trying to bring together under one Statute a body which has the responsibility to look into all those matters, apply those criteria to the regulations, rules, and by-laws, and within its competence give some degree of security to the Government, the public, and the Parliament. From that point onward the duties of parliamentarians, individually and collectively, will still prevail.

I must admit I was quite amazed to hear some of the remarks which were made. For instance, it was said decisions of Cabinet are made in secret. How else would Cabinet meet? Somewhere out in St. George's Terrace? Cabinet makes its decisions and they are published as necessary. They either come to this Parliament in the form of Statutes, or public statements are made and policy decisions are implemented.

Mr A. R. Tonkin: Such decisions are made in secret and the reasons for them are secret.

Sir CHARLES COURT: I am amazed at one who aspires to be a Cabinet Minister making that comment. Does he mean to say that if ever he belongs to a Cabinet it will meet in public?

Mr A. R. Tonkin: No, that is not what is being said. The point is they are secret: not that they should be held in public but that they are secret.

Sir CHARLES COURT: How else would Cabinet sit?

Mr A. R. Tonkin: I agree. No-one is talking about that.

Sir CHARLES COURT: The important thing is whether a Government, in a proper way, tells the Parliament and the public of its actions and decisions, and there are many ways in which the actions of a Government are subject to audit, whether they be financial, administrative, or policy matters.

I do not think any good purpose is to be achieved by pursuing the various arguments which were advanced. They all seemed to collapse to the ground. They were all on one point: this so-called challenge to the supremacy of Parliament. There is no challenge to the supremacy of Parliament. In my opinion, this legislation will strengthen Parliament and its effectiveness. Without in any way reflecting on the competence or diligence of members of Parliament, it will supplement the work members are doing and, I believe, give an added dimension to the protection which should be given to John Citizen, which seemed to be completely ignored throughout the debate with the one exception to which I referred.

Question put and a division taken with the following result—

Ayes—25

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr Hartrey	Mr Thompson
Mr P. V. Jones	Mr Tubby
Mr Laurence	Mr Watt
Mr McPharlin	Mr Young
Mr Mensarou	Mr Clarko
Mr Nanovich	

(Teller)

Noes—16

Mr Barnett	Mr T. H. Jones
Mr Bateman	Mr May
Mr Bertram	Mr Mciver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moiler

(Teller)

Pairs

Ayes	Noes
Mr Stephens	Mr Carr
Mr Sodeman	Mr B. T. Burke
Mr Blakie	Mr Jamieson
Mr Crane	Mr Bryce

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

Clause 1: Short title—

Mr A. R. TONKIN: This clause states that the Act may be cited as the Legislative Review and Advisory Committee Act. We heard the Premier speaking about the supremacy of Parliament. That is nonsense. This Parliament is not supreme. When did we last see a Bill, that was the result of a decision taken in secret by the Cabinet, rejected by this Parliament?

These decisions are taken in secret by the Cabinet. That does not mean I am advocating Cabinet meetings should be held in St. George's Terrace, as the Premier with his usual lack of seriousness in these matters might suggest. All I am saying is that we should recognise that Cabinet decisions are made in secret, and there is no intention to alter that.

However, we should be aware that the Parliament and the people, who should be sovereign, are not aware of the reasons for which Cabinets make decisions. If the people were to know the reasons for a decision made by Cabinet, in some cases they would be horrified. Imagine the furore that would have been caused had it been known that Cabinet Ministers quite nakedly said, "Let us pass the fuel and energy Bill because it will win us votes. It will be a joke, and we will never be able to invoke it, but it will win us the next election. And let us do something about union ballots, because that too is a good vote-winning move."

Just imagine that! It is no wonder the member for Gascoyne, who seems to have joined the reactionaries very early in life, says, "So what?" when we talk about the secrecy of Cabinet meetings. In other words, he wants the Government to be secretive. He wants a secret conspiracy; he wants to be able to make decisions and to treat the people like sheep as though they cannot understand. This Parliament should be supreme—

Mr Clarko: Caucus meets in secret.

Mr A. R. TONKIN: Why don't you shut up for a while? If you want to make a speech, get up on your feet and do it.

Mr Clarko: You are always interjecting.

Mr A. R. TONKIN: Mr Chairman, may I be given some protection from the Chair from that person over there?

Several members interjected.

Mr Bertram: He is doing a good job, and you know it.

The CHAIRMAN: Order! the member for Morley.

Mr A. R. TONKIN: It seems to me the member for Karrinyup gets away with murder in this Chamber. He goes on and on and on—

Withdrawal of Remark

The CHAIRMAN: Order! The member will resume his seat. I take his comment as a reflection on the Chair, and I ask him to withdraw it.

Mr A. R. TONKIN: I withdraw, Sir, because you have the numbers in this Chamber.

The CHAIRMAN: Order! The member will resume his seat. I ask him to withdraw without qualification.

Mr A. R. TONKIN: I withdraw, Mr Chairman.

Committee Resumed

Mr A. R. TONKIN: I hope I will be heard in silence or that at least the interjections will be such as will enable me to speak, rather than face a continual running barrage which means one must shout over the ignorant booming of the member for Karrinyup.

Several members interjected.

The CHAIRMAN: Order! The member for Morley.

Mr A. R. TONKIN: No-one minds interjections, but when they are constant so that the member speaking cannot be heard above them, that is an unfair situation.

Mr Clarko: What did you do to the Premier five minutes ago?

Mr O'Neill: I wonder why the member for Ascot has a sore throat.

Mr A. R. TONKIN: We see what a farce this place is; we see the Deputy Premier, the Leader of the Country Party, and the Premier treating this whole matter as a joke.

Mr O'Neill: You are the joke.

Mr A. R. TONKIN: We see again Parliament being undermined by this Bill, which is just a piece of window dressing. The decisions are made by the Cabinet, and not once has this Chamber dared to overturn or even think seriously about a Cabinet decision. Not once has there been a proper Committee discussion in this place. We have not got a proper investigatory committee. Because we will not do our job, and because the Premier will not allow the Parliament to function in a proper manner, we are to have three persons appointed by the Premier to review legislation, and they will not be responsible to the people; they will never face the electors. The Premier can and will choose three of his cronies for the job and they will decide what is wrong with our legislation.

Mr Laurance: Rubbish.

Mr A. R. TONKIN: Just imagine the situation in which we have to have a committee to tell us what is wrong with the fuel and energy Bill! The Opposition did that at the time. If this Parliament

were taken seriously the Opposition's views on that Bill would have been listened to with respect. However, they were just brushed aside.

Now we are to have three people, who will never face the electors, to tell us if any legislation unduly trespasses on the rights of the individual, as the fuel and energy Bill clearly did. There is no doubt that we do not need such a committee to tell us what we should do. If we do need such a committee then we have no right to be in this place. There should be no need for us to appoint three bureaucrats to tell us what legislation we should pass.

This is an absurd situation. It is not as though legislation will be seriously reviewed while it is before the Parliament; the proposed committee cannot study the legislation until it has been passed, and then it is too late. Then the committee will come to us and say, "Gee, you did a lousy job on that; you had better change it." Do we really need a committee to tell us what terrible legislation we pass? If we do need such a committee, is not that a very sad reflection on the Parliament of Western Australia?

Sir CHARLES COURT: The member for Morley, in his usual fashion, has tried to convince this Committee that the Bill in some way cuts across the rights and responsibilities of individual members of Parliament, or of the Parliament itself. If any of the political parties desire to set up a committee to study legislation or regulations in respect of any subject, they are at liberty to do so. If a party has a member who is experienced in a matter and is possibly more zealous than other members, he will perform this function himself. Some members have particular fortes; for instance, a member may be interested in transport and will study reports and regulations with a bias towards the matter of transport. Some members, for good reason, are concerned only with regulations which have a direct bearing on their electorates.

For instance, a member with a rural electorate would be more concerned about matters to do with rural industries, and so it goes on. This is all very right and proper and is one of the reasons that a Parliament should be composed of the widest cross-section of the community it is possible to obtain, so that somewhere along the line there is a member with a special interest or experience or expertise in a given subject. It is all part of the machinery of Parliament. The conglomerate that comes out of this makes it work and has made it work over the years.

But it is acknowledged universally that government today is becoming more complex. I would not care if we had a dozen standing committees; there would still be matters that would be brought down in Statutes and regulations which, without

in any way excluding members of Parliament and standing committees, could be better looked at by people with special competence who have been given responsibility by Statute to do just that.

I come back to the point that everybody's business is nobody's business; and we are trying to make it somebody's business. There is no suggestion whatsoever that this impinges on Parliament or on the duties, responsibilities and rights of individual members.

If a Labor Government is ever re-elected in Western Australia, I assume it will have a series of standing committees. Otherwise the honourable member has been saying a lot of things that are plain hot air. If a future Labor Government appoints a series of standing committees it will be interesting to see the collective wisdom of Cabinet getting to work on that one. I suggest, with respect, that those standing committees would have an advantage from the work of a committee such as is proposed by this legislation because they would be able to call on the experience and expertise of this committee in the course of its work. This proposed committee will make its findings known and those findings will be available to the Parliament and to those standing committees.

I suggest that because of the work of this proposed committee the Parliament itself will be sharpened up a bit because someone will have the responsibility to invite the attention of Parliament to Statutes and to regulations.

I feel we were fairly brave in putting some of the requirements and criteria into this legislation because those who have been in government know that these things pour through to the consternation of everybody. Sometimes one wonders just what is in some of these regulations that are not submitted to some sort of expert gaze.

I sincerely hope that this proposed committee might sharpen up Parliament a little without in any way denigrating it or taking away its rights, responsibilities or privileges. I hope members will look at it objectively, move away from their prejudices and realise that we are trying to introduce a new dimension on behalf of John Citizen. He is the fellow who has a chance to be protected and to get some benefit from this legislation. Hopefully the members of the proposed committee, because of their legal commitment, will unearth some things which, if left undetected, might one day be used against John Citizen in a way that was never intended by the Parliament or the Government.

Mr A. R. TONKIN: I should like to make a comment with respect to what the Premier said about government becoming increasingly complex and that, therefore, an expert committee will do a very desirable

job. It may well be that a committee such as is proposed, as an adjunct to a properly functioning Parliament, would be acceptable. If Parliament had utilised its resources to the full to ensure that members of Parliament discharge their responsibilities towards legislation and regulations, it may be that a committee of this kind, perhaps with more expertise than many or all of us have and time to devote to the subject, could be acceptable. But this proposed committee is being put in substitution for a properly working Parliament.

A Premier who refuses to allow Parliament to work in the same way that nearly every other Parliament in the world works—with a system of committees—cannot be taken seriously when he says that he is concerned at the increasing complexity of government and the fact that we need to look at regulations and legislation more thoroughly.

We agree that they should be looked at more thoroughly. We do not believe members of Parliament are allowed to discharge their duties in this way. The Opposition is willing to accept this responsibility. The Opposition has moved time and time again for committees to be established. The Premier will not allow them because they may take the lid off the secrecy which is the normal *modus operandi* of this Government. We are of the very firm opinion that this Parliament should operate properly and that a proper work value study should be made of members of Parliament to see whether the Parliament should be kept going.

If Parliament were working properly and if we had exhausted the resources available amongst the 51 members and we then needed expert advice, this proposed committee might be acceptable. But without the Parliament working properly this committee will assume a dictatorial function.

We know all about the legal fiction. We know that this House can reject every Bill the Premier brings here, but we know it will not, so we are dealing here largely with fiction.

Let us deal with the real world and with reality. An expert committee of this nature, dealing with an inept and poorly functioning Parliament, will become the master of Parliament. It will become the master of Parliament because it will be doing the work and will have the expertise while the Parliament slumbers on.

Sir CHARLES COURT: I was inclined to let the rest of the debate on this clause go without comment, but I feel it would be improper if I did not refer to the comments made by the honourable member which are completely untrue and inaccurate. The fact is that this Parliament is supreme. Whichever party has the majority normally passes its legislation; and that is what the people expect. The people make up their minds as to who will be the

Government, and then entrust that party, for the time being, with the affairs of government.

The honourable member is proclaiming not only his own incompetence but also the incompetence and indifference of the whole of this Parliament. I take exception to that because this Parliament works the way the Parliament decides it will work. Neither the Premier nor any individual decides that.

It is no good the honourable member saying that it works because of a Premier or any particular person, because I remind him that if there were a change of Government—heaven forbid—that Government would lay down the basis upon which the policies were determined and implemented, how the State was administered, and how Parliament was run for all practical purposes within its Standing Orders.

I want to join issue with him also because he talked about Parliament not working properly. Whose fault is that? It is the fault of the Parliament itself and of the individual members. What he has said casts a reflection on all members of this Parliament. I assume he believes, because of his own work and his own methods of looking after his electorate and handling his business in this House, that he is the only member who does his duties diligently. I would not accept that for one second. He might do them differently from others but that is his way of doing things, and I do not quarrel with it at all. The members of this Parliament each go about their business in their own ways; they each have their responsibilities to their electorates, to their parties, and to the Parliament. The honourable member reflects on every member of this Parliament when he says that the Parliament is not working properly.

If the Parliament is not working the way the honourable member wants it to work, that is another matter. If it worked the way he wanted it to work we would have a series of standing committees and he would be the chairman of the lot. What a Parliament that would be!

The honourable member asked how many Bills introduced by the Government have been rejected by this Parliament. Obviously he does not keep a very good record because from time to time and session after session Bills are introduced by a Government that sometimes are not proceeded with and drop off the bottom of the notice paper. Some are discharged from the notice paper and others are withdrawn. In many ways this is an acknowledgment by the Government of all parties. It has happened to all Governments that a particular piece of legislation was not meeting with general approval of the Parliament or the public, or the Government of the day thought there were some deficiencies in it or proper information had not been given to it at the time the Bill was drafted.

Year after year we see Bills meeting this fate, and so they should. Of course, that is the more logical way of dealing with them than to have them defeated straight-out, because if those Bills went to a vote most would be passed. However, Governments have had enough sense not to proceed with them. Two nights ago we saw one Bill discharged from the notice paper, because the Government acknowledged that the measure did not reflect what was intended when it was drafted originally, although it was one which was sought by a wide cross-section of the community. I give that as one of many examples of what has taken place over the years.

I have seen cases in this Parliament where regulations were disallowed, time after time, and often on motions by Opposition members and not by Government members. That is part of the machinery.

The member for Morley should reconcile himself to the fact that this Parliament lays down its own Standing Orders and its methods of operation. If the Government is not up to its task the electors will deal with it in the proper time.

Mr YOUNG: Having made a contribution to the second reading debate on the Bill—

Mr Bertram: You only spoke to it.

Mr YOUNG: I am sorry the member for Mt. Hawthorn does not understand English. Having made a contribution to the second reading debate on the Bill I feel disposed to make a comment on the clause under discussion. The member for Morley has virtually condemned himself and his party with words from his own mouth when he interjected and said, "We allowed committees to operate."

In the course of my second reading speech I extracted from the honourable member and from members opposite generally the fact that they have not set up within their own party a committee to deal with subordinate legislation. If this was so important, and if the member for Morley was correct in his assessment that the members of this Chamber ought to be competent to make an evaluation—here I am referring to subordinate legislation only—then surely one would assume that members on the opposite side of the Chamber would have given the matter sufficient consideration and set up a committee to review the most maligned area of the activities of the Parliament of this State, and I am sure of the other States; that is, the ability of a senior civil servant or a Minister to lay upon the Table of the Chamber a regulation which, in the main, is given scant regard by members, which becomes law and affects the right of every individual in this State.

Yet the Opposition, and with respect I say both sides of the Chamber, have not taken this step. To my knowledge this

side of the Chamber has not set up a standing committee of the parliamentary party to deal with subordinate legislation. The member for Morley claims that members of this Chamber ought to be carrying out the functions of Parliament properly. He said that if this Parliament were functioning properly he would be in favour of the Bill.

In fact, what the member for Morley is saying is that in respect of this important part of the legislative life of Parliament, members on his side of the Chamber have done nothing, and that for the first time in the history of the State we as the Government have done something. The difference is that we are doing something about the matter, but the member for Morley is being obstructive and is trying to prevent something which is tangible, independent, and reasonable from taking place in respect of subordinate legislation. In other words, he is placing an obstacle in the way of establishing an expert body to advise how subordinate legislation affects, in particular, the lives of the people of Western Australia.

What the member for Morley is saying in a nutshell is that if we on this side of the Chamber take action to set up such a body we are wrong; but if the Opposition takes action to set up that sort of body within his own party or anywhere else then it is right. He is using an excuse to argue against something which every member of this Chamber knows is reasonable and proper.

How members of the Opposition with the exception of one member were conned into voting against the legislation is beyond my comprehension, and certainly beyond the comprehension of members on this side of the Chamber.

The CHAIRMAN: Order! Will the member for Scarborough resume his seat. I would point out to the Committee that we are debating clause 1 of the Bill which deals with the short title. The debate has tended to become something of a second reading debate. I would ask members to confine their remarks strictly to the clause under consideration.

Mr YOUNG: You are quite right, Mr Chairman. In view of the amount of latitude which you allowed two previous speakers, I thought I would be entitled to have the same.

Mr T. H. Jones: You are reflecting on the Chair.

Mr YOUNG: The Chairman has allowed a certain amount of latitude, which he is entitled to do. I have made the points I wish to put forward. I believe the Opposition, with the exception of one member, has not acted in a proper manner.

Mr A. R. TONKIN: I am cognisant of the comments you have made, Mr Chairman, about keeping strictly to clause 1.

I was in fact trying to talk about the legislative review committee. I wish to reply very briefly to the comments of the member for Scarborough because some of his comments were incorrect. It was incorrect for him to say that we did not have a committee within our party to deal with subordinate legislation.

Mr Young: I challenged you on three occasions to tell us but you did not do so.

Mr A. R. TONKIN: It is true that we do not necessarily answer every interjection. If all that we have to do is to answer interjections then we would have little opportunity to make our points.

Mr Young: There was definite silence from the Opposition for about 15 seconds.

Mr A. R. TONKIN: We have several such committees, and our committees do look at the regulations.

Mr Young: You did not tell us about that last week.

Mr A. R. TONKIN: That is absolute nonsense. It is true that our party does not have a committee entitled "Subordinate Legislation Committee". In reply to the comments of the Premier I would point out to him that it is not a question of running Parliament the way I want it to be run. Our aim is to get this Parliament to be run in the way most Parliaments are run. Most Parliaments take their duties seriously, and most Parliaments do have committee systems. So, this is certainly not something that we on this side or I alone want. It is a question of normal practice in competent Parliaments.

Regarding the point raised by the Premier about my reflecting on the members of the Chamber, I would remind him that on several occasions members of the Opposition voted in favour of the better functioning of Parliament. So, he cannot level the charge that we are satisfied with the incompetent way in which this Parliament is run. We have entered into division after division to set up standing committees, but the Premier was able to whip his flock into line and defeated our moves.

Mr HARTREY: The subject as you, Mr Chairman, have quite properly reminded the Chamber is the short title of the Bill mentioned in clause 1. In my view this is an appropriate title. It is entirely consonant with the objects of the Bill as set out in the preamble. The long title of the Bill is as follows—

AN ACT to establish a Committee to examine and report to the Parliament upon whether regulations, rules and by-laws which may be disallowed by the Parliament trespass unduly on personal liberties or are otherwise undesirable in certain other respects, to examine and report to the Parliament upon

other legislation and proposals for future legislation referred to it for the purpose, and for incidental and other purposes.

That is a very laudable object, and I think it is very well expressed in clause 1. The clause states that the committee to be set up will be a legislative review and advisory committee. That seems to be consonant with the object I have just read, and that object is so highly laudable it needs no stressing.

The most difficult part of legislation today is not the actual enactment of the Statutes, but the supervision and constant alteration of regulations, by-laws, and rules. They are really the things which the public do not know about. The public do not know whether they have ever been discussed or even passed. For the most part, they are never discussed except in bureaucratic circles, and they certainly are not passed in parliamentary circles.

How one could say the establishment of this committee to review subordinate legislation is not an advancement of the power of Parliament, I cannot imagine. I agree with the member for Morley it is desirable that Parliament should act properly. I am not suggesting it does not, but it cannot act as efficiently if it does not have information as it could act if it had adequate information.

The object of the Bill is to set up a committee to advise Parliament about matters which Parliament itself does not necessarily know. We have been told it is only a fiction that this Chamber governs itself. To some extent that is true. However, a much greater fiction is that the members of this Chamber have the right to read all regulations, and object to them. It is true that they can read the regulations and object to them, but it is a complete fiction, because we do not take that course of action. It is beyond our human capacity; certainly beyond my own capacity, which I regard as being quite as adequate for this type of task as that of most other members.

I acknowledge the member for Morley is very vigilant and very anxious to promote his ideas. However, I imagine he does not have an opportunity to read many of the regulations which are tabled in the Chamber.

The whole object of this Bill is expressed in the title: its whole object is primarily to review regulations, rules, and by-laws. If they need to be reviewed, and need to be constantly amended—especially in the direction indicated by the measure now before us—I am sure they will when so reviewed be much less oppressive on the people who put us here. The title is good, and the Bill is good, and I am happy to vote for it.

Mr BERTRAM: I must say I was deeply moved by the Premier's concern for John Citizen.

Mr Hartrey: So was I.

Mr BERTRAM: Previously, references have been to Joe Blow, but the Premier has changed to John Citizen for the purpose of this discussion.

The CHAIRMAN: I ask the member for Mt. Hawthorn to address his remarks to clause 1, the short title. I did allow some latitude to the Premier, to the member for Morley, and to the member for Scarborough before I stopped him. I am afraid if I do not apply the provisions of Standing Orders correctly, and accurately, this debate could go on forever in this vein. I ask the member to adhere to clause 1.

Mr Skidmore interjected.

The CHAIRMAN: Order! The member for Swan will refrain from interjecting while I am addressing the Committee.

Mr Skidmore: My apologies, Mr Chairman.

Mr BERTRAM: I think I have the message, so I will deal with John Citizen and Joe Blow on a different occasion. But, at least it was a novel approach by the Premier, and an approach not manifested in our electoral laws or our electoral legislation which is currently before this Parliament where one Joe Blow is depreciated against another to the tune of 14 to one.

Mr Old: Is this in the Bill?

Mr BERTRAM: That is different! I will leave that subject for a moment. The title is not translated in the contents of the Bill. Clause 7 is not in harmony with the title. The proposed faceless, nonelected committee will be one which will be competent to do what we do not know. Only one member of the committee is required to be a lawyer, and who the others could be we do not know. What special competency will they have? We do not know who they will be. Does the Premier know? If he does, why does he not tell us? Why the secret? The Bill will go through because, although we have a case, we do not have the numbers.

Mr A. R. Tonkin: I know one candidate for a position.

Mr BERTRAM: If the other members of the committee do not have any special competence who will take any notice of them? One member out of three will be a lawyer. This is a matter primarily for lawyers. Lawyers are employed in the Crown Law Department.

Mr Hartrey: Oh no, not them!

Mr BERTRAM: The lawyers in the Crown Law Department have been drafting regulations for a long time, and probably they were drafting them before this faceless committee was even thought of. Those people have special competency, and if they did not have that competency the remedy would not be to put another tier on top of them, and then another tier on top of the second tier. In any other walk

of life deadwood is removed and replaced. The Crown Law Department has been drafting regulations for years.

Mr Hartrey: It is those very regulations that this committee is designed to scrutinise!

Mr BERTRAM: Those lawyers have been framing regulations which have gone through this Parliament, but which have not been good enough.

A case has not been made out during this debate to show the state of affairs to be so terrible that we now have to set up a third tier of government—a tri-cameral system—the last tier being nonelected, faceless men. Members of this Committee are not even aware of who those men will be. Only one is to be a lawyer, and I suppose that one will be a butcher and one will be a baker. Who has special competence in the matter of regulations, if he is not a lawyer?

Mr Harman: I think I could provide the name of one member.

The CHAIRMAN: Order! I do not want to stop the member for Mt. Hawthorn from making his point, but it is not proper for him to speak as he is speaking on this particular clause. Unless he adheres strictly to the clause I am afraid I will have to stop him.

Mr BERTRAM: I think that is a fair enough ruling, Mr Chairman, and I will abide by it. I fell into the trap of dealing with another matter raised by the Premier, but I will not persist in that direction. I am unlucky that the member for Morley rose before me and received your patient generosity. I certainly am not complaining; one has to stop somewhere and I will stop now.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Establishment of Committee—

Mr SKIDMORE: I listened very patiently to the debate on this Bill, and I took note of the remarks of the member for Scarborough regarding the expressed attitude of the Opposition. I take strong exception to his statement that I was conned. I take strong exception to his remarks implying that either I had not been in our party room or I had been asleep when this matter was discussed.

I have a valid point of view to express on this question; it is my opinion that a committee such as proposed in this clause would do nothing to help the smooth running of this Parliament. One need only look at the proposed membership of the committee to realise that it would be taking away a function of Parliament, whatever the Premier likes to say about it.

Regulations tabled in this place are normally looked at, objected to, or agreed to by members of Parliament. It is completely

false for the Premier to say that a committee to review legislation and regulations would not constitute an interference with parliamentary affairs. I have been a member here for the short period of approximately 2½ years, and in my capacity as the member for Swan, as well as being a member of several parliamentary committees for the Labor Party, I have found no difficulty in examining the rules and regulations relating to matters in which I am interested. I might say that I take note of all regulations or papers laid on the Table, and as members know, every member of Parliament has a list of tabled papers.

Members may recall the time that I, and the member for Rockingham, raised the question of some regulations which we believed would cause distress to aviculturists and to others interested in wildlife and fauna. We moved for the disallowance of these regulations, and subsequently they were altered substantially to meet the wishes of the people involved. I have found time as a member to look at other regulations in relation to agriculture, industrial affairs, and workers' compensation. We cannot help it if Government backbenchers are too lazy to look at these regulations.

The member for Scarborough said I had been conned into supporting the legislation merely on the grounds that the member for Morley is so outspoken on the issue. I do not like that statement and it is for this reason that I have risen to speak to the clause. While on my feet there are many other provisions in the Bill that I may be tempted to look at.

As a member of Parliament I do not believe my rights should be usurped by an outside committee, and that is precisely what will happen. Let us assume that some regulations relating to the Workers' Compensation Act were tabled in this Chamber. Although not setting myself up as an expert in this field, I have been in the trade union movement and worked in the field of workers' compensation for some considerable time. I know my limitations, but I would certainly look at any such regulations tabled. It may be that I would agree entirely with the regulations tabled and I would not move to disallow them. However, under the provisions of this legislation, three people who are not members of Parliament could determine that the regulations were not fit and proper regulations under the Workers' Compensation Act. The committee could make a recommendation to Cabinet, and Cabinet, acting on the recommendation, could withdraw the regulations and put forward something which I would have to move to disallow.

Mr Young: That is not the way the Bill reads.

Mr SKIDMORE: That may not be the way the Bill reads, but let me assure the honourable member that my example is a practical one. I know the machinery is one of conciliation, but if we have three outside people considering the regulations, they could come back with something that is contrary to the wishes of the Government.

Mr Young: In other words, you are saying they are likely to act unlawfully?

Mr SKIDMORE: No, I am not saying that at all.

Mr Young: You just said it.

Mr SKIDMORE: The member for Scarborough interprets the Queen's English in some funny ways.

Mr Young: I said that the recommendations would be brought to Cabinet.

Mr SKIDMORE: The honourable member is as devious as a worm in a manure garden—he should join them.

Mr Sodeman: He cannot join you—he has to stay on this side of the Chamber.

Mr SKIDMORE: I am not advocating, nor would I ever advocate, illegal action or action outside the laws of the land. Certainly I break the laws quite frequently—

Mr Bertram: So does everyone else.

Mr SKIDMORE: —and just this morning I picked up one of those \$10 fines. I am very sorry, and I will pay the fine. Whichever Government appoints this committee, the appointees would hold the same philosophy as that of the party in government—do not let us bury our heads in the sand.

If I wish to move for the disallowance of regulations, I have the right to do so and the matter is then fully debated in this place. We would not be subjected to the pressures of interference by outsiders. I take nothing away from the people who may sit on this committee, but I believe the manner in which the committee is supposed to work is quite impractical.

We do not need another committee to do this work for us. I imagine we will be in a little strife in regard to the recent fight for salary increases and no doubt the pensioners will jump up and down about that. We have enough problems of our own at the moment without having more and more of our powers taken from us by virtue of a committee composed of people who are not members of Parliament.

For many years the Opposition has advocated standing committees of this Parliament, and we will continue to advocate this principle. In listening to the Premier's reply to the second reading of this measure, I detected a glimmer of hope that such committees may be set up.

I was hopeful that he may at least have relented on the question of standing committees, because it seems to me it would be a good practice to have a system of standing committees which could advise a standing committee appointed to consider the public's point of view and which would have the co-operation of people in private enterprise and the public sector. Certainly, I would not propose such committees would have overriding control over the making or disallowing of regulations.

I have tried to give reasons to support my contention that a legislative review and advisory committee is not needed, and I challenge the necessity to set up such a committee. I also challenge the people who will be appointed to this committee, because they will become political minions who will not be allowed to develop their own thinking on any matter, as has been the case with so many other boards appointed by various political parties. It is a great tragedy that so many of these people are appointed not because of their expertise but because of their political leanings; that is a reflection on the type of committee it is suggested we should establish under this legislation.

I took strong exception to the comments of the member for Scarborough that I was conned. I never will be conned; certainly, I will not be conned by anyone on my side of the Chamber because they do not go out of their way to con anybody. We enter into discussions and committee-type debates on all these issues which come before us, and this particular piece of legislation was keenly debated in our party room.

I believe I have done my job in this Chamber. I have considered regulations which vitally affect my way of life and that of the people I represent, who are predominantly working people engaged in industry. I have also looked at regulations as they affect the small number of farmers in my electorate, and as they affect the abattoir workers and other groups of workers. By their actions in moving to disallow certain regulations members on this side have proved they have an interest in protecting their electors. I believe the legislation should be defeated.

Mr DAVIES: I have several queries in regard to this clause. The first, of course, relates to the constitution of the committee. During the debate on this aspect of the Bill, it was emphasised that there was a need for legal men to consider this type of paper work. Yet clause 5 (2) provides for only one legal practitioner. I hope the Premier will enlighten me as to the reason for this. I am sure he must have thought this matter over either in Cabinet or in private, and I believe he would have some idea as to why the committee should take this form. Who will be the other members of the committee? Is one to be

a housewife or a trade unionist? I am quite sure one will not be a representative of the TLC, and I will not even bother to move for this inclusion.

As to how the committee will be constituted, I do not think this is quite fair because concern already has been expressed about the appointment of this additional arm of government. We are being asked to approve what might be termed a pig in a poke, and if we allow this clause to pass without seeking further explanation we could be called negligent. I am sure the Premier will tell us what he has in mind, and we can debate the matter further.

In subclause (3) I notice that, apparently, members will be appointed for varying terms. I do not know whether that is the Government's intention, but that is the way the clause reads; a member appointed on the occasion the committee is first constituted shall hold office for a period not exceeding five years, which implies that members may be appointed for a lesser period. This is not an unusual procedure, because we do not then have the whole committee coming up for reappointment at set times.

Subclause (5) provides that where the office of a member has become vacant, the person to fill that vacancy will be appointed for the unexpired part of the term of office which has become vacant. I cannot see any reason for not appointing him for a five-year period.

Subclause (6) causes me some concern, because we do not know how the committee is going to operate. It states—

A member shall be paid such fees and allowances as are determined from time to time by the Governor.

We know there are several scales laid down, depending on the type of committee involved, the number of times it meets, and the status of its members. Obviously a trade unionist will not be paid \$30 an hour whereas a Queen's Counsel may receive that amount. We know the scales are laid down, and we know it applies to committees which have regular meetings.

However, in this case, we do not know what form the meetings will take or the form of work the committee is going to do. The chairman may take it upon himself to read all the regulations, and relate them to the other members of the committee; he may even take them home and study them in bed, although from personal experience I expect that would put him to sleep.

Will the committee hold regular, formal meetings? This is not provided for in the Bill. How often will the committee meet? At the end of the week, at the end of the month or year or at the end of five years, will the committee members fill in a time sheet saying, "I have worked so many hours" and will the Governor then say, "They shall be paid this amount of

money"? Parliament has no control over the amount they will be paid; the Governor is going to decide such payments and allowances as are determined from time to time. This is totally unacceptable to me.

If the committee were required to meet on specific occasions and deal with matters as a committee, it would be acceptable. But we do not know how it is going to work. The members of the committee may consider matters separately, conjointly, two together, three together, or by any other method they happen to decide upon. In fact, as far as I can see, the Bill contains no provision requiring the committee to hold meetings. It will be the greatest free-wheeling organisation I have come across in 15 years of considering legislation in this place.

I do not know whether it has been deliberately set to be so but it could be a bonanza for some retired person who might want to sit down. I hasten to add that I am not reflecting on anybody, but after all the Chief Justice will shortly be available for appointment after he retires; and here we have an excellent man who could be a member of the committee—I could not think of anybody better suited for the purpose.

However we do not know who the appointee is to be, but the ex-Chief Justice would certainly attract a greater fee than some article clerk who might be there to carry the books.

I repeat that in regard to the formation of the committee the Premier has already said in his Press statement that the people to whom he referred the matter had found the greatest difficulty in coming to grips with the problem; and that Cabinet when considering it had also found the greatest difficulty in coming to grips with it. I have not the quotation with me at the moment but I could get it from the library if it were required.

The legislation now before us indicates that the Government felt it had to do something; it was not quite sure what it should be, but it decided to plug it along the line that it would be protecting John Citizen, which always has a great appeal.

People invariably think Parliament makes bad laws, and the laws it makes are not worth while. There is a lot of loose talk around the place and this Bill will not prevent a bad regulation going through.

Mr Bertram: The Government will put another committee in.

Mr DAVIES: I was about to say that: Who will review the work of the committee which reviews the regulations and the laws? We could establish another tier of government.

Mr Bertram: That is right.

Mr DAVIES: The Government is trying to meet its election promises and I do not criticise it for doing that, but in this legislation I believe it has gone for the overkill.

Sitting suspended from 3.42 to 4.04 p.m.

Mr A. R. TONKIN: The member for Victoria Park made a valid point about meetings and a quorum. Will the situation be similar to that in Cabinet where the quorum is the Premier plus none? This is an aspect which is worth considering. I wish particularly to comment upon subclause (3) which states that a member shall hold office for five years. What the Government will do is quickly appoint three stooges who will be in office for five years. If we become the Government next year we will have, in addition to the Legislative Council vetting our legislation and frustrating the Government chosen by the people, as occurred in 1971-1974—

Mr Young: I would not worry about it.

Mr A. R. TONKIN: I know the member for Scarborough would not worry about it. That says a great deal for his type of morality. But I do worry because this is a very important issue; that is, that the people should be able to choose a Government.

Under the legislation before us we will have a nonelected body comprising people who will remain in office longer than the Government elected by the people. The Government will last for three years and then there will be an election, and the Government may be re-elected or defeated. But these people will be appointed for five years, so there will be another organisation which will have as its task the sabotage of legislation introduced by the Labor Government, despite the fact that the people chose that Government. That is why we protest at this device.

Mr BERTRAM: I imagine that whatever Government is in power it could have regard for people like the member for Fremantle who will shortly be retiring and who would be an excellent person to appoint to the committee.

Mr O'Neil: I'll say; better than the member for Morley!

Mr BERTRAM: Or the former Leader of the Opposition, or Mr Graham. They are men who could do this job tremendously well. As the Premier will not tell us whom he has in mind, he might take those persons into consideration because they will probably have time on their hands and will at least have had vast experience.

Mr Coyne: What about the member for Boulder-Dundas?

Mr BERTRAM: I think he would be an excellent man. I have not asked his permission to refer to him, but I think I heard some agreement in the background. He of course would be the legal practitioner,

and in that case there would be three members of the Labor Party on the committee, and somehow the general consensus of the Opposition is that that would not be acceptable to the Government.

Somewhat surprisingly, today the Premier has indicated his concern for John Citizen. We permanently refer to John Citizen as the little man while heretofore the Premier has referred to him on occasions as Joe Blow. However, that is purely introductory.

Those on this side of the Chamber represent the mass of the people of this State and we believe that John Citizen, the little man, does not get a fair deal. I have already indicated during the second reading debate how much say the little man has in this State in the Parliament, in local government, on boards, or committees, and so forth. This is to be a committee and John Citizen will have very little say. In other words, 45 per cent of the people will be treated shockingly.

This is just another step in the sequence of pushing the little people further and further into the background—the people we represent; 45 per cent of the voting public. In order that the people might get a better deal by knowing what is going on in the committee, it is my intention to move an amendment, the purpose of which is to increase the number on the committee from three to five. That amendment will be made to line 29 on page 2, and if that amendment is successful I will then move to add after the figures “1893” in line 32 the following—

and two of whom will be members of the Legislative Assembly, one being a member of the Government and the other a member of Her Majesty's Opposition.

Under the amendment the people will have some reason to believe they are getting a fair deal. We have often heard it said that justice should not only be done, but should appear to be done. This is a case in point. If my amendment were accepted we would know what was going on in the committee and would be a party to it, and would therefore be in a better position to assess the committee's value and efficacy.

If, as he indicated, the Premier is concerned about John Citizen, he will welcome the amendment. It will give him a first-class opportunity to manifest that which he indicated earlier to be his desire—a new-found desire and one which was totally absent earlier in the year during the introduction of certain electoral and other legislation. That is all we ask. We are not asking that members be paid for attendance because they are already being paid.

Mr Sodeman: The member for Maylands will not join it then.

Mr BERTRAM: They would deliberate upon the committee and the Opposition member would report to the Opposition concerning the committee's activities just as is the case in regard to so many other committees. We want an opportunity to have a member on the inside of a parliamentary function, and not on the outside being told what the committee is doing or how it is doing. Is that an unreasonable request? I say it is not. Historically it has been the Legislature's job to attend to regulations and not to send them off to someone else.

There is an extraordinarily unsatisfactory position in this State which, sooner or later, if allowed to continue, will affect the law, order, and good government of the State. We cannot forever immorally deprive a substantial proportion of the public of this State of participation in the government of the State. What has occurred in the last 80-odd years has occurred, but it is a different ball game today. If we want people to obey the law they must have the right to participate in its making, but that is not the case in Western Australia today and, I venture to say, it has not ever been. But that situation must be altered.

The first amendment I will move is designed to increase the membership of the committee from three to five with a view to my making a further amendment which would require two of the members of that five to be members of the Legislative Assembly, one being a member of the Government and the other a member of Her Majesty's Opposition.

I move an amendment—

Page 2, line 29—Delete the word “three” with a view to substituting the word “five”.

Sir CHARLES COURT: I seek your guidance, Mr Chairman. A number of members have asked questions about this clause but because the member for Mt. Hawthorn has now moved an amendment I assume you will make us confine our attention to the amendment.

The CHAIRMAN: Yes.

Sir CHARLES COURT: At what point can I answer the queries raised by, for instance, the member for Victoria Park?

The CHAIRMAN: After the amendment has been dealt with we will then be debating that clause 5 stand as printed.

Sir CHARLES COURT: On that understanding—and members will appreciate when we reach that point I will deal with the questions that have been raised—I will deal only with the amendment moved by the member for Mt. Hawthorn.

If the honourable member stops to reflect for one second, he will find that the amendment he has moved and the

amendment he proposes to move if he is successful with his first amendment shatter the arguments used by him and his colleagues in opposition to the Bill. Their arguments were based on the unsound premise that the Bill, if it became a Statute, would denigrate Parliament, cut across the authority of Parliament, and in every way make Parliament a rubber stamp. That is nonsense but it is the argument which was advanced.

The member for Mt. Hawthorn wants to move an amendment which will incorporate on the committee two members of Parliament, one representing the Government and one representing the Opposition. It does not take a lot of smart thinking to realise that the effect of this would be completely to change the character of the committee and the nature of the work it would do, and for all practical purposes it would give the committee the imprint of representing the Parliament.

This is the very thing we tried to avoid and the very thing I thought the Opposition was trying to avoid. Therefore, as far as the Government is concerned, in view of the special nature of the review committee and the advisory nature of its work, independent of Parliament—and I emphasise its advisory capacity, which is very clear in the legislation—it would be quite wrong to change the character of the committee to the extent of including in its membership a representative of the Opposition, nominated as such, and a representative of the Government, nominated as such, from this Parliament.

I cannot imagine anything more likely to lead to the committee being regarded as a committee of the Parliament. I can imagine considerable embarrassment to the two members of Parliament appointed to the committee if the committee made certain recommendations to the Government or Parliament of the day in respect of either regulations and by-laws or legislation.

For good reason, the Government believes the constitution of the committee as at present envisaged in the Bill is sensible, and I will enlarge on that when I reply to the questions asked by the member for Victoria Park. We regard it as a detached committee, separate from the Parliament and subject of course to the will of the Parliament and the rules of the Parliament. It is therefore desirable and necessary to refrain from having any direct parliamentary representation on it.

Mr Jamieson: Has any other similar committee been established in the British parliamentary system?

Sir CHARLES COURT: I do not know of one which is exactly the same but I know of some which purport to do the same kind of job, although not in this particular form.

Mr A. R. Tonkin: Only in standing committees of the Parliament.

Sir CHARLES COURT: It is still possible to have standing committees, if the Parliament so desires. That has nothing to do with this Bill.

Mr SKIDMORE: I support the amendment. It is inconsistent of the Premier to suggest that because we seek to amend the Bill in this way we are abrogating the responsibility of the Opposition to oppose the Bill in its entirety. When we reach the end of the road in our attempts to defeat the Bill, we must take some responsibility for the point of view which prompted such thinking. It is therefore consistent for us to move this amendment. If we cannot get the best of two worlds, we would certainly like to get the best of one world, and that is precisely what we are endeavouring to do.

It is quite specious for the Premier to suggest we are giving away the principle for which we have battled, because when we come to clause 5 we are well on the way to having the Bill accepted by Parliament. Whether or not our opposition is forceful or sound enough to persuade any Government members to cross the floor and vote with us, we would demonstrate a shallow attitude if we did not try to make the best we could of the situation. Since I have been here I have heard it said many times that when the Opposition cannot defeat a Bill in its entirety it shows weakness if it does not try to amend it.

The Premier said that if the membership of the committee included an Opposition member of Parliament and a Government member of Parliament it would assume the character of a committee of Parliament. I do not know that that would worry me very much. I would prefer it had some responsibility to Parliament and if that is what it would gain from the inclusion of two members of Parliament, that is precisely what I have been trying to achieve. I do not like the idea of its being a committee divorced from Parliament, but if there were parliamentarians on the committee I consider the deliberations in this Chamber arising out of the committee's reports would have more validity and members of Parliament would be able to express their opinions on the ideals put forward by such a committee. This would lend stature to the committee and would go a long way to meeting my desires as far as the composition of the committee is concerned.

I believe the proposal is a good one, and from it the Opposition hopes to be able to salvage something from this bad piece of legislation.

Mr BERTRAM: I make it clear that the Opposition does not in any way at all condone this Bill. The fact of the matter is the Bill has now received a second reading, as all members of the Opposition knew it would. We are now striving to salvage something from the wreckage. We do not want to go down with the ship, the anchor, and the captain. We have no confidence

in the captain, anyhow, so there is no reason why we should sink with him. We do not want to lose the lot: we want to salvage something from the wreckage.

I am told—accurately or otherwise—that politics has something to do not only with the art of the possible but also with compromise. We are seeking to achieve a compromise, so the amendment has nothing to do with shattering any arguments. We again endorse the arguments we put forward, without any reservation, limitation, or restriction. We repeat those arguments, but because we have not won upon them and because we are a responsible Opposition representing 45 per cent of the people of Western Australia, we want to get something. We are not going to act like spoilt boys and run the moment we have not the numbers. Habitually we do not have the numbers here.

A year or so ago the Government withdrew the whole of Western Australia from the Australian Constitutional Convention. We did not condone that action and we do not practise that type of thing. We want to salvage something out of the situation because we are absolutely confident that not one of the three people proposed for the committee will be in any way sympathetic to our cause. That is our belief and I think there is abundant evidence from legislation and debates in this Parliament to indicate our belief is well justified.

It is a policy of Parliaments in Australia to appoint to committees, boards, and the like people who are sympathetic and friendly towards the Government. What is more natural? It is conceded that even happens with the High Court and that the judges of that court have political bias. If it happens with the High Court, is it suggested it will not happen here? Judges who are trained, learned, and experienced, and who are the best judges in Australia are still said to have bias—that may not be the right word, but I will use it anyway—which will cause them to take a certain line rather than another. We believe this happens to an even greater extent with committees, generally.

Recognising this, we are striving—albeit in vain—to do something to stop it and somehow ameliorate its impact upon us and, more particularly, the people we represent in this place. We believe members of Parliament should have a hand in the operation of the committee and the making of regulations, because in my experience one gets a far better hearing if one is present during an argument than if one is not present. People have an extraordinary capacity to treat things differently when interested parties are present before them. We are mindful of this, and it is for that reason the amendment has been moved.

Members of Parliament are experienced and ought to be as expert as any people in the State, excluding perhaps legal practitioners, and therefore they would be very

appropriate people to be on the committee. It is not as though they are also-rans and would not know a regulation from a bull's foot.

The amendment is moved for that reason, and not because we will have a bar of this Bill in any way, because the Bill is really setting up a third tier of government. However, we want to have a little say in the operation of this creature which we dislike immensely; we do not want to be completely on the outside.

Amendment put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Harman
Mr Bateman	Mr Jamieson
Mr Bertram	Mr May
Mr T. J. Burke	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller

(Teller)

Noes—22

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Rushton
Mr Grayden	Mr Shalders
Mr Hartrey	Mr Sibson
Mr F. V. Jones	Mr Tubby
Mr Laurence	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr Carr	Mr Stephens
Mr B. T. Burke	Mr Crane
Mr Bryce	Mr Grewar
Mr T. H. Jones	Dr Dadour
Mr A. R. Tonkin	Mr Sodeman

Amendment thus negatived.

Sir CHARLES COURT: I reply to the questions raised by the member for Victoria Park. He asked why there is only one legal practitioner on the committee. The explanation is simple. It is intended that we should have one man who is specially qualified in the nature of the work of this committee, because a great deal of study will be necessary in respect of regulations, rules, and by-laws, and also in respect of legislation, from the purely legal point of view. However, we also want to have a broader approach to many matters, bearing in mind that the purpose of the committee is directed at looking after the rights and liberties of people. Provided sufficient legal competence is there to examine the purely legal aspects, we feel it is desirable to have two other members who are citizens of standing. Presumably any Government with any sense would appoint citizens of standing with credibility and acceptability.

I remind the Committee that within the last couple of days in this place we have been harangued by members opposite trying to convince the Government that certain people should be appointed, not because of any particular association with industry or commerce or something of that kind, but simply to reflect the will of

ordinary people. If ever there was a case in which we need to have the reflection of personal experience, attitudes, liberties, freedoms, hopes, and ambitions, it is in connection with the work of this committee. Therefore it is felt desirable to include two nonlegal men on it.

I invite the attention of members to the fact that the next clause contains provision for counsel to be appointed, and the only constraints are financial ones. We do not want the committee to engage QCs *ad lib* and *ad nauseum* at the tremendous rates at which they are engaged nowadays. I am sure the Parliament would accept that restraint.

However, it is expected the committee would probably require a permanent counsel. We regard the committee as of tremendous importance, and we believe it will be necessary to have a permanent counsel who will generate a degree of expertise and will be able to advise and perform a great deal of the detailed work.

On top of this it is expected there will be a full-time secretary, so heavy will be the burden of work when the committee is established. This will be a combination of a man with legal qualifications on the committee itself, plus a counsel, and a full-time secretary; and this will give the balance so far as the purely legal side is concerned.

The member for Victoria Park also referred to the appointment of persons to vacant offices on the committee for unexpired terms, which is referred to in subclause (5). He suggested that rather than a person being appointed for the unexpired term, he should be appointed for a full term of up to five years. On reflection I think he will appreciate that the reasons for subclause (3) are equally cogent in respect of subclause (5), because a vacancy could occur in respect of one of the first appointments as a result of death or something else; and if we do not carry the principle of subclause (3) into subclause (5) the purpose of staggering appointments could be defeated.

It could be argued that if a man were appointed for three to six months today, then if he proved to be satisfactory he could be a suitable candidate for re-appointment when the term expired.

Mr Davies: Provided the Government did not change.

Sir CHARLES COURT: Of course, that is in the hands of the people, and it happens every so often.

The member also raised a query in respect of subclause (6) which refers to the payment of fees and allowances for members of the committee. If such fees and allowances were determined in any manner other than by the Governor, it would be cumbersome, unrealistic, and impractical. The member for Victoria Park would know

there is a committee which operates at present—and did when he was in Government—to consider the remuneration of persons where no other statutory authority looks after them and where they are not covered by the ordinary industrial machinery of the Public Service Board.

That committee comprises senior men who look at these cases and assess what is a fair thing. That committee would make recommendations to the Government, bearing in mind that the Governor would make no determination until he had the advice of Executive Council.

The only outstanding matter was raised by the member for Morley who referred to the Cabinet being the Premier plus nought. Obviously he has no Cabinet experience or he would know how wrong he is. He also overlooks the fact that when the Executive Council meets the minimum attendance is the Governor plus two Ministers. So I think the honourable member had better do some study before that day comes, long in the future, when he might be invited to join Cabinet.

Mr DAVIES: I thank the Premier for his comments, which have only confused the position. What I took to be a part-time committee working occasionally, possibly with a secretariat, now turns out to be a full-time committee, because the Premier said it will be very busy. If there is a secretary, there will need to be a typist also. Then the Premier pointed out that the committee may engage full-time counsel, subject to Treasury approval. So not only are we establishing another arm of government, but we are also establishing another branch of the Crown Law Department, because the full-time counsel will be doing what we would expect that department to do.

Mr Hartrey: The whole idea is to get the Crown Law Department out of it.

Mr DAVIES: I am sure I cannot convince the member for Boulder-Dundas, because he and I have already indicated we hold differing views on this matter.

I am concerned about the escalation of costs alone. We are told that Government spending must be cut down, and certainly it must not be increased in any way; yet appointing another section of the Public Service is another way to spend money. The next clause is some hocus-pocus about whether a man is a member of the Public Service, and what his relationship shall be if he happens to be appointed to the staff. In that case he may enjoy the benefits of the Public Service Act, but apparently may not be considered a member of the Public Service. But if he comes from outside the Public Service when appointed, that Act will not apply to him; and if he is subsequently appointed to the Public Service when he is no longer required on this committee the benefits of that Act will apply to him retrospectively.

The further we go into this the greater mess it is becoming. I think the kindest thing the Government could do is report progress and let this Bill drop off the notice paper. I shall promise to do my very best within our party to ensure that we do not take the Government to task for falling in an election promise because this Bill is just not meeting what the public would like to think it is meeting. On the other hand, it may be doing just that but the results will not be the results we would hope for.

I believe it is unnecessary and will involve excessive expenditure, which is against all the precepts of the Government's thinking. I am aware that there is a committee which sets the amount of remuneration for chairmen and members of boards, but no meetings are provided for this committee. Under the legislation this committee will be able to function without ever meeting. The clause merely says that the committee "shall consider". The whole matter is fluid, expensive, and entirely unsatisfactory.

Sir CHARLES COURT: I hope I can clarify some of those points. The honourable member is normally a reasonable fellow with regard to this type of matter, and if he stops to think for a minute he will realise that this is one type of body for which we cannot lay down the frequency and procedures of meetings and similar matters because it has a wide-ranging task to perform. We cannot spell that out as we would with a marketing board or a town planning body because this committee will have a continuing function which cannot be measured in the ordinary way. I think members would accept that as being a sensible approach.

Therefore, the Bill wisely provides that the fees will be determined by the Governor, obviously on the recommendation of the Government, after considering the recommendations from this committee. There is no hocus-pocus or uncertainty about provisions dealing with people going from the Public Service to work for this committee or vice versa. If we do not provide that sort of thing these days we will not get the sort of person we need.

For instance, a few weeks ago we had to write into the Parliamentary Commissioner legislation a provision to make sure that a person who was seconded from the Public Service to do a particular job at the wish of the Government was able to go back into the Public Service and retain his rights and privileges. I do not think anyone in this Parliament would seriously object to that. Likewise, if a person is taken from the Public Service to work for this committee we believe he should have the right to protect his position whilst he is working with the committee; and subsequently if he goes back to the Public

Service his service with the committee will count. If he was not previously in the Public Service but later went into the Public Service, his service with this committee would also count.

I gather that the argument has now switched to the question of cost. There will be fees for the chairman and the other two members. There will also be the fees for legal counsel. I assure the honourable member that when I referred to a permanent counsel I did not mean a full-time counsel but a retained counsel, which is the logical way of doing things in these cases. There will also be a full-time secretary and the usual typing facilities. So I have to ask the Opposition what price it places on personal rights and liberties. If we are to measure that in money it will be an interesting exercise as to how much this Parliament suggests is the price of rights and liberties of people. I suggest that most people would be prepared to leave that question to the good sense of the Government of the day, bearing in mind that the item will be in the Estimates each year and if it gets out of hand will soon be challenged. I hope that covers most of the points raised by the honourable member.

Mr DAVIES: I can tell the Premier that the price of liberty is eternal vigilance, although I am paraphrasing a little. I do not think that is the question; I think the question is the attitude of the Government. I still say that this is a loosely formed committee. It has been said that it can do things with apparently no limits on costs, other than the cost of one counsel.

With regard to reporting to Parliament, I am not quite certain whether the chairman will report, whether all members of the committee will sign the report, or whether there will be a minority report, because we are giving the members of the committee certain rights and privileges. The Premier will never convince me that this is exactly what the public were expecting as a result of his election promises.

I can appreciate the Premier's difficulties, but I still say that we would be better off to let the matter rest and try to obtain a more cohesive committee by way of legislation which will show us more clearly where we are going. I am not prepared to say that this is an open go as far as Parliament is concerned or to abrogate to a committee some of the things which I believe are the duties and responsibilities of Parliament.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Functions of Committee—

Mr HARTREY: In my view there may be some ambiguity in the terms of paragraph (c) of this clause. To clarify the

matter beyond any doubt I propose to move an amendment in the form of adding certain words. The words appearing at the moment are—

7. The functions of the Committee under this Part shall be to consider whether the special attention of Parliament should be drawn to any regulations on the ground that—

Subclause (c) states—

(c) the regulations unduly trespass on rights or liberties previously established by law;

That phrase is not quite as clear as it could be. It might mean the sort of vested interests in the community. It might mean the interests of specially privileged persons who have that special privilege by reason of past Statutes. There are such people in the community, I know, especially in the mining areas. I feel certain that it is intended to mean the rights and privileges of the general public, and to ensure that it does mean that I ask the Government to agree to allow certain words to be added.

Point of Order

Mr BERTRAM: I take a point of order. I am sorry to interrupt the member for Boulder-Dundas, but I have in mind an amendment which would come a little before his. Until I heard his last words I did not know where he was seeking to add words. I seek your guidance as to who should now proceed, Mr Chairman.

The CHAIRMAN: If the Committee accepts the proposed amendment of the member for Boulder-Dundas, it would not be competent for the member for Mt. Hawthorn to move his amendment, which apparently would appear in the Bill prior to the proposed amendment of the member for Boulder-Dundas. My suggestion would be that the member for Mt. Hawthorn prevail upon the member for Boulder-Dundas to enable him to move his amendment first.

Mr Hartrey: I have no objection to the member doing that as long as I am able to move my proposed amendment in due course.

Mr BERTRAM: I thank the member for Boulder-Dundas.

Committee Resumed

Mr BERTRAM: My concern is with the wording of clause 7 which the member for Boulder-Dundas has just read. It does not appear to me to be in accordance with what is expressed in the long title of the Bill which talks of personal liberties. This clause does not talk of personal liberties but only of liberties.

If we look at clause 9 (1) (a) we will see the words "personal rights". There is quite clearly a distinction between rights and personal rights. I think the

intention of this Bill is to provide assistance, protection and care for not only the rights of people but also the personal rights of people. This is the image that has been depicted to us. I move an amendment—

Page 4, line 35—Insert after the word "rights" the passage "personal rights".

I imagine I shall get support from the member for Scarborough because this is consistent with his belief that the Bill should reflect what is contained in the main heading. I think the reference to personal rights in clause 9 (1) (a) and the reference only to rights in clause 7 (c) amounts to a slip. I would be staggered to learn to the contrary, but from time to time in this place one is staggered.

Sir CHARLES COURT: I invite the attention of the member for Mt. Hawthorn to the provision in clause 9 (1) (a) and that in clause 7 (c) which deal with two different matters. I am attracted to the amendment foreshadowed by the member for Boulder-Dundas for reasons which I will explain at the appropriate time. I suggest that he should accept my assurance that I am attracted to it, because I know what he is seeking to achieve.

I would not like to introduce any amendment off the cuff which might have the effect of defeating the intended purpose. I would point out to the member for Mt. Hawthorn that the provision in clause 7 deals with subordinate legislation. In paragraph (c) reference is made to the regulations unduly trespassing on rights or liberties previously established by law. When dealing with regulations this has a certain limiting factor, otherwise they are *ultra vires*. Any regulation drawn up which exceeds the regulatory powers conferred by Parliament is automatically disallowed. Now and again we read reports of magistrates disallowing charges because they say that the regulation under which the persons are charged is *ultra vires* the Act. The regulation exceeds the power which the Parliament has conferred on the Government to make regulations; therefore the regulation has no force or effect.

In clause 9 we are dealing with any Act, regulation, or other statutory instrument. In this case the function of the committee is to report on whether they unduly trespass on personal rights or liberties.

I turn back to the legal definition of the provision in clause 7 (c). I am quite sure that if we inserted the words "personal rights" we would limit the effect of the work of the committee. The member for Mt. Hawthorn has moved that the words "personal rights" be inserted, but I am sure that the term "rights" is more far-reaching than the term "personal rights"; therefore not only are the words

"personal rights" superfluous, but we could be giving a completely wrong connotation to paragraph (c).

I hope the member for Mt. Hawthorn will accept the comments I have made in good faith, because the provision in clause 7 (c) deals with subordinate legislation, and therefore it is entirely different from the provision in clause 9 (1) (a).

I indicate to the member for Boulder-Dundas that I concur in what he seeks to achieve, but with respect I do question the incorporation of those words in the light of what I have said, because such inclusion could produce a drafting anomaly. I would be only too pleased to have the matter studied in the spirit it has been put forward.

One of the reasons I question the wisdom of inserting the words in that place is that, first of all, in clause 7 we are dealing with regulations and subordinate legislation, and paragraph (d) refers to regulations unduly making rights dependent upon administrative, and not upon judicial decisions. There is a good reason for that, because there has been abuse of rights over the years.

We wish to ferret some of these things out if possible, but I am not suggesting that such regulations have been put forward by departments deliberately. Part of the working of the proposed committee will be to ferret out some of these instances, both in the future and in retrospect.

I oppose the amendment.

Mr BERTRAM: The Premier pointed out that the clauses in part III dealing with the review of subordinate legislation are different from the provisions in the clauses in part IV dealing with investigation and reporting upon other legislation. I am aware of that. It is obvious that one has to do with regulations and the other has to do with legislation.

I am interested in what the Premier has said, because the provision in clause 9 (1) (a) refers to personal rights. The Premier is of the view that personal rights represent something less than rights. If that is so I would like to know the definition of "rights", and the definition of "personal rights".

Mr O'Neil: You must know the difference, because you have moved an amendment.

Mr BERTRAM: I do not have to worry about that, because the draftsman has used two different terms in the two clauses. He has indicated there is a distinction between rights and personal rights.

Sir Charles Court: The answer to your query lies in clause 9. If you read clause 9 (1) and then clause 9 (2) you will notice a subtle distinction between rights and personal rights.

Mr BERTRAM: I would like that to be clarified. Of course, the Premier has the file and the notes of the preliminary

discussions, but I have only a copy of the Bill. I see the use of one term in one clause, and the use of another term in another clause dealing with a comparable situation. There appears to be a slip; therefore it is incumbent on the Premier to ensure that no slip has occurred. He has purported to do that, but he has not explained the difference.

He said that if a regulation purported to be made under an Act exceeds the tenor, the power, and the intent of the Act, then to that extent the regulation is *ultra vires*. A regulation must come within the ambit of its Act, but that has no relevance to this discussion. In moving my amendment I was taking the safe way out. Acknowledging that the draftsman believes there is a distinction between rights and personal rights, and so that we will not have to come back in a few months time to insert the words "personal rights" because of an error, it would be preferable to deal with the position now and insert the words so that there can be no doubt.

The Premier has suggested that the term "rights" is all-embracing and includes personal rights. If he is correct what harm would be done by inserting the words "personal rights"? I am concerned with the people who have to deal with this legislation, and I want to ensure that when they read the provision they will know what it means.

I would not even object to the inclusion of the word "personal" before the word "liberties". I am concerned with the concept of rights, because I do not want members of this Chamber to be rambling around not knowing the distinction between rights and personal rights. I want to protect the rights of the people, and by that I mean rights of any kind, shape, or form, including personal rights.

If we are to pass this piece of legislation, it should be all-embracing and it should do the total job. We do not want members addressing their minds to matters dealing with the regulations and find that in one case rights are concerned, and in another case personal rights are concerned. We should spell out the position clearly so that there would not be a need for a court to make an interpretation of the law.

Mr HARTREY: I think I have understood the Premier's remarks as to the intention of the provision in clause 7 (c), but I would not have inferred that from the wording of the paragraph. Apparently the Premier means that the paragraph, as presently worded, is intended only to ensure that regulations, which are made by virtue of various Act, are not *ultra vires* those Acts.

Sir Charles Court: No.

Mr HARTREY: What does the Premier mean?

Sir Charles Court: Part of the proposed committee's function is to detect regulations which are *ultra vires* their Acts, but under the provision in clause 7 (c) the

responsibility of the committee is to ensure that rights which exist under the established law are not trampled on; these rights are distinct from the rights that are conferred on an individual as a subject of the Queen.

Mr HARTREY: I cannot see the distinction. I know there is a distinction between rights and personal rights, because personal rights are limited to the actual person, whereas rights could relate to the very important rights of property.

If the Premier is prepared to adopt the amendment I propose to move we could probably solve the problem in achieving what the Premier wants to achieve and what I want to achieve; that is, the preservation of the liberties of the subject. In order to achieve that I propose to move an amendment to insert after the word "law" in line 36 of page 4 the words "or inherent to the traditional freedoms of Her Majesty's subjects in Western Australia". That would include all rights at common law. In my view it is very undesirable that regulations should violate the common law. They can violate the common law, but they may not be declared *ultra vires* under the common law.

I would like the committee proposed in the Bill to have the power to recommend to Parliament that a regulation, which is not *ultra vires* its Act, may yet be *ultra vires* the rights of the people at common law, and to amend it so as to make it constant with those rights. Those freedoms cover a great number of things. They cover famous decisions, including the decision that general warrants are unlawful. No Statute in Western Australia states that. It is quite obvious that warrants are unlawful at common law and that decision was reached by a very famous judge, and that is part of the fundamental of personal liberty.

The same man once said that a man's hut may be too weak to keep out the rain and tempest, but it is not too weak to keep out the King of England. We have inherited those freedoms from our ancestors, but regulations can take them away without actually breaking the Statutes.

I hope the Committee will look at that aspect. The words I have proposed would cover the point raised by the member for Mt. Hawthorn.

Sir CHARLES COURT: I have already indicated to the honourable member I am sympathetic to his cause because what he seeks to do was the intention of the Bill. With respect, I again invite his attention to the fact that if we include his proposed amendment in this part of the Bill we could defeat the actual purpose he seeks. The matter would be spelt out specifically in respect of the clause dealing with regulations. I believe we may want a more embracing approach to this matter. Therefore, I ask the member for Boulder-Dundas to accept my undertaking—as he has done on previous occasions—that I

will have the proposal submitted to the legal eagles who have drafted the legislation so that we do not have one part of the Bill laughing at another part. I undertake to bring an answer back before the Bill is considered in another place. I suggest what is proposed by the honourable member may have to be included in other parts of the Bill. I do not in any way, oppose what he seeks to do, because that was our intention.

Mr Hartrey: I am happy to concede to the Premier's request.

Mr BERTRAM: What the member for Boulder-Dundas has proposed is very close to what I am seeking to achieve. If we compare the provisions of 7 (c) with 9 (1) (a), we will find that the words "previously established by law" do not appear in 9 (1) (a).

Sir Charles Court: For good reason.

Mr BERTRAM: There may be good reason.

Sir Charles Court: You, as a lawyer, should know better than any of us.

Mr BERTRAM: That does not necessarily follow, but I appreciate the compliment. It may well be that what the member for Boulder-Dundas seeks to do, by adding words, may be achieved by deleting the words "previously established by law". The clause, including the amendment proposed by the member for Boulder-Dundas, would then read—

7. The functions of the Committee under this Part shall be to consider whether the special attention of Parliament should be drawn to any regulations on the ground that—

(c) the regulations unduly trespass on rights, personal rights, or liberties.

In my belief that would be very close to all-embracing and would not in any way take away any rights, whether they be rights, personal rights, or liberties. Perhaps the words "personal liberties" should be included also. The proposed committee will deal with all rights, not a segment of them.

The member for Boulder-Dundas has proposed to rectify the situation by means of two instalments, whereas my proposal is by one instalment. I do not mind how it is done, as long as it is done. I am not at all happy about the situation where we renege on a matter which we have before us. We have our own legs on which we should stand. I am not really impressed by the other place; I think the work ought to be done here. We should not abdicate our responsibilities.

We are almost half-way through the Bill and I suggest we should report progress so that the proposal can be examined and we can do the job in this place which we are paid to do. This is not legislation to tidy up an existing situation; it will set up the whole box and dice. There is

no great panic; we have several weeks yet to sit. I am not in any hurry to get out of this place—we have a job to do here. This Bill has been introduced late in the session.

Sir Charles Court: It was not late in the session at all. It has been here for a long time.

Mr BERTRAM: So was the Settlement Agents Control Bill, but it disappeared overnight.

Sir Charles Court: We were asked to postpone it.

Mr BERTRAM: That is not the point. The member for Boulder-Dundas recognised that something was wrong and he sprang into action. I had not consulted with him on this point.

Mr Blaikie: If you continue, you will be accused of doing a filibuster.

Mr BERTRAM: I have been accused of many things but we have to get used to that sort of thing in this occupation. It does not worry me at all.

I have set out the position. It does not appeal to me that we should renege, squib, or abdicate our responsibilities. The point under discussion is not merely tidying up; the whole Bill seems to me to hinge on it. I suggest that progress should be reported.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Harman
Mr Bateman	Mr Jamleson
Mr Bertram	Mr May
Mr T. J. Burke	Mr McIver
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neill
Mr Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Hartrey	Mr Shalders
Mr P. V. Jones	Mr Sibson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarke

(Teller)

Pairs

Ayes	Noes
Mr Carr	Mr Stephens
Mr B. T. Burke	Dr Dadour
Mr Bryce	Mr Grewar
Mr T. H. Jones	Mr Crane
Mr A. R. Tonkin	Mr Sodeman
Mr Skidmore	Mr Cowan

Amendment thus negatived.

Mr BERTRAM: I move an amendment—

Page 4, line 36—Delete the words “previously established by law”.

The clause would then read—

7. The functions of the Committee under this Part shall be to consider whether the special attention of Parliament should be drawn to any regulations on the ground that—

(c) the regulations unduly trespass on rights or liberties.

That is the whole box and dice: the rights and liberties of all people whatever they are under—any law, custom, or tradition. They will be protected and the people's rights and liberties will not be tailored down, chamfered off, curtailed, limited, or restricted in any way by the words “previously established by law”. If a previously established law is grossly unjust the committee would find that its hands were unduly tied, even though the committee knew the law was palpably bad.

It would give the committee some opportunity to have regard for the changes that occur from time to time in our rights and liberties according to the mores of the community when it may be deliberating upon a particular regulation. Why should we restrict a committee on a matter as fundamental as the rights and liberties of the people, when all the committee can do is to make a recommendation? This committee cannot legislate; all it can do is to point the way. Why should we curtail the function of the committee when we are told that is the very purpose for which it has been constituted?

The Bill requires the committee to make recommendations so why should it not be given an opportunity to give us the value of its judgments and opinions without limitation? May I inquire what it is we would lose by giving the committee an open go? The committee can bring down all the recommendations it likes, and if we do not want to accept them we do not do so.

We are told that this committee will be composed of responsible men, and the obvious inference is that they will be conservative men whose ideas will not shake the foundations of this State.

This committee will tell us what it thinks from time to time and we will take note of its recommendations. It will do us no harm. The committee members will be paid a good salary, and so we want the full benefit of their opinions and not just some limited viewpoint. I ask members to support my amendment.

The CHAIRMAN: Does the honourable member have the amendment in writing as required by the Standing Orders?

Mr BERTRAM: I will provide that, Sir, and I apologise for the delay.

Sir CHARLES COURT: I know the honourable member has set himself the task of filling in time until 6.15 p.m., but I do not intend to help him.

Mr Davies: I have a few things to say also.

Sir CHARLES COURT: I want to say briefly that the points canvassed by the member have been dealt with previously, and I believe quite effectively. I cannot accept the amendment he has moved. Frankly, I am quite surprised that with his legal training he so grossly misunderstands the implications of clause 7.

Mr BERTRAM: The Premier need not necessarily be disturbed—I have never set myself up to be infallible. From time to time the Premier takes it upon himself to have these little shots, but it does not reflect any credit on him. It causes me no concern whatever, but I hope in the future he does not continue in this way.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Harman
Mr Bateman	Mr Jamieson
Mr Bertram	Mr May
Mr T. J. Burke	Mr McIver
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Hartrey	Mr Shalders
Mr P. V. Jones	Mr Sibson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaroe	Mr Young
Mr Nanovitch	Mr Clarko

(Teller)

Pairs

Ayes

Mr Carr
Mr B. T. Burke
Mr Bryce
Mr T. H. Jones
Mr A. R. Tonkin
Mr Skidmore

Noes

Mr Stephens
Dr Dadour
Mr Grewar
Mr Crane
Mr Sodeiman
Mr Cowan

Amendment thus negatived.

Clause put and passed.

Clause 8: Report to Parliament—

Mr DAVIES: I am sorry if the Premier thinks we are filibustering.

Sir Charles Court: We do not think, we know.

Mr DAVIES: I can assure him that had we wanted to filibuster I would not have accepted such a grossly inadequate explanation which he gave to my question.

Sir Charles Court: Have you not heard what was being said around the place? The member for Mt. Hawthorn said that he would continue until 6.15 p.m., and we have reconciled ourselves to it.

Mr DAVIES: When dealing with legislation I like to try to work out how it will be applied. We have reached the stage now where this rather amorphous committee will get together in some form unknown to us and bring down some recommendations which will be presented to Parliament. I would like to know what is in the Premier's mind about what happens next.

What will happen? Will Parliament immediately spring into action and change a regulation because the committee has made a recommendation? If the committee feels that a regulation is transgressing on someone's rights in some way, it can draw that matter to the attention of Parliament. Incidentally, the committee will have to

work fairly smartly because it is supposed to look at regulations within six sitting days of their being tabled in the Parliament. No doubt the committee members will have the opportunity to go through the *Government Gazette* beforehand, and this is where the large staff will be of assistance.

For the record, can the Premier tell me what the situation will be once Parliament receives a recommendation? Are we expected to alter the regulation or to take some action? It may be that to cover the situation we will have to introduce legislation to the Parliament. In such cases I imagine the effect of the regulation will be suspended until such time as an Act of Parliament is proclaimed.

Of course, the Parliament may elect to ignore completely the recommendations of the committee. Again I think this provision reflects the looseness of the legislation. Even if the legislation provided that Parliament should be directed to take some action, we still remain masters of our own destiny. I ask the Premier what he expects will happen when a report is received directing our attention to some deficiency in the law or regulations.

Sir CHARLES COURT: The answer to the query is very simple because clause 8 spells out that the presiding officer shall cause any report or recommendation received by him from the committee to be laid before the Parliament. A time limit has been specified—in practice two full sitting weeks of the Parliament—so there is plenty of time for Government or Opposition members to move to disallow a regulation if they wish to. That is the reason the recommendation must be given within a certain time so that the Parliament will have been warned that something in the recommendation calls for further action in the opinion of the committee. If the Government and Opposition do nothing more about it, the matter is dismissed; we have not accepted the advice of the committee, perhaps because we felt there was some political reason to leave the regulation as it is.

I emphasise that this is an advisory body, and if it had the power to forward a recommendation and to direct that it be considered by the Parliament as a motion, it would be doing the very thing the member for Mt. Hawthorn has objected to. If the Parliament chooses to disregard a recommendation, the onus is on the Parliament for that action and not on the committee which has expressed its opinion.

Clause put and passed.

Clause 9: Functions of Committee—

Mr BERTRAM: I refer members to the wording of clause 9 (1) (a) where they will see that the phrase "personal rights" appears. For that reason, and because I have not yet heard anything in the debate

that justifies the omission of the word "rights" I move an amendment—

Page 5, line 36—Insert after the word "on" the passage "rights,".

The line would then read—

(a) unduly trespasses on rights, personal rights or

Sir CHARLES COURT: I think this matter has been canvassed adequately; the honourable member will not accept the explanations given and there is no more I can say. But if he re-examines the clause in the light of his experience in these matters he will find there is a very good reason for the difference between (a) and (b), and this carries through to (2) (a) and (2) (b). I do not propose to pursue the matter further. It has been exhausted in discussions between myself and the member for Boulder-Dundas, and the offer I made to him in respect of those clauses stands in respect of this clause.

Amendment put and negatived.

Mr BERTRAM: As the Premier intimated, this omission carries through to 9 (2) (a) and (b). I do not intend to move an amendment to that part of the clause, because that would serve no good purpose. If anything were to be gained by moving amendments, I would move them, because I am not satisfied the Bill is in an acceptable form. However, as members know, there is no point in pursuing these matters because the result of any amendment moved in this place is a foregone conclusion; it would be defeated by the Government. I merely wish to put that on the record.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Powers of the Committee, etc.—

Mr BERTRAM: I refer members to the wording of clause 11 (b) which refers to a person being liable to be dealt with for contempt under the Parliamentary Privileges Act, 1891. Can such a person against whom action has been taken under clause 11 (b) be effectively dealt with, or can that person by the simple and almost costless process of issuing a court process frustrate this Chamber and preclude the Parliament from dealing with him?

Sir CHARLES COURT: I think this was a matter which the former Premier and Leader of the Opposition, the member for Melville, ruled as a "substitutus" question; whatever he said then, that is what I am trying to say now! My understanding is that, firstly, this matter would be entirely in the hands of the Parliament of the day and that the Parliament would be supreme. However, I will have the matter clarified and advise the honourable member accordingly.

Mr JAMIESON: I took strong exception to this clause, particularly 11 (b) during

the second reading debate, and I was surprised my colleague, the member for Boulder-Dundas, being a legal man, saw fit to support a Bill containing such a clause. The Government may be able to argue that clause 11 (a) has some logic to it, but to extend the privileges of Parliament to any outside committee is to go way past the mark, despite the fact that the people serving on the committee might be doing their work for the Parliament.

Clause 11 (b) would have been better drafted to enable a person accused of contempt to be taken to court, rather than brought before the Bar of the Chamber under the provisions of the Constitution Acts Amendment Act, which is the Act that empowers us to delegate power to such committees.

If members refer to Standing Order 81 they will see the scale of fees laid down to be paid on the arrest or commitment of any person by order of the Speaker of the Assembly. The fees are as follows—

For arrest, such sum as may be fixed by the Assembly, not exceeding	\$100
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For commitment, such sum as may be fixed by the Assembly, not exceeding	\$100
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For each day's detention (including sustenance)	\$10
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That person shall not be discharged until such fees are paid. So, there is no time payment on this little venture. If a person is called before the committee to be established under this legislation and is not prepared to answer its questions, he can be held in contempt and be liable to a fine. If that person refused to pay the fine, he would be detained, and for each day's detention he would pay \$10. It is like an adding machine.

Mr Bertram: It is another tax.

Mr JAMIESON: Yes, I suppose it is. It is not at all like the situation of a prisoner at Fremantle Gaol, who earns a small amount for each day he is in prison. I believe such a provision to be ludicrous in this day and age; it is quite beyond the pale, and the draftsman should have known better than to include it.

Mr Davies: What type of person would be affected? Could you envisage such a situation?

Mr JAMIESON: A person could be called before the committee to give evidence, and may refuse to give evidence, or may be held to be in contempt or there may be some other reason. The only recourse for the committee is to report that person to the Presiding Officer of either House of Parliament, and the Presiding Officer would take action against that person; presumably it would be done in the form of a simple motion moved by the Government.

To be brought before the Bar of the House, such a person would need to be arrested, so before he gets here he has incurred a cost of \$100. Then, when he is brought before the House, a simple motion would be moved that the person be fined \$50 for his contempt. The person charged with contempt may say, "I did not think I was in contempt then, and I do not think I am now. What are you going to do about it?" So, the Sergeant-at-Arms would flex his muscles and take him away to the dungeons, where he would remain and incur a daily penalty of \$10.

We are not living in the dark ages. Surely a person accused of contempt should be permitted to defend himself in a court of law; certainly, he will not have recourse to a proper defence in this place. I repeat; I am surprised at the member for Boulder-Dundas for supporting this Bill; I would not have thought he would have gone along with such rubbish.

SIR CHARLES COURT: The Leader of the Opposition has attempted to dramatise something which has no drama. There is a very simple explanation. The cold hard facts are that this committee will be acting on behalf of the Parliament, and must be empowered to obtain the information it requires.

If we write in any other forms of penalties we will defeat the very purposes of the whole exercise, and we will confer powers on this committee which it is not intended to confer. If somebody flies in the face of Parliament and refuses to give information the committee can do only one thing. It cannot prosecute him.

The committee can only report to the Presiding Officer. The Presiding Officer then tells Parliament, and Parliament can decide whether or not it is worth while proceeding with the matter or whether the person concerned should be subjected to the will of the House.

I believe that from time to time this Statute will be amended to bring it more into keeping with modern times. It refers to the Statute only, and it is not the fault of the draftsman that the Statute is in its present form. I repeat that only Parliament can take action on this.

Paragraph (b) of clause 11 states that the person shall be liable to be dealt with by that House. However, if that House decides to do nothing that is the end of the matter.

MR JAMIESON: It is not beyond the capacity of the draftsman to write into the legislation penalties to apply for contempt of the committee proposed in the Bill, so that offenders will be subject to summary jurisdiction. In this instance it is a case of bad draftsmanship, and this should not be tolerated.

I am sure the Premier cannot tell me of any committee in the Westminster system of Parliament—one that is not elected—

which is given the power to use the privileges of Parliament to prosecute people. It is a case of a committee which is not elected being given the power. Surely the privileges of Parliament are intended to apply to elected members, and not to anybody else. That has been the case in the past, and it should be so in the future.

SIR CHARLES COURT: The Bill does not go further than that.

MR JAMIESON: It does. The Premier has explained that that committee must be given the power to impose some form of penalty, but that is wrong in principle. I would rather this committee does not function than that it be given the power under the Bill.

It is of no use the Premier saying that the matter will come before Parliament. Parliament will be placed in a hopeless position if the Presiding Officer reports that no action be taken. The right and proper thing to do is to provide for some penalty to be imposed by some court if a person offends against the committee set up to investigate legislation.

Clause put and a division taken with the following result—

Ayes—22

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neill
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Hartley	Mr Shalders
Mr P. V. Jones	Mr Sibson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Young
Mr Mensaroe	Mr Clarko

(Teller)

Noes—15

Mr Barnett	Mr Harman
Mr Bateman	Mr Jamieson
Mr Bertram	Mr May
Mr T. J. Burke	Mr McIver
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	

(Teller)

Pairs

Ayes	Noes
Mr Stephens	Mr Carr
Dr Dadour	Mr B. T. Burke
Mr Grewar	Mr Bryce
Mr Watt	Mr T. H. Jones
Mr Sodeman	Mr A. R. Tonkin
Mr Cowan	Mr Skidmore

Clause thus passed.

Clause 12 put and passed.

New clause 13—

MR BERTRAM: I move—

Page 8—Add after clause 12 the following new clause to stand as clause 13—

13. Nothing hereinbefore contained will be construed to preclude any person aggrieved by any report or recommendation of the Committee from appealing to the Supreme Court against any such Report or recommendation in the manner and in the time prescribed by Rules of the Supreme Court.

One does not need to have a great imagination to comprehend that matters from time to time will be placed before this committee. It may well be that a constituent considers that he has been offended by a certain Act which has trespassed upon his rights, personal rights, liberties, etc.; and he may wish that matter to be brought to Parliament.

If Parliament is persuaded by the case put forward, the matter will be placed before the committee. The constituent will appear before the committee, listen to the deliberations, and give evidence. He could be accompanied by his solicitor, and the committee in its deliberation will virtually be acting like a tribunal or court. It will take evidence just like any other court, and it will have the power to deal with people who in some way transgress the rules. Wherever possible provision should be made for an appeal against the decision of a tribunal.

If, for example, a constituent of Scarborough, Karringup or Toodyay comes before the committee and is advised by his lawyer that on the evidence given before the committee, the committee has made a wrong recommendation to Parliament—not maliciously, but because the committee comprises fallible human beings it might misdirect Parliament—what remedy will the constituent have? I suggest none at all. The matter is then placed before this Parliament to determine what shall be done.

I say that in many instances Parliament will not be in a position to assess the accuracy, the validity, and the correctness of such a recommendation; whereas the constituent through his legal representative would have heard the whole proceedings and would be in a far better position to determine whether the recommendation was right or wrong.

As I understand it, all political parties in this State believe that where a matter is being determined, the parties concerned should have the right of appeal. The purpose of the new clause is to provide that right of appeal.

I cannot imagine that the lawyer appointed to this tribunal will not receive complaints; but like any other lawyer on a tribunal he should face up to the gauntlet of appeals. This would be a good thing for him, for the committee and for the constituent.

I recommend that the new clause be agreed to. It is consistent with well accepted principles that where a court has jurisdiction to make decisions on the evidence given, there should also be the ability for an aggrieved person to appeal.

Progress

Progress reported and leave given to sit again, on motion by Sir Charles Court (Premier).

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 9th November, 1976

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

BILLS (5): ASSENT

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

1. Wildlife Conservation Act Amendment Bill.
2. Security Agents Bill.
3. Joondalup Centre Bill.
4. Skeleton Weed (Eradication Fund) Act Amendment Bill.
5. Royal Visit Holiday Bill.

QUESTIONS (4): ON NOTICE

1. TRADE UNIONS

Blacklisting of Farming Properties

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Labour and Industry:

- (1) How many wool growing properties have been black-listed by the Australian Workers' Union during the last three months?
- (2) Do such black-listings have to be registered with the Arbitration Court?
- (3) What are the complaints which the AWU have against these property owners?
- (4) What provisions are in the registered agreement between the union and employers in regard to entry of union officials on to a farming property?
- (5) How many officials have such a right of entry in the Esperance district?
- (6) Do these officials have to be individually listed with the Arbitration Court or Employers' Association?
- (7) Are there cases of shearers being assaulted in Esperance by unionists for the use of wide or pulled gear?

The Hon. G. C. MacKINNON replied:

- (1) This is not positively known but it is reported that eight Western Australian properties are at present blacklisted by the Australian Workers' Union.
- (2) No.
- (3) It is alleged by the AWU that in some instances the following breaches of the Federal Pastoral Industry Award have taken place in the industry: