Legislative Assembly

Tuesday, the 14th November, 1961

CONTENTS

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

GUAYULE RUBBER

Reports on Growth in Western Australia

MR. NALDER (Katanning—Minister for Agriculture) [2.17 p.m.]: In accordance with a promise I gave the Deputy Leader of the Opposition the other evening, when speaking on the Estimates, that I would make available details of the prospects of guayule growing in Western Australia, I have here a report which I will lay on the Table of the House. This report includes details of the experimental work carried out in Western Australia, and also reports of the two Government officers who were overseas recently.

The papers were tabled.

QUESTIONS ON NOTICE

BUSH FIRES ROYAL COMMISSION

Consideration and Adoption of Report

1. Mr. HALL asked the Minister for Lands:
   (1) Has Cabinet considered the Royal Commissioner's report on bush fires?
   (2) If so, has it adopted the report?
   (3) When is any action likely to result as a consequence of this report?

Mr. BOVELL replied:

(1) Yes.

(2) Recommendations, excluding Nos. 13 and 14, have been adopted in principle.

(3) Administrative action has already been taken to implement recommendations where possible, and the Bush Fires Board is devoting its attention to the overall position with a view to ensuring maximum bush fire prevention.

SWAN RIVER CONSERVATION COMMITTEE

Funds for Improvements

2. Mr. BRADY asked the Minister for Works:

(1) What funds (if any) are available for the Swan River Conservation Committee to improve the tourist potentialities of the Swan River?

(2) Can the committee draw funds from the Tourist Development Authority?

Building of Access Roads

(3) Can the committee arrange with local authorities for building of continuous access roads, etc.?

Mr. BOVELL (for Mr. Wild) replied:

(1) No funds are directly available to the Swan River Conservation Board to improve tourist potentialities of the Swan River. However, the Act authorises the board to maintain in good condition and to improve the waters and foreshores, which is a step towards improvement of tourist potentialities. In this regard the board has recently undertaken a de-snagging project utilising funds made available by the Public Works Department.

(2) No. Tourist Development Authority funds are made available initially to the local authority, and projects under this heading are planned in association with the board.

(3) No. Road planning is the function of local, town planning, and other relevant authorities, but the Swan River Conservation Board has an opportunity of expressing its views so far as the proposals affect the river or its foreshores.

MIDLAND JUNCTION WORKSHOPS APPRENTICES

Number in Last Five Years

3. Mr. BRADY asked the Minister for Railways:

(1) How many apprentices have been employed in Government Workshops (Railways) Midland, during the past five years?

Stepping Up of Intake

(2) Is any consideration being given to stepping up the intake of apprentices during the present year, or for 1962?

Mr. COURT replied:

(1) The numbers of apprentices engaged between the 1st January and the 31st December for each year concerned are as follows:—

1957	103
1958	72
1959	83
1960	59
1961 (to date, the 10th November, 1961)	80

(2) Not at present. Apprentices considered sufficient to meet estimated requirements have already been selected for engagement in 1962.

DINGO POISONING

Regulations Governing Aerial Baiting

4. Mr. NORTON asked the Minister for Health:

(1) Are there any regulations in respect of the supply of prepared poison meat baits as used in aerial baiting of dingoes?

(2) If so, what are the regulations?

(3) For which poisons is it necessary for the supplier to keep a record of the purchaser?

(4) What is the maximum penalty for the improper distribution of baits within a town or along roads, etc., as was the case in Carnarvon this week?

Control of Baits from Eastern States

(5) Is there any check, record, or control of prepared poison meat baits imported from the Eastern States; if so, what are they?

Mr. ROSS HUTCHINSON replied:

(1) Poison baits may only be sold or supplied by persons licensed by the Pharmaceutical Council to sell ninth schedule poisons or by vermin boards.

(2) Regulations made under the Pharmacy and Poisons Act and the Vermin Act.

(3) A record is kept of ninth schedule poisons when supplied by vermin boards. No record is kept when sold by persons licensed under the Pharmacy and Poisons Act. They may only be sold to persons over the age of 18.

(4) Under the Prevention of Cruelty to Animals Act a maximum penalty of £50 or six months' imprisonment may be imposed.

(5) Poison baits imported into the State may only be sold by licensed sellers or supplied by vermin boards.

Retail sale in other States to persons in this State will depend on the laws in the various States and how they are applied. It is possible that poison baits could be obtained from other States without the knowledge of authorities in this State.

COMMISSIONER OF NATIVE WELFARE

Retirement, and Appointment of Successor

5. Mr. RHATIGAN asked the Minister for Native Welfare:

Further to my question No. 13 of the 28th September, 1961—

(1) Has it yet been decided when the Commissioner of Native Welfare will relinquish his appointment?

(2) Is it the intention of the Government to confine applicants to within the Public Service of Western Australia?

(3) If the answer to No. (2) is "Yes", will be give reasons?

(4) If the answer is "No", what field will the applications embrace?

Mr. BOVELL replied:

(1) No.

(2) This matter is still under consideration.

(3) and (4) Answered by No. (2).

HOUSING COMMISSION HOMES

Number in Belmont Shire Council's District

6. Mr. J. HEGNEY asked the Minister representing the Minister for Housing:

(1) How many State Housing Commission homes have been built in the Belmont Shire Council's district since January, 1961?

Programme in Cloverdale Area

(2) What is the programme in the Cloverdale area to the end of June, 1962?

(3) Is the Housing Commission's programme in the Cloverdale area affected by the extension of the Guildford airport?

Mr. ROSS HUTCHINSON replied:

(1) 112.

(2) 128.

(3) Some land was resumed by the Commonwealth from the commission, and the programme was adjusted accordingly.

BEEF PRODUCTION

Subsidy on Cattle Treated by Air Beef Pty. Ltd.

7. Mr. RHATIGAN asked the Minister for the North-West:

With reference to item 56 on the North-West general Estimates 1962, will he inform the House in detail the subsidy paid by the Western Australian Government to certain growers of cattle treated by Air Beef Pty. Ltd.?

Mr. COURT replied:

The names of the stations are:—

Bedford Downs.
Moola Bulla (Mt. Barrett).
Mornington.
Lansdowne.
Mt. Elizabeth.
Silent Grove.
Springvale.
Beverley Springs.
Gibb River.
Mt. Barnett.

Mt. House and Glenroy Stations did not receive subsidy.

SCHOOL ROOMS

Use as Meeting Places for Organisations

8. Mr. JAMIESON asked the Minister for Education:

(1) What is the policy of the Education Department in making available meeting rooms for organisations requiring such accommodation?

(2) Does this policy differ between primary schools and high schools; if so, why?

Mr. WATTS replied:

(1) It is the policy of the department to make schools available for meetings to organisations concerned with education and youth, such as parents and citizens' associations, kindergarten committees, and youth groups. For other organisations the regulation provides that the director-general may let a school building where there is no other suitable building in the locality.

(2) It is not general practice to grant the use of high schools as normally there are either primary schools or private buildings in the area. High schools are built at considerable cost and contain much valuable stock and equipment.

FEDERAL HOTEL

Resumption and Demolition

9. Mr. HEAL asked the Minister for Works:

(1) Has the Public Works Department resumed the Federal Hotel situated on the corner of Wellington and George Streets?

(2) If not, when is it expected to resume the site?

(3) When does the Government expect to demolish the hotel for the future widening of George Street?

Mr. BOVELL (for Mr. Wild) replied:

(1) The Federal Hotel has been purchased by the Metropolitan Regional Planning Authority.

(2) Answered by No. (1).

(3) It will be at least three years before the land on which the hotel is situated will be required for road purposes.

DISASTER RELIEF

Contributions from Lord Mayor's Fund and by Government

10. Sir ROSS McLARTY asked the Premier:

(1) What total amount of money was provided by the State Government, and from the Lord Mayor's Fund for the relief of hardship occasioned by the disasters in 1961 in each of the Dwellingup, Karridale, Carnarvon, and Onslow districts?

(2) What has been the total contribution by the State?

Contribution by Commonwealth

(3) What total contribution has the Commonwealth Government promised towards expenditure by the State on disaster relief?

Mr. BRAND replied:

		£
(1)	Dwellingup	124,820
	Karridale	36,554
	Carnarvon	35,882
	Onslow	3,490
		£200,746

(2) The contribution by the State Government towards the amount of £200,746 was £84,177. In addition, the State Government made a donation of £10,000 to the Lord Mayor's Fund and has allocated a further sum of £10,000 for housing loans in the Dwellingup area.

(3) A maximum of £40,000.

MILK

Licensed Producers

11. Sir ROSS McLARTY asked the Minister for Agriculture:

(1) What is the number of producers licensed under the Milk Board?

(2) What number of new applications have been received for the coming year?

(3) How many new applications have been granted?

Daily Average Consumption

(4) What has been the daily average consumption of milk for the past three years?

Mr. NALDER replied:

(1) 630.

(2) 114.

(3) 20.

(4) 43,104 gallons.
44,146 gallons.
44,704 gallons.

QUESTIONS WITHOUT NOTICE

ELECTRICITY FOR PENSIONERS

Reduction in Charges

1. Mr. HALL asked the Minister for Electricity:

Could he give consideration to reducing the quarterly electricity charges made against pensioners living entirely on pensions and where no allowance is made by way of incorporation of electricity charges in the rent?

Mr. WATTS replied:

The honourable member did not give me notice of this question in time for me to make any inquiries. I think the best course for me to follow is for me to say that I will have inquiries made and will write to him on the subject.

ENEABBA FARMS

Cost of Development, and Sale of Surplus

2. Mr. LEWIS asked the Minister for Agriculture:

(1) How many farms were developed for land settlement at Eneabba?

(2) To what stage were they so developed and what was the average cost per acre?

(3) How many farms were disposed of as being surplus to war service land settlement requirements?

(4) What was the average per acre realisation for the surplus farms?

(5) On what terms were these farms sold?

Mr. NALDER replied:

(1) 44 farms were developed.

(2) As this involves considerable research, this information is not available at short notice.

(3) Seven.

(4) Seven farms realised £89,650.

(5) Five farms sold on 10 per cent. deposit, balance by 15 equal annual instalments of principal and interest at 5 per cent. One farm sold on 15 per cent. deposit and five annual instalments of 10 per cent. of the balance and the then remaining balance at the end of the sixth year. Interest on outstanding principal at 5 per cent. One farm sold on 15 per cent. deposit, balance by 15 equal annual instalments. Interest at 5 per cent. on outstanding principal.

WESTERN AUSTRALIAN DEVELOPMENT

Influence of Cost Factor

3. Mr. ROWBERRY asked the Premier:

Concerning an article which appeared in yesterday's *Daily News*, in which the Premier is reported to have said, "There does not seem to be any end to what the State can do so long as we can keep our costs down," what costs did he have in mind? Would it be freight costs; management costs; capital and interest costs; profit costs; or wages and salaries costs?

Mr. BRAND replied:

I had in mind the fact that Australia must depend upon selling her goods, both primary and secondary, on the world's markets. Therefore it is essential that we keep all costs down. I had no particular section in mind at all, because any one or all of them could be contributing unnecessarily to increased costs.

SNAKE BITE

Instruction to Children on Treatment

4. Sir ROSS McLARTY asked the Minister for Education:

As many reports have been made regarding the prevalence of snakes, particularly the deadly variety known as the dugite; and as large numbers of children will shortly start their holidays, will the Minister state whether children are advised what action should be taken in the case of snake bite, and what advice is given?

Mr. WATTS replied:

The honourable member gave me some notice of this question, and the following reply is supplied to him:—

In the primary school in the curriculum the department deals with dangerous animals, such as snakes (tiger, dugite, and death adder), and spiders, and teachers are requested to feature the treatment of snake bite in first-aid lessons.

In the secondary course the health education syllabus has not yet reached the schools. A committee has drawn up a syllabus which is being tried out. In the topics there is a section on safety, which includes snake bites, insect bites, and so on. It is part of the health education programme in the second year.

SALE OF IRON ORE

Influence of Cost Factor

5. Mr. ROWBERRY asked the Premier:

Following on his answer to a previous question I asked without notice, is he aware that the only benefit that can accrue to Western Australia from the sale of the iron ore will be through the medium of the so-called costs?

The SPEAKER (Mr. Hearman): I think the honourable member is getting on to a debate and not a question.

Mr. Graham: I think he has the Premier floored.

The SPEAKER (Mr. Hearman): It is a hypothetical question anyway, and I do not think I will allow it.

STATE SHIPS

Sale

6. Mr. RHATIGAN asked the Minister for the North-West:

I would like some clarification from the Minister for the North-West regarding a statement made about the sale of the State ships. Can the Minister state whether he or his Government intends to dispose of the State ships?

Mr. COURT replied:

I thought I made this quite clear the other day. The Government has no intention of disposing of the State ships.

Mr. Graham: At the moment.

Mr. Heal: Can't you get a buyer?

BILLS (3): RETURNED

1. Gas Undertakings Act Amendment Bill.
2. The Fremantle Gas and Coke Company's Act Amendment Bill.
3. Road Closure Bill.

Bills returned from the Council without amendment.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

MR. MOIR (Boulder) [2.35 p.m.]: This Bill, which contains a few amendments to the Mines Regulation Act, is an important one. The first provision is that in future there are to be two classes of mine managers' certificates instead of the one as at present, and I would like some clarification in this respect from the Minister representing the Minister for Mines.

I agree it is highly desirable that the qualifications of mine managers should be as high as it is possible to get them, but I am concerned about the fact that because of this new provision some mine supervisors may be superseded. At present, mine managers obtain their qualifications mainly through study at the School of Mines, and a certain amount of practical experience on the mines. One qualification is that they must be over 25 years of age before they can obtain a certificate.

On the other hand, supervisors have to sit for examination after having at least five years' practical underground experience. They are examined on general mining practice and they must have a knowledge of the Mines Regulation Act. If they pass the examination they become supervisors, or they become the holders of supervisors' certificates, because it does not necessarily follow that they are engaged as supervisors once they have obtained a certificate. But in my opinion the qualifications required of a supervisor are far more exacting than in the case of a mine manager's certificate in so far as practical safety measures and the practical working of a mine are concerned.

The qualifications required of a mine manager are mostly of a theoretical nature because, as the title denotes, the mine manager is engaged in the management of the mine, which can be something very different from the supervision of the working of a mine. The mine manager is responsible to his employers for the conduct of the mine on an economic basis, if that is possible; whereas the supervisor's duty is to see that all safety factors are covered, and that the mine is working properly.

Through being men with a practical knowledge of the industry—because generally they have been miners for many years and have obtained a good working knowledge of mining—supervisors know all the precautions that have to be taken to guarantee the safety of the mine. The knowledge they have is not gained by reading books. They must have a knowledge of the different types of ground, how it will behave under certain circumstances, whether it is safe for a man to work in a particular part of the mine; and let us not forget that sometimes these men have to work in unsafe ground in order to render it safe.

From those requirements members can see that before a man can become a supervisor he needs a wide knowledge and a good deal of practical experience. He must be able to instruct the men, and he has to supervise work in some cases where conditions could be far from safe. Under such circumstances he must ensure that all necessary precautions are taken against the possibility of accidents occurring.

The point I would like clarified by the Minister is this: The position could arise where the holders of second-class mine managers' certificates could supersede supervisors in the mines. Where there are a large number of managers who qualify for the first-class certificate, then there could be quite a number of these School of Mines students who in the ordinary circumstances would qualify for the mine manager's certificate; but because they did not have the requisite knowledge to obtain a first-class certificate, they would be given a second-class certificate, if this amendment were approved.

They could then be put in the position of taking the place of the supervisor of the mines; and I think this would be most undesirable because at the present time the School of Mines students are qualified and sit for the mine manager's certificate after they have had three years' experience underground. From my knowledge the word "practical" is stretched quite a lot when it comes to passing these young fellows. I have known them to be employed underground on putting up ventilation tubes, and, as surveyors who go underground and take measurements. But men could work at that type of job for a good many years without obtaining practical experience of mining. In the past, where they have had three years' experience of that type of work, the board of examiners has accepted the fact that they have had three years' practical experience in the mines.

To have practical experience in mining one must be able to work on every occupation underground, particularly in machine mining. There are various types of occupations carried out by those men, particularly those who do machine mining, and it would only be those men who would obtain a knowledge of the safety

factors involved. These people are clothed with authority to direct men to go into certain parts of the mines.

Before mine managers' certificates were available we found all sorts of people being installed as managers of mines even though at that time it was necessary that supervisors should pass the requisite examinations; and where there were certificated men in charge of underground operations the position could obtain of a mine manager without any qualifications at all, except that he was appointed a mine manager by some small mining company, being in charge; and while he might be actuated by the best intention in the world in trying to operate his mine under the best economic conditions—and succeeding—he would still not have the knowledge of safety factors required; and yet he could still override the supervisor.

In some cases these men would be guided by the supervisor, but in others they would not. On many occasions accidents have been attributed to the type of direction I have mentioned, and it was because of this that the mine manager's certificate was brought in. I can see nothing wrong with the principle, so long as the holder of the second-class certificate does not supersede the supervisor, because the latter is a very important man in the mining industry. He must have practical qualifications. We know that quite a lot of people cannot obtain academic qualifications, but on the other hand they can readily acquire practical knowledge. For that reason I would not like to see the holder of a second-class mine manager's certificate superseding supervisors in the mines.

The next provision in the Bill is that in certain circumstances permission is to be given to Broken Hill Pty. Ltd., which is working at Yampi, to break ore and to load ore on Sundays. It goes back many years —I think since the inception of mining not only in this State but in some of the older States—where deep mines were worked and where the industrial unions opposed the breaking of ore on Sunday as a general practice. There is provision in the Act at present for Sunday labour. The relevant portion of section 42 says—

> Except as hereinafter mentioned, no person shall, directly or indirectly, employ any workman for hire or reward to do any skilled or unskilled manual labour on a Sunday, in or about any mine.

Section 44 then mentions several exceptions and states—

> Section forty-two of this Act shall not apply to the employment of persons engaged—
>
> (4) in repairing any shaft . . . .
>
> (5) in pumping or otherwise clearing a mine . . . .
>
> (6) in sinking any shaft in wet ground . . . .

Quite a number of occupations are exempt; and these are more or less of an emergency nature. Section 45 goes on to say—

> An inspector, on being satisfied that the employment of labour on a Sunday is necessary to avoid the risk of damage to the underground workings, machinery, or equipment of a mine, or loss of time in the subsequent working of the mine, may give authority for such employment by writing, stating therein the reasons therefor, the number of workmen who may be so employed, the nature of their employment, and the period for which the authority shall extend; but no authority shall be given by an inspector for the breaking out or raising of any ore or mineral for purposes of sale or treatment for the mineral or metal therein contained, unless the sanction of the Minister has been first obtained.
>
> Permits granted in accordance with this section shall set out the nature of the work to be performed on the portion or portions of the mine, and the number of men permitted to be employed, and shall be posted at a conspicuous place at the surface brace. The inspector shall give written notice to the Industrial Union concerned of any such permits issued.

I notice that in the Bill the provision says—

> (3) The Minister, on being satisfied that the employment of labour on Sunday in or about any mine in the Yampi Sound area in the State is necessary for the efficient conduct of mining operations in or about the mine, may authorise in writing such employment.

But there is no reference there to making any notification to the unions concerned. In the past quite a lot of permits were issued. Permits are given fairly frequently to do work in the mines, but without exception permits will not be granted for the breaking of ore in the mine itself if that ore is to be sold. In other words, it has always been a principle that no work should be carried out in the mine which would involve a transaction whereby the ore would be broken or sold. That is what is proposed in the amendment.

The opposition to working seven days a week in a mine is very real, and it is there for very sound reasons. For instance, I well remember that in 1946, when the unions were before the court making application for a five-day week—which they were granted—medical evidence was tendered that it was very necessary for men to have a break from working under the conditions appertaining to the mines.

That applied to underground work. It should be borne in mind that working in an open cut is regarded as working underground. Medical opinion indicated that a break of one day, or preferably two days, from inhaling dust which contains silica

—brought about by the breaking of ore—is beneficial to the worker. I can recall some of the evidence given: A day free from such work enabled the worker to expel some of the dust particles from his lungs.

It is proposed under the Bill to give permission for more or less continuous work to be carried on in these mines. According to the Minister it is almost impossible to build bins which are large enough to store the ore. I cannot envisage the circumstances where a company, like Broken Hill Proprietry Limited, finds it impossible to build storage bins of sufficient size to hold the surplus ore.

I can understand the desire of that company to load ore on to ships on Sundays, to bring about a quick turn-round of ships and to transport the ore as quickly as possible; but there is no necessity for the workers to break the ore on Sundays. It is not a matter of the workers having to break the ore before it is picked up and loaded on to the ships. When ore is broken, thousands of tons are broken at a time, and the operation is performed on a large-scale basis. In these days almost every mining operation is carried out on a large-scale basis, with the use of modern machinery and equipment.

At Yampi Sound there is such machinery and equipment, but apparently the company now desires to handle larger tonnages without having to provide the additional facilities and equipment. We realise that the provision of additional facilities and equipment requires the outlay of a large sum of money; apparently the company is loth to spend money in this direction. If the company is given permission to load the ore on Sundays it will be an easy way out.

The Government, with the introduction of this Bill, is seeking to make lawful something which is unlawful, and something which has been done for a considerable time. Nothing has been done by this Government to prevent this unlawful action. Because the company has been breaking the law the Government has now introduced a Bill to validate its actions. I cannot remember any previous occasion in this Parliament when Bills were introduced to legalise some unlawful action because certain people were breaking the law. In this case that is what the Government is doing.

Mr. Ross Hutchinson: Surely there have been validating Acts of Parliament passed before this one.

Mr. MOIR: There may have been. It is remarkable that during the term of office of the present Government the company has been allowed to break the law, but nothing has been done about it. Previously when people broke the law under the Mines Regulation Act they were prosecuted. I find the present action of the Government in sharp contrast to the treatment meted out to workers who broke these regulations. In the past workers have been hauled before the court and fined. When I was the Minister for Mines I agreed to workers being punished when they did something which was dangerous to themselves and to their fellow-workers. When the recommendation was put up to me that they should be prosecuted I agreed.

Mr. Ross Hutchinson: You know that the Mines Regulation Act gives the Minister permission to permit Sunday work?

Mr. MOIR: That is already in the Act. That was what I pointed out to the Minister.

Mr. Ross Hutchinson: You said it was unlawful.

Mr. MOIR: Without permission. Perhaps the provision in the Act is more restrictive than that proposed in the Bill. The point is that this company has not been obtaining the permission of the Minister. It has carried on Sunday work without his permission. The department knows that the company has been breaking the law. The Government has now decided to introduce a Bill to enable work to be done on Sundays, within the law.

The company which is mining these deposits should make arrangements to store sufficient ore in the bins to enable ships to be loaded on Sundays. Precautions should be taken to prevent the silica dust from adversely affecting nearby workers. To give the company permission to break the ore on Sundays is a retrograde step. For many years past companies mining other minerals in this State have sought permission to do the very same thing, but they were refused. Only in the most exceptional circumstances were they given permission to carry out work on Sundays.

One of these was the company operating the mine at Bullfinch. It received exemption for work on Sundays to enable it to sink a shaft which was required for testing the ore bodies. It was pointed out that if the shaft was not sunk within a certain time, the subsequent work of the mine would be held up; but that company was not granted permission to break ore and to carry on normal operations on Sundays.

Seeing that the company in question is to be granted permission under this Bill to work on Sundays, it will not be long before other mining companies will want to carry on work in their mines for seven days of the week. I am sure that if this Government is in office when such permission is applied for, it will be given, because it appears to me that the Government is not very concerned about the health of the mine workers.

It can be claimed that some of the workers in this area are quite willing to work on Sundays, but I can also point out that other workers there resent the need to work on Sundays. They want to have

the day free, the same as other workers. In the past sometimes some workers have expressed a desire to work two shifts in a day, and they did so until that practice was prevented. There were also instances of people continuing to work, without taking their annual holidays or long-service leave. This practice was also discontinued when the union concerned found out. The workers were compelled to take their holidays. Very often the workers have to be protected from themselves.

In case the Minister thinks the mining of iron ore is not as harmful as working in quartz or similar mines, let me hasten to assure him that iron ore contains a high content of silica. The danger does not arise only from the conditions under which the work is done. One may be working in the open air, but if the silica condition is present in the atmosphere the health of the worker can be affected.

I am told that years ago, when one of the big cathedrals in Perth was being built, the stones required for the building were dressed in a large shed. It took several years to build, and consequently there was a lot of stone dressed there. The men working were all showing strong signs of having contracted silicosis during the period they were working on that job. So it is not necessary to work in the bowels of the earth to contract silicosis. It can be contracted just as easily on the surface.

Consequently I am opposed to that clause. I think it is entirely unnecessary. There are already powers for the Minister to grant permission to work in the case of emergency. Previously, it was regarded so seriously that provision was made for the union to be notified when a Sunday permit was granted, but in this amendment there is no such provision. That demonstrates that this Government entirely disregards the rights of the workers and does not believe that the people who look after the interests of the workers should be notified.

Another provision will allow the use of hoists with a larger horse-power on certain jobs. That is quite a good provision. Previously the horse-power of hoists used by an untrained driver on certain small jobs was 12 horse-power, but now it is proposed to raise it to 20 horse-power and also to allow extra depth where such hoists operate.

We know the improvement that has been made in these machines. Originally when the small hoists were introduced, quite a number of years ago, they were not equipped with the safety appliances with which they are equipped today. Consequently there was some risk if an untrained person was allowed to drive them. However, these machines have been improved considerably, and for many years now the 12 horse-power hoist has been a simple machine and it has been equipped with safety devices. Anyone with any mechanical knowledge does not take too long to learn to drive such a machine.

Now there has been developed a hoist which is not much larger in size but is considerably stronger in horse-power. Actually I think the safety factor would be increased, because although the more powerful machines are being used, I doubt whether very much more work is being done by them than was done by the lower horse-power hoist.

I omitted to say earlier that whereas previously an inspector of mines was required to hold a mine manager's certificate, he will now be required to obtain a first-class mine manager's certificate, and this will be a step forward.

To sum up, I am opposed to the Sunday work provision, and I am a bit uneasy about the application of the second-class mine manager's certificate. If a man holding such a certificate is going to supersede a man who has a supervisor's certificate, this will be a retrograde step because, in my opinion, a man with a supervisor's certificate is the more practical man. I support the second reading.

MR. EVANS (Kalgoorlie) [3.5 p.m.]: I I do not intend to delay the House on this measure, but I would like to express my overall approval of the Bill, subject to certain reservations in regard to the attempt to reorientate the certification required for mine managers and underground supervisors. This matter was adequately covered by the member for Boulder.

Having expressed my general approval, I would like to clearly and most definitely state my opposition to the provision relating to the breaking of ore on Sundays and the cavalier attitude, I term it, adopted by this Government in expressing its approval of the illegality which has been allowed to continue with the complete condonation of the Government and the Mines Department.

It is a fact that trade unionism has always been opposed to working on a Sunday if this work is completely unnecessary. It is against the very tenor, essence, and spirit of trade unionism. Apart from that, this is a Christian country, and we are guided by Christian principles. We know from the Bible that the good Lord made the earth in six days and on the seventh day He rested. In England, whose laws we use as a guide for our legislation, there exists even at present an Act of Parliament, called the Sunday Observance Act, which makes it illegal for any servile work to be engaged in on a Sunday.

We realise that some work is necessary and allowance has to be made for it; but by no stretch of the imagination should a general approval for work of this nature be given for all time. We know that under the Act itself there is provision in any case for emergency work, with the approval of

the Minister, to be carried out on a Sunday. But as a principle for general application it should not be condoned by the Government and should be strongly disapproved of by the Parliament of this State.

I do not intend to express my opinion as to the other provisions in the Bill. I merely reiterate that in general I give my approval to the second reading, but I do hold certain reservations in regard to the application of the provisions concerning mine managers and underground supervisors, and strongly oppose the provisions relating to approval being given to the breaking of ore on Sundays.

MR. KELLY (Merredin-Yilgarn) [3.8 p.m.]: I am in agreement with the majority of the observations made by the member for Boulder. However, I cannot fully agree with his objections to the Minister having the authority to permit some Sunday employment. I appreciate the desire of the member for Boulder to avoid employment on Sundays, and normally my attitude would be one of complete resistance to Sunday work. However, I realise that there are occasions when circumstances would undoubtedly alter the position in regard to some Sunday work in certain mines.

Mr. Moir: The others are covered. There is provision in the Act now.

Mr. KELLY: I well remember the incident in connection with Bullfinch, to which the member for Boulder referred. Some work was essential there, and it was carried out only on odd occasions, but at all times with the permission of the Minister. As a matter of fact, serious dislocation would quite often have resulted if the work had not been allowed to proceed on some Sundays throughout the year.

The member for Boulder mentioned that restricted work was carried out at Bullfinch under this provision. I know that work was carried out on some occasions apart from the incident that he mentioned. On one occasion work was carried out, and permission was granted by the Minister. On another occasion repairs to the haulage equipment and to a very expensive belt that had broken down were effected. On that occasion eight or nine men were called back.

At times there was serious doubt as to the ability of the mills to proceed continuously unless some haulage was carried out on the Sunday. Again that work was subject to a permit which covered the specific day and also the number of men to be engaged.

So by and large I see very little danger in extending to this industry the proviso that under certain circumstances the Minister shall have authority to issue a certificate enabling some men to continue in order that the work of the mines shall not be unnecessarily interrupted.

In connection with Yampi Sound, I can appreciate that this permission could be required on odd occasions. I think that mining at Yampi is entirely different from the majority of the operations that exist in other parts of the State. The work there is, firstly, carried out in a very isolated part of Western Australia; and it is carried out where it is very difficult to keep the required number of men on the mine at full strength. There are many reasons why miners do not want to go to Yampi Sound.

The method of loading is entirely different from what it is at any other mill or mine in the State. The member for Boulder was of the opinion that the problem of stock piling could be easily overcome by the installation of much more gear to obviate the necessity for stock piling. I feel that could be achieved, but only at great cost and with the duplication of the existing loading conditions. Of course, a repercussion would be the higher cost of mining the iron ore; and I think that would have an effect on the distribution of the product generally.

It is a recognised fact that stock piling at Yampi is a problem that can only be overcome at a very high cost. Indeed even then it would be hard to realise just to what extent stockpiling should take place, when we bear in mind that ships to Yampi Sound are spasmodic and on some occasions, for various reasons, several are there loading at the one time, or endeavouring to do so. So this is one of those isolated cases where I feel that some Sunday work might be necessary. I would be very concerned to think that a Minister would authorise anything like continuous Sunday work. I want the Minister's assurance when he replies, if he so does, that that is not the intention behind this amendment.

I think, too, we must have some regard for the need to retain on the island a large enough force to have sufficient ore broken to enable the ships to be loaded when they call at the island.

There is no doubt in my mind that the company mining the ore deposits at Koolan and Cockatoo Islands appreciates and realises the difficulty of maintaining the work force at full strength at all times. When we look at the many inducements that the company has offered to the men to go to Yampi Sound in the first place, we can realise that it is fully aware of the position. I can remember that on one occasion 80-odd men were sought, and I think only 11 would go to the island, making it perfectly obvious that it is very difficult to obtain and maintain the work force.

The company has offered what is known to be a very great concession in the way of rentals. I understand that the rentals at the island are the cheapest in Western Australia, and possibly in Australia. The domestic water used on the island is carted

from Newcastle. Certainly there is method in the apparent madness, because the back-loading of the water to Yampi Sound offers the simplest method of obtaining quantities of fresh water. Nevertheless the water has to be pumped into the ship and pumped out again even though it is only ballast.

To those working on the island there are considerable and generous electric current concessions, and stores are available at city prices; or if not at city prices then, in many cases, at cost price. Many women who are wives of miners are able to receive a considerable amount of work on the island—some get almost continuous work throughout the year.

The company has provided all the housing on the island; and, as far as I know, it has not at any time applied to the Government for assistance to deal with its housing requirements; and the same thing applies to the school. These concessions have not been given just because of the generosity of this company, but because they are necessary in order that the work force may be maintained.

The point I desire to make specifically is that the amount of Sunday work required on the island would be limited. No mining company wants to pay the high rates that apply to overtime and Sunday work. So if it is necessary—and it has been in the past—to have Sunday work as a means of keeping abreast of the loading, then the proper way to enable the work to be carried out is to legalise it and make it subject to the written permission by the Minister, whose permission shall be given only on the application of the company; and, if I interpret the amendment correctly, there must be legitimate reasons for the overtime. If, as I believe, overtime has on occasions in the past been provided as an inducement to retain the employment figures, then I think it serves some useful purpose.

I do not think anybody would want to go to Yampi or Koolan Island for the good of his health. Further, I do not think anyone would want to remain there for any length of time without earning a sufficiently large cheque for the work he performed. Therefore, the small amount of overtime that is offered as an inducement to work there, over and above the other inducements that are held out, does not present any great danger; and, in my opinion, it should be allowed to continue in the future.

I think the member for Boulder made reference to breaking or loading. I understand it is not the intention of the company to break or load. Its main desire is to be able to push the ore to a point where it can be rilled into the ships by graders —which is the normal practice—rather than have a ship lying idle.

Mr. Moir: The company proposes to break ore as well.

Mr. KELLY: There is no mention or implication of that in the amendment. However, I hope the Minister, in his reply, will give us some indication of what is intended. As to the point the member for Boulder made regarding notification to the union, I think that is essential. It has always been a rule in the past, as it has been in this instance, that when a company desires to work its men overtime the union should be notified. Therefore, I think that rule should apply in this case as well.

In short, therefore, the amendments contained in this Bill will effect improvements; and although it is condoning something that has been carried on for quite a long time, it is far better to have conditions relating to that industry laid down by legislation, than to continue to apply them in the haphazard way they have been applied in the past.

MR. RHATIGAN (Kimberley) [3.23 p.m.]: I agree entirely with the remarks made by the member for Merredin-Yilgarn, but I cannot agree with those made by the member for Boulder. To encourage people to go to the north and remain there it is necessary in any industry to allow the men to work a certain amount of overtime. For instance, on road work the men employed by the Main Roads Department are often required to work overtime. Therefore, it would be wrong for any measure to deprive workers—particularly those employed at Yampi and Koolan Island—of the right to work overtime, because it means so much to the people in those parts. The rule in regard to overtime can be fully applied in places such as the metropolitan area and in Kalgoorlie; but at Yampi and Koolan Island the very foundation of existence is for the workers to be able to earn a little bit of overtime, because it makes their going there worth while.

That is the reason why we have hard-working men; men with experience; and men with a great deal of wide technical knowledge going to those parts to work. It does not matter whether they be cracker drivers, or only store hands, the fact remains that such men would not go to Yampi or Koolan Island with their wives and families unless they were able to earn a bit of overtime which is offering there on Saturdays and Sundays.

So the member for Merredin-Yilgarn has covered the position extremely well. He quoted prices for goods that are obtainable at Yampi and Koolan Island, and also the rents that are payable for the houses. I could give the exact figures of the rents of the houses. They are extremely cheap. However, I will not weary the House with them now.

What I am trying to convey to the House is that unless overtime is made available for the workers we will not encourage men to go there. It is a recognised fact that we need an increased population in the north.

There are happily families on both those islands and they are treated extremely well by the Broken Hill Pty. Co. Ltd.; so why not leave the position as it is? I support, whole-heartedly, the remarks made by the member for Merredin-Yilgarn.

MR. ROWBERRY (Warren) [3.26 p.m.]: I do not propose to speak long on the Bill, because I agree with it in principle. Nevertheless, there are certain features contained in it that I cannot understand, having had experience with mining regulations in the Old Country. For instance, I cannot understand why it is necessary to obtain ministerial consent in order to carry out repairs, and such work as will enable the operations of the company to continue on the following day; that is, on the Monday. Those conditions are not provided in legislation in the Old Country, but are taken as a matter of course, or as a matter of commen-sense.

I merely wanted to point out to the Minister what I will call an anomaly in the Bill, for want of a better word. I should think that a gentleman of his profession should have noticed this word which appears on page 2, line 27, in clause 4, subclause (2). The subclause reads as follows:—

> The underground workings of every mine employing less than twenty-five men . . .

I have always understood the word "less" to be an adjective of degree. It is used only as an adjective relating to number. In a Bill we should be particularly careful of the language we use. I should have thought the Minister would have noticed this word right away. Probably the Attorney-General or the Leader of the Opposition may have noticed it.

Mr. Ross Hutchinson: I am sure he will be interested in this one.

Mr. ROWBERRY: In the works of Tennyson we have a classic example of the use of the word "less". In referring to this quotation, the word "less" could be used to get women to work on the mines. The quotation to which I refer runs as follows:—

> Woman is the lesser man, and all thy passions, matched with mine, are as moonlight unto sunlight, and as water unto wine.

If the Minister is agreeable, I think we should strike out the word "less" and substitute the word "fewer" as being more appropriate, more grammatical, and more in line with English tradition.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [3.28 p.m.]: I thank members for their general support of the provisions contained in the Bill. The point made by the member for Boulder in regard to supervisors' certificates and the possibility of their being superseded in the immediate future is something I do not think he need fear. That matter was mentioned in another place, and it appears that the relevant provision in the Bill is intended to raise the standard of supervision in the mines. We have reached this improved standard of supervision by a gradual process; that is, from there being no supervision, to a stage where there is much better supervision.

The steps proposed to be undertaken under the terms of this particular Bill will raise the standard a little further and place supervision here in line with the best in Australia. It is intended to do this gradually and without any injustice to men holding certificates under the Mines Regulation Act at the present time. As far as the Minister for Mines is aware, there is no case where the status of a manager or a supervisor will be affected if this Bill passes.

As a further protection, the Bill provides that any certificate deemed equivalent by the board of examiners can stand in the place of the proposed certificate. I think the honourable member drew attention to the words "or a certificate that is deemed equivalent thereto by the Board of Examiners established under this Act" in clause 4 (1) These words were inserted to cater for the circumstances that he referred to.

Mr. Moir: No; it refers to something else.

Mr. ROSS HUTCHINSON: I have been informed that the insertion of the words I have just read out is to maintain the rights and privileges of holders of existing certificates. I am telling the honourable member what I have been informed; and there is no intention to supersede the certificates—

Mr. Moir: A certificate that is deemed equivalent by the board of examiners may be a certificate issued by some other authority in another State or country.

Mr. ROSS HUTCHINSON: I have made inquiries on this point in anticipation of some doubts being expressed; and the information that has been supplied to me I give in all good faith and honesty.

The point raised in regard to Sunday labour is quite interesting, and I think the remarks of the two speakers prior to the last one indicate they have a very real appreciation of the difficulties involved and the special circumstances that prevail. I believe it is not the intention of the Minister or the department to give a continuous permission; but I would point out that previous Ministers have never refused permission when it has been required, and the company itself does not require work on a Sunday unless special difficulties are confronting it. It is felt that this provision in the Bill is necessary.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 25 amended—

Mr. MOIR: The Minister's explanation about the certificates is not satisfactory to me. Obviously the Minister has been misinformed in this regard. Not under any circumstances could a supervisor's certificate be deemed equivalent to a first-class mine manager's certificate. There is nothing new in that excepting the words "first class," because the same provision is in the Act at the present time. The provision does this: If a qualified mine manager with a certificate is coming here from Broken Hill, the certificate granted under the laws operating there can be deemed by the board of examiners to be equivalent to the certificate that is granted here. Therefore, the board may not require that man to sit for an examination to obtain our certificate.

One can readily understand that the standard in some of the other States may not be as high as that obtaining here. Then again, the certificate here may not be up to the standard required in other States or countries. However, I might mention here that both the mine manager's and the supervisor's certificates that have been in existence here are recognised in quite a few countries outside Australia because the standard of mining knowledge in Western Australia is regarded as being of a high order. Therefore, other countries accept these qualifications as being suitable for their requirements.

The board of examiners should not be able to say a supervisor's certificate is the equivalent of a mine manager's certificate. The real interpretation to be placed on this clause is that the certificate a mine manager may have been granted in another State can be considered by the board of examiners to be equivalent to our standards and the board need not require him to sit for our examination but grants him permission to carry out the position of an underground manager.

Mr. ROSS HUTCHINSON: I have given the information of the department and the Minister for Mines in this regard. It says—

> Existing employees are protected by the discretionary powers of the board of examiners and the Inspector of Mines, in addition to statutory provisions. This will ensure that no hardship is suffered through the introduction of the two separate grades of competency.

Clause put and passed.

Clause 5: Section 45 amended—

Mr. MOIR: This is a contentious clause, and I want to put right some of the ideas that have been disseminated in this Chamber. I think the member for Warren could not see why the Minister had to give permission for work on a Sunday. At the present time under the Act quite a lot of situations occur in which no permission is required at all for the work to be done. I would refer members to section 44 of the Act, where they will see that there are quite a number of jobs allowed to be carried on in a mine on the authority of an inspector, who is always located in the district and easily accessible to the mine operators. In the case of certain other underground work the permission of the Minister has first to be obtained; and in most cases the permission of the Minister is granted.

It has always been the practice that the Minister would not grant permission to continuously work a mine on Sunday, but to work a mine as a general practice. I think that such permission would be most undesirable. Once that permission was granted to one company in its operations, it could spread to other companies.

Some of the previous speakers were entirely off the beam when they referred to overtime. There is very little overtime which comes into the picture when working a mine. Overtime is paid only when men are working on a charge fixed under an award for carrying out a certain occupation. Piecework applies to most mining operations; and the same piecework price applies on Saturday or Sunday as applies on Monday or Tuesday. The company pays the same price for getting the ore broken, shipped, or unloaded on a Sunday as it pays for that work to be done at any other time of the week. There is no deterrent there so far as any company is concerned; otherwise companies would not be so anxious to work on Sundays.

Many members will know that piecework applies to almost any mining operation, with the exception of the treatment plant. All other operations in most mines are covered under the piecework system where a set price is paid for doing a certain amount of work; and the same price applies whether that work is being carried out on a Saturday, a Sunday, or a Monday. I repeat, therefore, that there is no penalty on a company. It simply means that a man benefits from the fact that he has had another day in which to earn so much more money. That is the position.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and passed.

Sitting suspended from 3.46 to 4.5 p.m.

RESERVES BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment: In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

The CHAIRMAN: The amendment made by the Council is as follows:—

Clause 22, page 9—Delete.

Mr. BOVELL: The Legislative Council's amendment is in relation to clause 22, which has reference to Reserve No. 24309 at Cockburn Sound. The area of the reserve is approximately 110 acres, and a portion of it was required for a shipbuilding industry. On the 29th August, 1961, an agreement was sent to my office by the Cockburn Shire Council for my approval; it was in relation to the Tiger Go-Kart Club Inc. The vesting of this reserve provides that the Cockburn Shire Council can lease the land for recreational purposes provided the approval of the Minister for Lands is first obtained. The lease was received in my office on the 30th August, 1961.

On the 29th August, 1961, a memo. was submitted by the Department of Industrial Development to the Minister for Industrial Development in relation to the proposed establishment of the Southern Cross shipbuilding yards. It was received by me on the 20th September, 1961.

Mr. Tonkin: Who was the minute to the Minister for Industrial Development from?

Mr. BOVELL: From the chief executive officer of the Department of Industrial Development.

Mr. Tonkin: Dated the 29th August?

Mr. BOVELL: Yes. The Minister for Industrial Development addressed a minute to me and the Minister for Town Planning on the 19th September, 1961, relating to the proposal. The lease to the Tiger Go-Kart Club had not been approved; it was still under consideration. No indication was given to the Lands Department that the Cockburn Shire Council had agreed to any arrangement with the Tiger Go-Kart Club for the vestment of this land for the purposes of go-kart racing. Nothing appears on the file, nor was it conveyed to me verbally, that any expenditure had occurred on the land in question.

The provisions of the vestment are quite clear: no leasing of the reserve can be made unless first approved by the Minister. In view of the request by the Minister for Industrial Development that this industry be established—and it will be 13 acres out of 110 in the first instance—I agreed to the inclusion of the area in the Reserves Bill for this year.

Up to the time this matter was presented to Parliament no indication was given to my department that any money had been expended by the Go-Kart Club. I have not yet approved of the lease; and, of course, for it to be legal I must approve of it. I am of the considered opinion that a shipbuilding industry is more important to this country than the conduct of a go-kart club, a Tiger or any other.

I think it was the responsibility of the local authority concerned to advise us, and we could have at least conferred with it about the matter. Although we had the proposed lease in our possession for some two or three weeks, the matter had not been finalised, and it was considered of paramount importance to get the clause in this year's Bill so that this shipbuilding industry could be established. It was only during the course of debate, and from subsequent information being given after the Bill was introduced, that I was made aware of any expenditure by the club.

Furthermore, this land will be required for the standard gauge railway to the Kwinana project. Therefore the granting of a lease would have to be considered in the light of all the circumstances. The Go-Kart Club occupies approximately six acres; and the Legislative Council, for reasons best known to itself, has decided to delete the clause.

It is obvious that no improvements on the land in question should have been made until the lease was approved by me. I am not going to say who is at fault, but it is a matter between the Tiger Go-Kart Club and the Cockburn Shire Council. Had we had any knowledge that money had been expended, that would have been taken into consideration; but there was no information on the file; nor was any conveyed to me verbally that the club had proceeded so far.

I believe it would be in the best interests of the State to establish a shipbuilding industry there. Only 13 acres approximately is the immediate requirement of this industry; and in all the circumstances I think we should disagree with the Legislative Council's amendment. I move—

That the amendment made by the Council be not agreed to.

Mr. TONKIN: It is unusual for another place to refuse a Bill of this kind sent up by the Government, and there must have been considerable strength in the argument adduced there to cause members to adopt that course. I foresaw trouble with

regard to this; because it will be recalled that when we were discussing the Bill I said somebody was lacking somewhere, because the local authority had not been consulted. The Minister this afternoon made it appear that the Cockburn Shire Council should have apprised him of the developments that had taken place. If the Minister was aware that some other department was likely to require this land, surely he was in a position to say to the shire council, "I have your application for this land but I do not propose to do anything about it in the meantime because other considerations have arisen."

Apparently the Minister did not do that. He merely ignored the request of the Cockburn Shire Council for this lease; he put this clause in the Reserves Bill and brought it to Parliament without negotiating with the council at all. What sort of conduct is that? No wonder he struck trouble. I have here a letter which the shire council wrote to the member for the district (Mr. Ron Thompson) which reads—

> At the last meeting of my Council exception was taken to the Government introducing a Bill that affects a Class "A" Reserve vested in this Council without any reference whatsoever to this Authority.
>
> I was further instructed to thank you for your efforts in implementing this Council's policy which is to jealously guard Class "A" Reserves for the benefit of posterity.
>
> It is trusted that you will be able to retain the sea coast from Woodmans Point to Naval Base for recreational purposes of the future.

It is all very well for the Minister to ask whether we want a shipbuilding industry or a go-kart course. That is not the problem. It is whether a section of the ocean front which is now an "A"-class reserve should be reserved for recreational purposes for the people in the locality, or whether more of it should be taken up for industry. A big mistake was made in giving B.P. Pty. as much of the sea-front as it has.

Mr. Bovell: That has nothing to do with this.

Mr. TONKIN: Except that it will perpetuate the same thing. More consideration should have been shown for the recreational needs of the people in the future; and that industry would not have been seriously jeopardised if it had not been given the same area of land. We must ensure that we do not take away from the people recreational areas close to ocean-fronts, river-fronts, or lake-fronts. If the Minister knew that some other department would require this land why did he not do something to apprise the Cockburn Shire Council of the situation? Why did he introduce a Bill without reference to that council?

Mr. Bovell: Time was the essence of this contract. I have explained that. We are anxious to get it in this year's Bill.

Mr. Graham: Some people are anxious to stop it.

Mr. TONKIN: It seems that on the 23rd November, 1960, the Tiger Go-Kart Club formally made application for the leasing of approximately five acres of an "A"-class reserve for the construction of a race-track. On the 14th December, 1960, the Cockburn Shire Council approved of the lease with certain conditions, one of which was that the Tiger Go-Kart Club become an incorporated body. The Tiger Go-Kart Club immediately put this matter in the hands of its solicitor with a view to becoming an incorporated body. When the formalities were finalised the Crown Law Department gave approval to the incorporation.

On the 1st February the Tiger Go-Kart Club commenced preliminary clearing and grading. The track was graded and formed up and gravel was carted on to the surface. A kitchen-block centre was erected and provision was made for a well pump and toilet block. After the Tiger Go-Kart Club had become incorporated the Cockburn Shire Council drew up the necessary lease, which was signed by both parties.

The area today in Cockburn is greatly enhanced by this body providing a venue for sport and motoring. The State championships were held on this site, and there were 111 entries from all over the State, representing 36 clubs. Entries were received from Northam, Kellerberrin, Manjimup, Borden, and other places. These virile organisers cleared all this untidy scrub area, and it would be unfair and unrealistic to regazette the area for any other purpose. If it is essential that there should be an extra area for the purpose presented to Parliament, there is two miles of coastline which would fill the bill and which would not interfere with existing arrangements. This could be shaped and contoured for the purposes of the shipping industry. It seems that on the 10th November the shire clerk notified the Minister for Local Government as follows:—

> Dear Sir,
>
> At the last meeting of my Council concern was expressed at the fact that the Government of the day saw fit to put before the House a Bill affecting a class "A" reserve vested in this Council for camping and recreational purposes.
>
> Such Bill was presented without reference whatsoever to this shire. It is sincerely trusted that as the Minister for Local Authorities you will safeguard our interests in this or any Bill of a similar nature presented without our knowledge or knowing how it may affect us.

The Government's weakness lies in the fact that it did not consult the local authority at all. Can you imagine, Mr. Chairman, that happening in Vasse or in Nedlands? But this is an area where the Government does not expect to win seats. So it ignores the local authority. The Government would not dare do that in Subiaco, for example. The Minister in another place must have supplied his colleagues with all the information; but in spite of that, and the Minister's innate ability, he could not convince the majority of the Legislative Council that this clause ought to be passed; and I do not think we should pass it. I oppose the Minister's motion.

Mr. BOVELL: The information given to the Committee by the Deputy Leader of the Opposition is interesting. He reveals that in 1960—that is, 12 months ago—the Cockburn Shire Council commenced negotiations, I might say illegally, with the Tiger Go-Kart Club, to provide a course for its use. I would like to read this vesting order to the Committee. It is signed by E. K. Hoar, Minister for Lands, and was approved by Executive Council on the 10th July, 1957. It says—

> Reserve No. A24309 shall vest in and be held by the Cockburn Road Board in trust for the purposes aforesaid—

that is, for recreation and camping—

> with power to the said Cockburn Road Board subject to the approval in writing of the Minister for Lands being first obtained to lease the whole or any portion of the said reserve for a term not exceeding 21 years from the date of the lease.

For 12 months the Cockburn Road Board was negotiating with the Tiger Go-Kart Club without any information being conveyed to the Lands Department or to the Minister. The file discloses that on the 26th July, 1957, the Under-Secretary for Lands wrote to the secretary of the Cockburn Road Board indicating that Executive Council approval had been obtained for the classification of reserves Nos. 24308 and 24309 as of class "A" and to the vesting of these reserves in that board in trust for the purposes of recreation and camping, with power to lease the whole or and portion of Reserve No. 24309 for any term not exceeding 21 years from that date.

There was a copy of the vesting order on the records. The only other communication, until the letter dated the 13th August, 1961, was received by my office and is a letter to the secretary of the Cockburn Road Board by the Under-Secretary for Lands dated the 8th August, 1957, enclosing a lithograph showing Reserves Nos. 24308 and 24309. There was no further correspondence on the file until the letter dated the 29th August, 1961, from the Cockburn Shire Council, as it became known at that stage, was received.

Mr. Tonkin: It was more than a letter.

Mr. BOVELL: Matters concerning lands cannot be dealt with as expeditiously as some people seem to think, because all aspects regarding the use of the land have to be considered. The department did not know that improvements were being made to the land by the Go-Kart Club. As the Deputy Leader of the Opposition knows, when such lands are to be utilised for other purposes and the leases are submitted, each department is asked whether it has any immediate use for the land in question. The reason no acknowledgment was forwarded to the Cockburn Shire Council was that the matter was being investigated. It is all very well for the Deputy Leader of the Opposition to say that the Cockburn Shire Council has been ignored; but what does he think about the Lands Department and the Minister receiving no indication or official communication from the shire council to indicate that the Go-Kart Club was effecting improvements on this reserve, which it was doing illegally because the agreement had not been sanctioned by the Minister?

Mr. TONKIN: It is amusing to hear the Minister talking about illegality. There is a recent case of the Minister for Town Planning overriding his own regulations.

Mr. Bovell: I am talking about this matter.

Mr. TONKIN: Of course the Minister would like to isolate the other illegalities and forget them. It does not matter to the Minister that the Totalisator Agency Board had been operating illegally for some months.

Mr. Bovell: I will have something to say about that later on.

Mr. TONKIN: So will I. The Minister did not tell us that when he received the letter on the 29th August he also received a copy of the signed lease between the Cockburn Shire Council and the Tiger Go-Kart Club. If the Minister was concerned about a possible illegality, and he was aware of some other proposals in connection with this matter, the first thing he should have done within two or three days, and most certainly within a week, was to tell the shire council that the way was not clear for the approval of the lease, and that there was a possibility of the lease being held up. There was not a word of that to advise the shire council that it was the Government's intention to excise the land in question and to introduce a Bill for that purpose. I am sure the Minister would not have done that to the Vasse Shire Council.

Mr. Bovell: That local authority would not have illegally leased an area of land, as the Cockburn Shire Council has done.

Mr. TONKIN: How does the Minister know?

Mr. Bovell: I have lived in the Vasse district all my life and I know.

Mr. TONKIN: It must have a greater belief in the propriety of this Government's actions.

Mr. Bovell: It is no use for the honourable member to cover up the omissions of the Cockburn Shire Council. That council is at fault.

Mr. TONKIN: What is the Government's explanation for completely ignoring that local authority?

Mr. Bovell: That is beside the point.

Mr. TONKIN: It is beside the point because this matter concerns the Cockburn Shire Council and not the Vasse Shire Council or the Nedlands Shire Council.

Mr. Court: When you were a Minister of the Government you wanted to close a road without consulting the Nedlands Shire Council.

Mr. TONKIN: That shire council was consulted, although it objected. A precis has been made of this case, and a quick glance shows that there are sound and substantial reasons why this reserve should not be excised. The precis is as follows:—

1. On the southern end there is approximately two hundred yards of sandy beach.
2. Between the Groyne and the breakwater there is approximately five hundred and fifty yards of ground nearly level with the sea shore and extending eastward to the cliff face a distance of 200 yards.
3. These are the only portions of the coastline in this reserve that are accessible other than climbing down a cliff face.
4. The area between the Groyne and the Breakwater is level with the sea, because of the fact that it was extensively quarried some years ago.
5. The Tiger Go-Kart Club by expenditure and voluntary labour have built up assets to the value of £3,000 on the area between the Groyne and the Breakwater.
6. On the 29th of August, 1961, application was made to the Minister for Lands for lease approval to the Go-Kart Club. No reply has been received to such application, although a signed lease between this Authority and the Go-Kart Club was enclosed.
7. Something must be preserved for posterity for the people of this shore line.
8. Although the lease extends for two miles 200 yards along the shore line, only the small sections as referred to above are readily accessible for recreational purposes.
9. Small Boat Owners' Association have constructed a ramp at the Groyne and this is extensively used for small boats. The Council have agreed to recommend a lease of an area to be used for parking of cars of people using the boat ramp.

It seems that the Government's proposal will seriously interfere with the recreational requirements of the area. Whilst we are keen to establish industry in Western Australia, that is not the commencement and end of everything, and man does not live by bread alone. It is so easy to grab a Class "A" reserve which has been set aside for recreational purposes.

Mr. Bovell: What about the railway line?

Mr. TONKIN: The Minister has not proved anything in connection with the railway line. All he said was that the land might be needed for that purpose.

Mr. Bovell: It is quite probable that the land will be used for that purpose, but I am not going to commit myself.

Mr. TONKIN: The Minister says it is quite probable, but that is only his opinion. There is not a shred of evidence produced by the Minister to prove or to justify that statement. There is no case for disagreeing with the amendment made by the Legislative Council. I oppose the motion.

Mr. COURT: The Minister in charge of this Bill has asked me to make some observations regarding the industrial development aspects of this particular matter. The decision to be made by Parliament on this occasion is whether we desire to establish a shipbuilding industry in this area or not. We have got to the stage where building of ships of the size that we hope to construct in this State is impossible if we try to build them in areas remote from the river foreshore or remote from the coastline.

For many months efforts were made to find an area on the river foreshore which would be suitable for the construction of ships, bigger than the type we have been building in the past. We have been building very successfully a ship of a high quality up to the 70 ft. and even as high as the 80 ft. class—some in timber and some in steel. It will be apparent to members that we have got to the end of our tether.

If we look at *The West Australian* of the 19th October we will see pictures of a 72 ft. ship being transported to the sea coast. Members will appreciate the problems which are besetting the shipbuilders who operate shipbuilding yards remote from the water's edge, since even with small ships special arrangements have to be made with the Traffic Branch, the State Electricity Commission, and other Government departments to ensure the

safe passage of these vessels to the coast. We have literally got to the end of our tether.

Mr. May: How many ships are to be built there—one?

Mr. COURT: We have literally got to the end of our tether, because we get to the stage where the length of the ships is so great that they cannot be taken around corners on the highways, even if the co-operation of the State Electricity Commission and other departments is obtained. It is an outmoded method to establish shipbuilding yards for the construction of small ships in this State, at a distance of five or ten miles from the coastline, or even one mile from the coastline.

It so happens that a syndicate was prepared to finance the building of a steel ship of 140 ft. in length. It is a condition of this contract that construction of the ship commence immediately. We have searched everywhere for a suitable site on the river, but there are certain limiting factors. For instance, a depth of at least 12 ft. of water is required outside the shipyard site, for preference without dredging. Having got that, there is need to ensure that from the yard to the sea there is at least 8 ft. to 10 ft. depth of water, even if the vessel were to go for refitting at the port, or to somewhere else outside the port of Fremantle, say, to the fish-markets harbour.

The matter was referred to the Town Planning Commissioner for the finding of an alternative site. The Town Planning Commissioner, through the Minister for Town Planning, indicated that the only suitable site which was in the appropriate area was the site on the foreshore between the groyne and the adjacent breakwater. The commissioner went on to say—

> The foreshore between the groyne and the adjacent breakwater is about 30 chains in length. If the area is given over to a small craft industry the land would be best subdivided into two chain frontage lots which would be available for lease only. Immediately to the north of the groyne there is a concrete launching ramp remaining from the war years, which is at present used by the public. This ramp, together with the groyne itself and a surrounding area of two acres, should be retained for public purposes.

And then it is explained that the whole of this Class "A" reserve is vested in the Cockburn Shire Council and the council has negotiated with this Go-Kart Club for an area which is to be leased to the Go-Kart Club. But unfortunately the Go-Kart Club, presumably with the knowledge of the shire council, invested a considerable sum of money in this area, prior to the approval of the lease being given. That is where the difficulties have arisen. Had the club not invested its funds until the approval had been given or rejected, of course the whole matter would be different and we would not be arguing about it today.

Mr. Tonkin: When did the town planning authority have a look into this?

Mr. COURT: This particular minute to which I referred is dated the 3rd October, but that is only the culmination of months and months of effort to try to find a different site.

Mr. Tonkin: I am wondering why they never noticed these improvements.

Mr. COURT: I am not here to vouch for that. The fact is that if the improvements were there they were illegal.

Mr. Tonkin: That is not the point. The Minister said that the department knew nothing of what was going on. Surely if improvements were being made over a period, someone would have noticed them and would have asked what the club was up to.

Mr. COURT: That is quite irrelevant to the point. If they were there they were illegal. It is entirely beside the point. It is the fault of the person who put them there illegally. To stick to the main problem—

Mr. Tonkin: Surely in the ordinary course—

The CHAIRMAN (Mr. Roberts): Order!

Mr. COURT: We must decide whether we desire to advance into the small shipbuilding industry. We have been told by the experts that there is not another suitable site. This particular company which is going to build the ship is prepared to do so side-on to the sea, which is not an advantage, members will admit; so that for the time being this Go-Kart Club is not prejudiced. However, there will come a time when to get reasonable operations and to build the ships we hope will be built in this State, the company will have to have a greater depth, and when that depth is required, the railway will have to be deviated.

It has been suggested that instead of doing that job now and having to do it again, or at least replace the sleepers and so on, when the standardisation takes place, the shipbuilding company should make do for the time being until the railway is deviated, coinciding with the construction of the standard gauge railway. Then it will be possible to give this small shipbuilding company a depth of some four chains to better pursue its operations.

I think it would be foolish of the shire council to deny that it knew what was going on; because, in a very prominent picture with very good letterpress in *The West Australian* under date the 22nd October, this particular project, including the shipyard, was given prominence. If the Deputy Leader of the Opposition is going to say that it is foolish for the department to

claim it knew nothing of what was going on, I say it is equally foolish for the shire council to claim it did not know what was going on, because it definitely did. That is apart from the fact that my own department in the ordinary course of its industrial development activities was in touch with the shire council, not as a representative of the Lands Department, but in the ordinary course of work in trying to find a site for this company.

In respect of this particular ship—and this refers more particularly to the member for Collie—the Department of Industrial Development, after making very careful inquiries, is thoroughly satisfied that the proprietors have the technical knowledge to build a vessel of this type and size.

Mr. May: I did not query that.

Mr. COURT: No; I am coming to the point. The member for Collie queried whether we could ever build another. If we are to enter the industry, it is apparent that the best way to progress and obtain the necessary technique and enter a field where there is a good steady demand for ships, we must start in the small-ship field. It is easier to finance and to obtain the people with the technical know-how and, what is more important, there are more orders available throughout Australia and countries near Australia for that particular class of ship than for bigger ships.

Mr. May: The member for Vasse will know something about boatbuilding—or he should do.

Mr. COURT: Therefore, it is our hope that by encouraging this company to establish in the most desirable part—right on the ocean foreshore—we will have a chance to enable it to go after other ships of a size which can be sailed from one State to another, and generally develop a very nice industry which calls for a wide and desirable range of skills.

In this State we have recently brought in from other States ships that could be classed in the small-ship group and we do not want to do it again. It should be possible for us to build all these so-called small ships—that is, the ships of 200 and 300 tons and even ships of larger tonnages—within Western Australia; and as we learn the techniques of that particular industry, so we will advance into bigger ships and eventually we hope to have a full range of shipbuilding in Western Australia.

Mr. Rhatigan: Can you, as Minister for the North-West, tell me the life of the *Charon* and the *Gorgon*?

Mr. COURT: I would not like to guess off-hand; but if the honourable member wants to know, I could get the information for him. One point I want to make in emphasising the importance of this particular location is that we are intending to excise only a small area for this shipbuilding industry, and every consideration will be given to the Go-Kart Club which has apparently established itself illegally, until such time as—

Mr. Tonkin: Who says it is illegal?

Mr. COURT: —it will, inevitably—

Mr. Tonkin: Who told you it was there illegally?

Mr. COURT: —have to give way for the rail deviation. As far as I am concerned, I am the first one to encourage these youth activities. Goodness knows I am mixed up in enough of them; and I would be quite prepared, as I said before—not in this House but to others who raised the query—to help these people, when the appropriate time comes, to find an alternative site. If it is a good, healthy activity I would be the last one in the world to scotch it.

Finally, regarding the location—because I was side-tracked a little—it might be asked: Why did we not establish this company in the river near the mouth of the Swan? It is important to realise that in the North Fremantle and East Fremantle areas where there are shipbuilding sites, these sites remain as non-conforming use, and therefore it would be impracticable and undesirable to say to anyone that this particular company has to establish there. Quite apart from the fact that it is non-conforming use, I doubt whether they would get in anyway. Most local authorities on the river who have been approached to see whether they would agree to the establishment of a shipyard in their area, have refused.

Mr. Tonkin: If you put them in the middle of an "A"-class reserve, it is non-conforming use too.

Mr. COURT: I want to make this final point: It is a recommendation of a senior officers' committee that this particular area be classified for industry. We have to accept the fact that if we want industry in this State—and I would like to see the member in this House who would say he would not—we have to accept the inevitable; we have to accept the fact that we will find it necessary to provide sites for industry to establish; and to put a shipbuilding industry away from the foreshore seems crazy—so crazy, in fact, that no-one would suggest it.

Somewhere, whether in this location or another, the industry must be established on a foreshore. It cannot be expected to build ships of 140 ft., and bigger, even half a mile away from the shore, and it is common-sense that an area must be allocated right on the foreshore, and obviously an area which departmental officers, with all their experience and after investigation, have recommended to the Government to be the most logical site. It would be properly zoned eventually in the area where we expect industry to go. Proper protection would be afforded this ramp which the

public uses, and every consideration would be given to the Go-Kart Club until such time as it will inevitably have to move.

I sincerely hope that the Committee will see fit to support the Minister in opposing the amendment from another place which, with all due respect, it has resolved without a full appreciation of the outcome. It is not as though we can build the ship at some time in the future. If we do not pass this Bill this session and allow the company to commence building straight away, it will lose the particular order and will have to start all over again.

Mr. TONKIN: I cannot understand why, in order to bolster up the Government's case, two Ministers should talk about illegality which is no illegality at all. Why should the position be misrepresented? The Go-Kart Club which has carried out these improvements and spent this money has done so at its own risk, but with no degree of illegality, because this reserve was vested in the local authority for recreational purposes.

Mr. Bovell: It is the lease we are talking about.

Mr. TONKIN: But there is no lease which is illegal.

Mr. Bovell: It has not been signed.

Mr. TONKIN: The shire council was given power to lease.

Mr. Bovell: It should have obtained approval before entering into the lease.

Mr. TONKIN: I propose to read the letter from the Under-Secretary for Lands to the secretary of the Cockburn Road Board dated the 26th July, 1957.

Mr. Bovell: I have read that.

Mr. TONKIN: It is as follows:—

> Dear Sir,
>
> Further to my letter of the 12th ultimo I have to advise that Executive Council approval has been obtained to the classifying of Reserves 24308 and 24309 as of Class A, and of the vesting of these reserves in your board in trust for the purposes of recreation and camping with power to lease the whole or any portion of Reserve A24309 for any term, not exceeding 21 years, from the date of release, vide *Gazette* notice of the 19th inst.

I ask you, Mr. Chairman—

Mr. Bovell: What about the copy of the vesting order? You did not read it.

Mr. TONKIN: The vesting orders are enclosed.

Mr. Bovell: And I read them, saying that the consent of the Minister for Lands must first be obtained; and that is the crucial point.

Mr. TONKIN: Mr. Chairman, if you received a letter vesting in your authority certain land for recreational purposes with power to lease, would you consider you had power to lease, or not?

Mr. Ross Hutchinson: Don't answer that one!

Mr. TONKIN: I say they were entitled to assume from that letter that they had power to lease.

Mr. Bovell: You say what you like. The vesting order is there and I read it, and it is signed by the Minister from your Government.

Mr. TONKIN: To save time I suggest that the Minister read it when I have concluded.

Mr. Court: I wish you had thought of that while I was speaking.

Mr. TONKIN: I repeat: If you, Mr. Chairman, received a letter vesting in your authority certain land for recreational purposes with power to lease, would you think you had power to lease or you did not have power to lease?

Mr. Bovell: In accordance with the vesting order.

Mr. TONKIN: I say that when the Minister said these buildings were erected illegally, they were not erected illegally at all and the Minister has no justification for saying that they were.

Mr. Bovell: They had no right to make improvements.

Mr. TONKIN: Yes they did!

Mr. Bovell: No they didn't!

Mr. TONKIN: The local authority gave the club permission to do so.

Mr. Bovell: They have to abide by the consequence, which is that they have no security of tenure.

Mr. TONKIN: That is entirely different from saying that they were doing it illegally. Quite a lot of people have abided by the consequences of what they have done. What about people squatting on reserves and building homes on them? Quite a lot of that was done in the south-west. They did not do it illegally, but they did it with a risk of the consequences, and some of them ended up with titles to the land.

Mr. Bovell: They entered into a lease.

Mr. TONKIN: Oh no they didn't!

Mr. Bovell: Oh yes they did!

Mr. TONKIN: Some of them did it, just as squatters.

Mr. Bovell: Quote one—just one!

Mr. TONKIN: I cannot quote one offhand.

Mr. Bovell: Of course you can't!

Mr. TONKIN: The Minister knows I cannot quote one offhand, but the matter was discussed some years ago when a Bill was introduced to validate what was done.

Mr. May: That was at Flinders.

Mr. Bovell: The member for Collie had better not talk about that, because half his constituents were involved.

Mr. TONKIN: When the Minister for Lands and the Minister for Industrial Development say that the Go-Kart Club has illegally erected buildings, they are saying something that is untrue. The local authority had every reason to believe that as the proposals of the Go-Kart Club were in line with the vesting order and the purpose for which the land was made available to the local authority, in due course approval for the lease would be given. But when the Minister got the letter from the local authority, and a signed copy of the lease, he did absolutely nothing so far as the shire council was concerned. He just went ahead, and the next thing the local authority knew was that the Bill had been introduced.

Mr. Bovell: That is beside the point.

Mr. TONKIN: It is beside the point because it cuts the ground from under the Minister's feet.

Mr. Bovell: It cuts nothing.

Mr. TONKIN: Of course the Government has the numbers to bulldoze this through, but the arguments that have been put forward here did not succeed in the Legislative Council; and for a very good reason.

Mr. Court: That you do not want industry.

Mr. TONKIN: That is what the Minister for Industrial Development says; and that is always his line. This industry could be established almost opposite where I live in North Fremantle. The only argument the Minister brought forward against it was that it would be a non-conforming use. But the Government can take over "A"-class reserves and demolish improvements that have been made by a recreational club.

Mr. Bovell: Which we knew nothing about.

Mr. TONKIN: But the only reason why we must not establish this industry at North Fremantle is that it would be a non-conforming use. That is a technical objection.

Mr. Court: Can I quote you as saying that it can go to North Fremantle?

Mr. TONKIN: Yes.

Mr. Court: That will help me in some other negotiations we have.

Mr. TONKIN: Some shipbuilding took place in North Fremantle some years ago, and I encouraged it. So I am not afraid to encourage this industry.

It is all very well for the Minister to say we must have industries. Of course we must. We have a sugar refinery and a chemical works on the river; and I daresay if we had the opportunity to get those industries to come here today, neither would be sited on the river. I have little doubt that the day will come when at least one of those industries will be removed, and possibly both, as well as the Swan Brewery. They are all on river frontages and they take up areas that ought to be available for recreational purposes. We should not make everything subservient to what people connected with industry say are the needs of industry.

The CHAIRMAN (Mr. Roberts): Order! The honourable member's time has expired.

Mr. TONKIN: My word, that seems to be not nearly as much time as the Minister for Industrial Development had! Has your clock stopped, Mr. Chairman?

Mr. MAY: When the Minister for Industrial Development sat down, I wondered who he thought he had been kidding. He endeavoured to build up a tremendous case to help the Minister for Lands out of his dilemma. How many ships are going to be built in this shipbuilding yard? From the way the Minister spoke, a rip-roaring trade will be done and ships galore will be built there when, as a matter of fact, the company has an order for only one ship, and that is for the Rottnest tourist trade.

Mr. Court: It has to start somewhere.

Mr. MAY: If anyone knows what it is to start a shipbuilding yard, the Minister for Lands should, because an attempt was made to establish a shipbuilding yard at Busselton; but if ever there was a calamity it was that industry.

If there were prospects for a real shipbuilding industry in Western Australia, I would say the Minister had something. But to build up a case on the possibilities of a shipbuilding industry on the one mentioned is too silly for words.

I cannot see the necessity for all this land to be set aside for the purpose of building one boat—land that could be used to better advantage for the benefit of the people. The Minister was not kidding me in connection with this matter!

I am sorry for the Minister for Lands, because the Minister for Industrial Development had to build up a case for him. I believe what the Deputy Leader of the Opposition said: These people have a perfect right to receive consideration, having spent the amount of money that they have.

So far as being illegally on land is concerned, one has only to go to Augusta and Flinders to see what happened there. People built homes, and subsequently the land was subdivided and some of the subdivisions went through the houses. Let us not talk about illegally squatting on land, because it has happened on many occasions and is happening at present.

It would have been better if the Minister for Industrial Development had left well alone and let the appropriate Minister deal with this matter instead of trying to boost up a case which does not exist and will not exist. The company that is going to build one ship will fade away and the land will become vacant, and it will remain vacant—

Mr. Court: They are already building lots of ships.

Mr. MAY: —until the standard gauge railway goes through. In the meantime, why should we upset these people who have spent their money there? In spite of what the Minister has said, there must be other sites where ships could be built.

I express my disapproval of the Minister's statement, because I do not think he was genuine in what he said. He could not have been. He tried to tell members what a wonderful industry this would be in regard to shipbuilding, but there is only one tuppenny-ha'penny ship to be built.

Mr. CURRAN: I am opposed to the Government's move. On many occasions I have expressed opposition to the leasing of recreational areas along the coastline of my district. The 200 yards that have been referred to as a recreational centre, where the Go-Kart Club has spent money, should be retained for the general well-being and recreation of the people in the district.

I am not convinced by the argument of the Minister for Industrial Development or that of the Minister for Lands. They said they could find no other suitable area. I feel they were speaking with their tongues in their cheeks and were merely trying to justify the move they had made. The member for Melville mentioned three or four suitable sites in North Fremantle. What is wrong with the Minister for Industrial Development and the Minister for Lands investigating the site near the jetty at Woodman's Point? The site where the Go-Kart Club is established would require a considerable amount of dredging. I do not see why the Government, in the interests of the people in that district, should not leave that recreational area intact.

What is suggested here is a retrograde step in spite of the fact that we urgently require industry in Western Australia. Surely we do not require it at any price! We should consider the people who live in the areas where industries are to be established. It is common knowledge that right along the coastline the beaches have been annihilated in the last few years. Not even 200 yards of the beach has been reserved for the sporting clubs or the recreation of the people of the district. On behalf of the people of my electorate, I raise strong objection to the Government's proposal.

Mr. BOVELL: I have listened with great interest to the comments of the Deputy Leader of the Opposition and the member for South Fremantle. The Government's idea was to have another industry created and operating in Western Australia. The simple facts are that a shipbuilding industry, which could become a great asset in respect of employment and the provision of ships of a size needed here, could be established. On the other hand, there is the operation of a Go-Kart Club. I do not know much about go-kart clubs, but in the past I endeavoured to assist such clubs because there was some trouble up in the hills and I agreed to a reserve being made available in the Kalamunda district for the purposes of go-kart racing. It may be that a reasonable compromise can be effected in this regard.

I am alarmed to think that this Parliament should engage so much of its time in discussing a matter which I consider should be easily resolved, because it is a question of industry and employment. If W. S. Gilbert were alive he would have an unprecedented opportunity of writing a satire and a comedy on the opposition in this Parliament; such a satire and comedy as would put his previous efforts into oblivion.

Mr. HAWKE: I find it impossible to believe this particular piece of land is the only piece on the foreshore, or close enough to the foreshore, to be the location for the convenient and economic building of small boats. Yet the Minister for Industrial Development used as the basis of his argument that this land, and only this land—

Mr. Rowberry: The only piece in thousands of miles of coastline.

Mr. HAWKE: —on the coastline is acceptable. One would think Western Australia had practically no coastline at all within reasonable reach of the metropolitan area, whereas we have mile after mile of coastline both north and south of the metropolitan area.

So I now find it difficult to accept the proposition put forward by the Minister to the effect that unless this particular piece of land on the foreshore is made available by vote of Parliament, the boat which is to be built will not be built, and that the possible shipbuilding industry which might arise out of the building of that one boat, will have no chance of arising. I am not able to accept that sort of reasoning in view of the fact that there must be many other sites on the foreshore, or close to it, within a reasonable distance of Fremantle. Therefore, I think the Minister's argument falls down completely, and should have no influence on members of the Committee.

I am almost unable to believe the department did not inform the Cockburn Shire Council of the intention of the Minister to put into this year's Reserves Bill the proposal which will take away this

"A"-class reserve from the jurisdiction of the shire council in question. I am not blaming the Minister for this—

Mr. Bovell: I do not want to shelve any responsibility on to the department. It is my responsibility, and I accept it.

Mr. HAWKE: I propose to continue to use the word "department" despite the protest by the Minister.

Mr. Bovell: I am the one responsible. I do not intend to shelve the responsibility on to the department.

Mr. HAWKE: When I use the word "department" I include the Minister, because he is, for the time being, part of the department. I find it almost impossible to believe the department would not have notified the shire council of its intention to remove this reserve from the control and jurisdiction of the council. I would be inclined, strongly, to think that has not happened in regard to any other local authority concerned with the other reserves covered by this Bill, and I would be surprised if it had ever happened in the past in regard to Reserves Bills introduced into this Parliament.

It has always been the cardinal principle, and the practice employed in the department in matters of this kind, at least to notify the local governing body concerned, if not actually to consult with it for the purpose of ascertaining its views. The Minister gave us to understand that he did not know the sporting club in question was carrying out the improvements which have been described to us this afternoon. I would like you, Mr. Chairman, Ministers, and members, to have a look at this extract which I am now holding up and which was taken from one of Perth's prominent newspapers. This extract carries these very large headlines—

Go-Kart Track Being Built at Cockburn.

The newspaper article has the photograph of two persons in their individual go-karts, and underneath the photograph there is this wording—

Go-Karts Like These Pictured Racing Here Will Soon Be Thundering Around The New Cockburn Course.

If the word "thundering" is well chosen I am pleased I do not live in that part of the world.

Mr. Bovell: Go-karts hold no interest for me, and if I did see the newspaper article it did not register. I can see it now.

Mr. HAWKE: I think the Minister is putting his feet on thin ice by saying that if he did read it, it did not register.

Mr. Bovell: What is the date of that newspaper?

Mr. HAWKE: This extract is taken from the *Daily News* of Thursday, the 8th June, 1961.

Mr. Bovell: I was in Queensland at that time, so I could not be expected to read the local newspapers.

Mr. HAWKE: I was careful, at the beginning of my talk about the department and the Minister, to use the term "department." Now, I am sure the Minister did not take all the officers of his department to Queensland with him.

Mr. Bovell: I could have done with some of them some nights.

Mr. HAWKE: Some nights? Therefore, I am positive that the officers of the department would have read this newspaper article. In addition, other articles were published in the newspapers about the establishment of this go-kart course in the area controlled by the Cockburn Road Board as it then was, and later in the Cockburn Shire Council area as it now is.

Mr. Bovell: There are no records on the departmental file of newspaper cuttings, and the file is available for your perusal.

Mr. HAWKE: The fact that there are no cuttings on the departmental file would make it appear that the file is not nearly as complete as it should be. I mention these newspaper cuttings only to indicate that the laying of this go-kart track has not been carried out secretively. There has been no attempt to cover up what has been done. Evidently, the shire council and the sporting club did everything openly and above board. However, that is not one of my main points of criticism.

The main point of criticism I make in regard to the department is that it ignored completely the local authority as to the intention of the department to take this reserve completely away from the jurisdiction of the council. I see no excuse for that. Because of that, and because I refuse to believe there is no other area near to the coastline which could be used conveniently and economically for the construction of this boat, I think we should recognise that, on this occasion, the majority of members in the Legislative Council have shown wisdom.

Mr. COURT: I briefly want to make some comments on the rather irresponsible remarks of the member for Collie. It is rather unlike him to come into a debate in such a manner. The fact remains that he did come in on this occasion to ridicule this attempt to establish an important small shipbuilding industry. The Leader of the Opposition pooh-poohed the idea of building this 140 ft. long boat as though it was something that was built in the backyard.

Mr. Hawke: Who did?

Mr. COURT: You did.

Point of Order

Mr. HAWKE: That is a lie, Mr. Chairman. I made no reference to the size of the boat whatsoever. I have no idea what

size it will be, and I object very strongly to the Minister saying I said that which I did not say, and I ask for a withdrawal.

Mr. COURT: The Leader of the Opposition, I notice did not take a point of order, and I ask that he withdraw his reference to a lie.

Mr. Tonkin: It is a lie.

Mr. COURT: He had better have a look at *Hansard!*

The CHAIRMAN (Mr. Roberts): The Minister for Industrial Development has asked for the withdrawal of the reference to a lie.

Mr. HAWKE: The Minister made a statement which was not true. I said nothing of the kind which he claimed I said, and I did not abuse him personally.

Mr. Court: You referred to the size of these ships.

Mr. HAWKE: I said that the statement was a lie and I asked him to withdraw the statement he made. As I asked for a withdrawal first, I think you should call upon him to withdraw. I ask you to call upon him first, Mr. Chairman.

The CHAIRMAN (Mr. Roberts): The Leader of the Opposition did ask for a withdrawal at the end of his remarks. He has asked that the Minister for Industrial Development withdraw his comment where he intimated that the Leader of the Opposition made reference to the size of the boat.

Mr. COURT: If the Leader of the Opposition will clarify what he wants withdrawn, we will see whether it will be withdrawn or not, but at the moment he has not made a point of order on which we can make a decision.

Mr. HAWKE: The Minister for Industrial Development, for the purpose of putting me in a false light, has alleged that I made a statement which I did not in fact make, and I ask for his withdrawal.

The CHAIRMAN (Mr. Roberts): What is the statement?

Mr. HAWKE: The statement was that I pooh-poohed the idea of a 140 ft. ship being built in Western Australia. I did not say anything of the kind.

Mr. COURT: If the Leader of the Opposition is only worrying about the fact that I referred to his words, as having "pooh-poohed the idea" I will gladly withdraw them, but, at the same time I think I am entitled to ask that he withdraw his reference that it was a lie, because my remark did not indicate a statement at all; it is merely an expression of opinion.

The CHAIRMAN (Mr. Roberts): The Minister for Industrial Development has requested the Leader of the Opposition to withdraw his reference to a lie.

Mr. HAWKE: As the Minister for Industrial Development has withdrawn the lie, I will withdraw my description of it.

Mr. COURT: I think you will agree, Mr. Chairman, that this is not a satisfactory withdrawal, but only a qualified withdrawal.

The CHAIRMAN (Mr. Roberts): I will not accept that.

Mr. Tonkin: Don't you think the Minister made a qualified withdrawal?

Mr. HAWKE: The Minister made a false statement; so in view of what he said in explanation of it, I am prepared to withdraw what I said.

Debate Resumed

Mr. COURT: The member for Collie was very critical of the fact that this shipbuilding industry had very little future.

Mr. May: You have got me mixed up with the Leader of the Opposition.

Mr. COURT: No; the honourable member had better wait until he reads the transcripts of both speeches, and I think he will be fair enough to ring me up afterwards and apologise.

Mr. Tonkin: He said nothing of the sort.

Mr. COURT: From the point of view of making progress I will proceed to refer to the comments made by the member for Collie. The trouble is that if we adopt this defeatist attitude which the Opposition is adopting in respect of this matter we will never get a small shipbuilding industry established in this State to enable us, eventually, to build ships in excess of 140 ft.

This ship is not small. It is 140 ft. long, and has a displacement of 370 tons. Once we get the experience of building such a ship, it will be a turning point for us to go into the other States and tender for the small ships being built there in the dozens. We can "be in it," and build them as well as anyone else. The member for Collie implied that if the company built this one ship it would never build another. The point is that this company has some men who are technically skilled in building ships bigger than ones we normally build here.

Mr. Hawke: Are they as technical as you are at making false statements?

Mr. COURT: I will just ignore you at the moment! At the moment these ships have to be brought from backyards to the sea for launching. I think this company builds them in Osborne Park, but there is a limit to the size of the ship that can be transported from Osborne Park to the sea.

As at the 12th October—to put the mind of the member for Collie at rest—this particular shipyard at Osborne Park had the

following ships building:— two at 43 ft. one at 51 ft., and one at 66 ft. That shipyard is active at the moment and is rendering an important service to the fishing industry of this State. For that reason, it is logical to assume that if the company can build this particular ship and can get other ships of the smaller type to build consistently, it will then be in a position where it can tender for bigger ships throughout Australia in the 140 ft. class, or probably a little bigger.

Mr. May: You did not say they wanted to build there—you did not mention that.

Mr. COURT: If I did not make it clear that we were trying to get someone to build a 140 ft. ship now there is something wrong with me. I thought that was the point that members on the opposite side were objecting to. The other point was in reference to North Fremantle and East Fremantle foreshore. These have been zoned as residential areas. However, under town planning law existing shipyards can continue their non-conforming use, but no-one else can establish there.

Mr. HALL: I have a suggestion which I think will get the Committee out of its dilemma. Build this—

Mr. Court: At Bunbury.

Mr. HALL: —at Albany, where we have Frenchman's Bay with a 70 ft. draught of water.

The CHAIRMAN (Mr. Roberts): That has nothing to do with the amendment before the Chair.

Mr. Hawke: Yes it has.

Mr. HALL: The Minister referred to the State. He said they could not find another place in the State.

Mr. Court: I did not say in the State.

Mr. Hawke: You cannot rely on what the Minister says.

Mr. HALL: A shipbuilding yard is a State asset, and it should be situated in the most suitable area. All industries are being centralised in the metropolitan area, which means that all eggs are being placed in the one basket. The Minister for Lands is proposing to take this Class "A" reserve from the public; but I am sure he is aware of the fact that at Emu Point, which is in my electorate, we are trying to get residential land back to add to the reserve.

It cannot be denied that the centralisation of industry in the metropolitan area would be detrimental to the State in the case of an atomic war. Therefore, the Government should look beyond the metropolitan area for the siting of industries. The Government is proposing to take an area away from the public which should be for their use.

Mr. ROWBERRY: I have listened with interest to the Minister for Industrial Development and the Minister for Lands insisting this is an industry which is going to be lost to Western Australia—not to the Fremantle area or the Perth area but to the State of Western Australia. The proposition before us that unless we agree to this particular site for the purpose of shipbuilding this industry will be lost to Western Australia, is more stupid than anything that could be propounded. It is a most illogical proposition to put before a supposedly learned body of men that of the thousands of miles of coastline we have in Western Australia only 200 yards is suitable for shipbuilding; and unless that area is used the company will go into the sulks and will not build anywhere else. I agree with the member for Albany that other places along the coastline are just as suitable—places which can be used without disturbing anyone at all and without taking away an "A"-class reserve.

It may be said that other areas are too far away from the metropolitan area. Why the metropolitan area? The Minister for Industrial Development has pointed out that he is not only going to develop an industry for this State, but one which can sell ships all round Australia.

Mr. Hawke: The Minister for Industrial Development will say anything.

Mr. ROWBERRY: This proposition is too stupid for words.

Mr. Court: Coming from you, that is praise indeed!

Mr. ROWBERRY: It may be said Bunbury or Albany are too far away as regards providing the shipbuilders with raw materials. But that is an aspect that will not bear argument, because the steel used at Kwinana is mined at Yampi Sound; it is taken to Broken Hill where it is made into ingots; and these are then brought to Western Australia, made into plates, and taken back to the Eastern States for the shipbuilding industry.

Therefore, the Minister's argument is just too silly, and I cannot agree with it. I make this final point: If we are going to have this industry in this State let us establish it at Bunbury, Albany, or some other suitable place, but not in the metropolitan area.

Mr. Nulsen: What about Esperance?

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

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—21.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Jamieson
Mr. Burt	Mr. Nulsen
Mr. Wild	Mr. Fletcher

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Question thus passed; the Council's amendment not agreed to.

Report, etc.

Resolution reported and the report adopted.

A committee consisting of Mr. Court (Minister for Industrial Development), Mr. Heal, and Mr. Bovell (Minister for Lands) drew up reasons for not agreeing to the Council's amendment.

Reasons adopted and a message accordingly returned to the Council.

KATANNING ELECTRICITY SUPPLY UNDERTAKING ACQUISITION BILL

Returned

Bill returned from the Council with amendments.

MINE WORKERS' RELIEF ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

Council's Amendments: In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 29, page 18, lines 32 and 33—Delete the words "is no longer a mine worker or prospector" and substitute the words "has left the mining industry."

Mr. ROSS HUTCHINSON: I move—

That amendment No. 1 made by the Council be agreed to.

Both of the Council's amendments are only minor. A person who is registered under section 50 of the Act is not included in the definition of a "mine worker," but he is often loosely referred to as such. Therefore misunderstandings can occur as it is not a properly descriptive term. This amendment is moved in order to remove any doubt.

Mr. MOIR: I think this is a dangerous amendment. I can understand that members in another place thought they were putting more logical words into the measure, but the term "mine worker" is the one that is used in various parts of the legislation. For instance, under the Act, a mine worker has to be notified of his condition. If we delete these words we are deleting words which are in the designation, and there is a lengthy description of a mine worker in the Act. If the amendment is agreed to it could alter the whole substance of the clause.

Mr. Ross Hutchinson: I do not think there is anything wrong with it.

Mr. MOIR: The Minister, like me, has not had an opportunity to look through the Act to see what the legal position will be if we agree to this amendment. "Mine worker" is a special definition, and on page 4 of the parent Act we see the following:—

> Subject to the approval of the Governor in each case, the term also includes a person who whilst employed as a mine worker either before or after the commencement of this Act, left or leaves such employment in order to be employed in another class of employment directly or indirectly connected with the mining industry in Western Australia, and whilst so employed contributes to the fund as a mine worker under this Act.

We must remember, too, that this clause applies to a mine worker who has contracted silicosis in the early stage and has other disabilities in addition which are not attributable to his employment. The new section brings such a person under the provisions of the Act.

If we are going to say that he is no longer a mine worker then he cannot contribute to the fund and he cannot qualify under the provisions which would give him entitlement to payments if he reached the advanced stage or some further stage of disablement. Without having the time to examine the amendment properly I am rather at a loss to know its real implications. However, I cannot see anything can be gained by agreeing to the amendment.

Progress

Mr. W. HEGNEY: I think the Minister appreciates the remarks of the member for Boulder, and I move—

> That the Chairman do now report progress and ask leave to sit again at a later stage of the sitting.

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

Ayes—21.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	*(Teller.)*

Noes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Jamieson	Mr. Mann
Mr. Nulsen	Mr. Burt
Mr. Fletcher	Mr. Wild

The CHAIRMAN (Mr. Roberts): The voting being equal I give my casting vote with the Noes.

Motion thus negatived.

Debate Resumed

Mr. W. HEGNEY: I object to the refusal of the Minister to grant a short adjournment for the purpose of enabling members interested to compare the amendment with the Bill and the Act. Apart from the Chief Secretary and the member for Boulder, no member has had a copy of the amendment, and I asked that progress be reported until a later stage of the sitting to allow those who were interested a chance to make a comparison of the amendment with the Bill and the Act.

The CHAIRMAN (Mr. Roberts): Order! That matter has been decided. The question before the Chair at present is that amendment No. 1 be agreed to.

Mr. W. HEGNEY: Can I have a copy of the amendment please, Mr. Chairman?

The CHAIRMAN (Mr. Roberts): I read it out earlier.

Mr. W. HEGNEY: What is it please?

The CHAIRMAN (Mr. Roberts): It reads—

> Clause 29, page 18, lines 32 and 33—Delete the words "is no longer a mine worker or prospector" and substitute the words "has left the mining industry."

Mr. W. HEGNEY: I must protest at the unnecessary rush to pass this legislation through without a proper comparison of the amendment with the Bill and the Act.

Mr. ROSS HUTCHINSON: I felt there was no necessity for progress to be reported, because the amendment is pretty innocuous. I did not see any reason why we should delay the matter because I felt the fears of the member for Boulder were groundless.

Mr. W. Hegney: Did you compare the amendment with the Bill?

Mr. ROSS HUTCHINSON: Yes.

Mr. W. Hegney: We have not had an opportunity of doing that.

The CHAIRMAN (Mr. Roberts): Order! Prior to leaving the Chair I desire to make an announcement that the Chairman and members of the Joint House Committee invite all members to dinner this evening.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MOIR: I have had an opportunity to look at the proposed amendment and it will not make much difference. Had the Minister allowed us the time for which we asked we might have arrived at that decision earlier.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 2 made by the Council is as follows:—

> No. 2.
>
> Clause 29, page 19, line 9—Delete the words "physical disability" and substitute the word "malady."

Mr. ROSS HUTCHINSON: I move—

> That amendment No. 2 made by the Council be agreed to.

The words "physical disability" have a wider connotation than was intended. As a matter of fact, they could have meanings quite foreign to the particular clause. Physical disability could mean a broken arm or a broken leg. It has no regard to the maladies referred to in the Act. We could agree to the amendments without any fear.

Mr. MOIR: I must disagree with the Minister. I am surprised that he should agree to the amendment, particularly as he was a member of the teaching profession. The word "malady" means "sickness or disease". So if we delete that word it will in effect read "he is suffering from an incapacity due to sickness or disease or disease". When this Bill was introduced we were told that various interested people had met and submitted these recommendations. This was part of the recommendation applying to disabled workers who had reached the early silicotic stage and who were either in receipt of an age pension under the Social Service Act; or in receipt of an invalid pension under that Act; or had been certified by a medical officer appointed under that Act upon his personal examination or upon receipt of such evidence as he considered sufficient that the person was unable to be gainfully employed through the silicosis in the early stages from which he was suffer-

ing and an incapacity due to a physical disability or disease in respect of which he was not entitled to compensation under the Workers' Compensation Act, 1912.

I would refer the Minister to the qualification dealing with the invalid pension. He could be in receipt of an invalid pension because he is suffering from a disability. So the qualification is there. We also have the previous qualification that an ex-mine worker is entitled under the amending Bill to payments from the fund if he has early silicosis and has reached pensionable age—in the case of the returned man it would be 60 years of age and in the case of the non-returned man 65 years of age. It is grossly unfair to take this out of the qualifications. Obviously the new section is intended to assist those people who have something wrong with them in addition to silicosis in the early stage. By accepting this amendment the Minister is destroying the intention of the third qualification.

The people who made the recommendations were presumably the employers' representative, the employees' representative, and the representative of the Government in the person of the magistrate at Kalgoorlie. I know they were considering this matter for many months. They had interviews with the Minister for Mines who administers this Act, and I take it that what they sent down was considered closely; and it had been agreed to in this Chamber. Another place proposes to take away one of the entitlements and to insert a word which means exactly the same as the following word in the Bill. If only for the sake of tidiness the Minister should not agree to the amendment.

Mr. EVANS: I would quote from the *Standard Oxford Dictionary* to support the contention of the member for Boulder. In that dictionary the word "malady" is defined as an ailment or a disease. The word "ailment" is defined as an affliction. The words to be deleted are "physical disability". If the word "malady" were substituted it would not make sense because the word "disease" would appear twice in succession. The *Concise English Dictionary* defines the word "malady" as a disease or an indisposition. So the word "disease" is mentioned twice in these dictionaries as being an integral part of the word "malady". Thus, in effect, line 9 of paragraph (c) would read "to a disease or disease". The Committee should not agree to the amendment.

Mr. TONKIN: Surely the Minister is going to make some reply to the arguments advanced! Even a casual glance will show the amendment is ridiculous. A physical disability can be a lung that is out of action. But that is not a disease.

Mr. Ross Hutchinson: It is a malady.

Mr. TONKIN: That's a new one on me. Measles is a malady, but it is not a physical disability.

Mr. Ross Hutchinson: That is only a refinement.

Mr. TONKIN: Oh no it is not!

Mr. Ross Hutchinson: Don't get upset!

Mr. TONKIN: The Minister is the only one who is likely to get upset. He talks about getting so low.

Mr. Ross Hutchinson: You get completely upset.

The CHAIRMAN (Mr. Roberts): Order! The Minister will maintain order and the Deputy Leader of the Opposition will address the Chair.

Mr. TONKIN: Yes, and through you, Mr. Chairman, I will tell him to bring forward one example to justify his statement. He cannot do it. But he will sit there and throw in rubbish like that.

The CHAIRMAN (Mr. Roberts): Order! The honourable member will keep to the amendment.

Mr. TONKIN: I shall do that with some relish. It is a calculated attempt to deprive the workers of an advantage which the Bill was originally designed to give them. This is deprivation without any restoration.

As the member for Boulder said, being an ex-schoolteacher the Minister should have known better. There are many physical disabilities which could result from silicosis, but which would not be maladies. Has anyone heard of a broken arm being a malady? It is a physical disability.

Mr. Ross Hutchinson: It is not meant to cover broken arms.

Mr. TONKIN: That is the difference between physical disability and malady.

Mr. Ross Hutchinson: That is why "physical disability" should be taken out.

Mr. TONKIN: No, it is not. By taking it out and substituting "malady," we get redundancy, as the member for Boulder said. We get the word "disease" mentioned twice in succession. Why put in "malady" if "malady" means "disease"? If it means the same, then there is a redundancy.

Mr. ROSS HUTCHINSON: The Deputy Leader of the Opposition endeavoured to draw a distinction between the two terms "physical disability" and "malady." The first-mentioned term includes broken arms or limbs, which have no reference to the tenor of the clause under consideration; but as the member for Kalgoorlie said, the term "malady" means an affliction or a disease. It is not exactly the same as a disease, but is a refinement of the term "disease."

Mr. Norton: It could mean insanity.

Mr. ROSS HUTCHINSON: Perhaps from the honourable member's understanding it could be so. The clause must be read in the whole context. It seeks to insert a new provision into the Act. That

section provides that mine workers and their dependants are entitled to certain benefits during their illness and for two years after they have left the industry. The new provision in this clause will extend additional benefits to certain ex-mine workers and ex-prospectors. It is a worthwhile new provision.

The amendment to change the term "physical disability" to "malady" was suggested by those in charge of the Mine Workers' Relief Fund. At a conference between the Government and the representatives of the fund, it was decided to adopt the term "malady" so this word is being substituted.

Mr. Tonkin: Why was the term "physical disability" used in the first place?

Mr. ROSS HUTCHINSON: Frequently clauses are drawn up not strictly correct, with a slightly different meaning from that intended.

Mr. MOIR: This amendment will deprive the workers of some benefits. The term "malady" is already covered by the following phraseology used in this clause:—

> through the silicosis in the early stages from which he is suffering and an incapacity due to a physical disability or disease.

By replacing "physical disability" with the word "malady," the same meaning would result. The provision in paragraph (c) of the proposed new section 56A is on all fours with the intention of the preceding paragraph, which gives an entitlement to a worker with silicosis in the early stages and who is in receipt of an invalid pension under the Act as amended.

To qualify for an invalid pension a person does not have to be suffering from a disease. He could have an incapacity or physical disability, or a physical disability and a disease combined. This provision will apply as long as these workers have physical disabilities combined with a silicotic condition; they will qualify under the Commonwealth social service payments which provide that a person must be 85 per cent. incapacitated before he can qualify for an invalid pension.

A further provision sets out that physical disabilities are to be taken into consideration with the fact that a worker has silicosis in the early stages. I venture to suggest that a person suffering from silicosis in the early stages would not need to be affected by a great physical disability to prevent him from working in a mine.

The board submitted proposals in the Bill with the idea that a worker need not be incapacitated to the extent of qualifying for an invalid pension under the Commonwealth legislation, and that if a worker was incapacitated to a lesser extent he could come under the provisions of this Bill.

One of the earlier provisions in this Bill causes tremendous hardship on the workers, but the Minister informed me that the board had asked for its inclusion. It seems that when the board asks for something detrimental to the workers the Minister agrees immediately; but when the board asks for something advantageous to the workers the Minister does not agree.

Members in another place should have been quite honest about the effect of deleting the words "physical disability" and inserting in their place the word "malady." If people from the other States of the Commonwealth were to examine our legislation, if it is passed in this form, they would consider that it has been drafted poorly.

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

Ayes—21.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—21.

Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Davies	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Kelly	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Jamieson
Mr. Burt	Mr. Hawke
Mr. Wild	Mr. Fletcher

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Question thus passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

PAINTERS' REGISTRATION BILL

Council's Amendments

Schedule of 35 amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Graham in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No 1.

Clause 2, page 2, line 5—Delete the interpretation "the Union."

Mr. GRAHAM: The message which we have received from the Legislative Council, if given effect, will make the Bill a totally different proposition from the measure which left this Chamber several weeks ago, which in turn was considerably different from the Bill which was introduced. Members will see that there are 35 separate amendments. In my view every one of them, almost without exception, tends to weaken the effectiveness of the measure if it becomes law. I have the opinion that that was the purpose of certain people who were giving token support but at the same time were seeking to remove at least a great majority of the operative clauses with which it was sought to give some tangible effect to the proposals.

As I spent some hours in the Legislative Council I think I could give—but do not intend to do so—a most informative, enlightening, and sickening account of what transpired, and of the various influences at work. Suffice to say that it is with the utmost difficulty I restrain myself in dealing separately with the amendments which the Legislative Council has suggested.

The first proposes to delete references to the Painters' Union. It was proposed by this Assembly that the Painters' Registration Board should comprise five persons, of whom one should be nominated by the Painters' Union. The Legislative Council disagrees with that viewpoint for no good reason that I could appreciate. Indeed, those who were to some extent the sponsors of the thought were those who were on all occasions relating this measure to the Builders' Registration Board; and, strangely enough, the Builders' Registration Board comprises five persons, one of whom shall be a representative of the workers in that industry.

I say no more than that except that on account of the lateness of the session I am fearful that if this amendment and the succeeding ones are not agreed to, however unpalatable they might be, it could well mean the defeat of the Bill. For that reason I am accepting this and other amendments—I repeat, with considerable reluctance—believing that if we have the legislation on the statute book, the principle being accepted by Parliament, then in calmer moments, when greater sense prevails, it should be possible to make it a more workable document than I think it will be when this Parliament concludes. Accordingly I move—

That amendment No. 1 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 3, page 3, line 4—Delete all words after the figure "1960" in line 4 down to and including the word "proclamation" in line 10.

Mr. GRAHAM: This is going to be a tedious business, but I think I should explain the significance of these amendments, although it is my intention to be much briefer than I was in respect of amendment No. 1. This amendment, strangely enough, amends the Government's own proposition, because clause 3 in the Bill is in the precise words, no more and no less, that were written in by the Government in the Legislative Assembly. Yet we find that the Legislative Council has deleted about two-thirds of it, aided and abetted by the Minister representing the Minister in this Chamber. In other words it has been an example, surely, of the Government speaking with two voices.

It is proposed that instead of the Bill having application in the greater metropolitan area—if I might use that term—to be extended from time to time by proclamation if seen fit and desirable, this Bill, if it passes, will have force and application in the metropolitan area only. I move—

That amendment No. 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 3 made by the Council is as follows:—

No. 3.

Clause 4, page 3, line 16—Delete the word, "twenty" and substitute the word, "fifty."

Mr. GRAHAM: Members will recall that the Assembly agreed that work up to a value of £20 could be undertaken without the necessity for the person undertaking the work being registered. In the Bill, as introduced, it was £5. The Legislative Council has raised that amended figure of £20 to £50, which is not very satisfactory to me, but is a considerable improvement on the sum of £150 which was actually proposed by one member of the Legislative Council. Whilst it weakens the effectiveness of the Bill, I move—

That amendment No. 3 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 4 made by the Council is as follows:—

No. 4.

Clause 4, page 3, line 17—Delete all words after the word "Penalty" down to and including the word "offence" in line 19 and substitute the words "For a first offence not exceeding ten pounds; for a second or subsequent offence not less than ten pounds or more than fifty pounds."

Mr. GRAHAM: This amendment deals with penalties. As the Bill left this Chamber there was a penalty of £10 in respect of

a first offence, and a penalty of £100 in respect of any subsequent offence. The Legislative Council has reduced the figure of £100 to £50 which, of course, is utterly ridiculous, because the maximum would not be imposed.

In other words, an unregistered painter can proceed blithely on his way knowing that in the first instance he will be fined about £2, and thereafter anything from £10 to £50. Thus, by taking a calculated risk, he could continue more or less forever. Apparently some of the members of the Legislative Council are unaware of the fact that when a penalty of £50 is imposed, it means a maximum of £50, but a lesser penalty may be imposed. The Legislative Council has sought the addition of words stating that it shall be a maximum amount. I move—

That amendment No. 4 made by the Council be agreed to.

Mr. CROMMELIN: I want to ask the member for East Perth what will be the position in regard to contracts of up to £50 each. Under the Bill there is no limit on the length of time. In other words, if I wanted to let a contract for £50 I could do so today, and then in another 45 days add another contract for £50; and when a further 45 days had passed, I could add a further contract for £50, making a total contract of £150, which would then mean that I would have to employ a registered painter.

I feel that if we are going to enter into separate contracts it is fair enough to let a term of 30 days be sufficient time to conclude the contract. In other words, if I want to let a contract for £150 I must let the first £50 in 30 days, the second £50 in 30 days, and the third £50 in 30 days. If we are going to jump to 60 days, surely it is reasonable to assume that a person could employ an unregistered painter. I ask the member for East Perth to comment on that.

The CHAIRMAN (Mr. Roberts): Is the member for Claremont moving an amendment?

Mr. CROMMELIN: No, merely asking for the honourable member's comment.

Mr. GRAHAM: First of all might I sarcastically thank the member for Claremont for having given me prior notice of the amendment.

The CHAIRMAN (Mr. Roberts): It has not been moved.

Mr. GRAHAM: I am talking of the typed copy of the honourable member's suggested amendment.

Mr. Bovell: He has not moved it.

Mr. GRAHAM: I am aware of that. He has asked me for my comment because of a further amendment he proposes. All I want to say is that the provision in this Bill is somewhat similar to that in the Builders' Registration Act, and no-one has raised the matter under that Act.

The whole purpose of this legislation is that if a person is having a painting job of any magnitude done he should be required for his own protection, and for the protection of the industry, to engage a person who is registered, qualified, and competent to undertake the work, and not to provide ways and means by which a person, be he the client or the contractor, can circumvent the legislation.

As in the case of the Builders' Registration Board, there is no time limit or nothing specific with regard to the matter of doing a whole series of instalments; that is to say, a time limit between the various instalments. I think it must be left to the discretion of the board, remembering that there is the right of appeal by any person who feels aggrieved. Therefore I feel the position is adequately safeguarded. To my knowledge no difficulty has been encountered under the Builders' Registration Act.

Mr. CROMMELIN: I rise not to point a finger at the member for East Perth but to take exception a little to his remarks that I was sarcastic in giving him a copy of the amendment. As was pointed out to him by interjection I had not moved the amendment, nor had I given notice of it. I passed it to him for his examination and trust he will accept it in that manner.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendments Nos. 5 to 7 made by the Council are as follows:—

No. 5.
Clause 4, page 3, line 35—Delete the word "twenty" and substitute the word "fifty."

No. 6.
Clause 4, page 3, line 39—Delete the word "twenty" and substitute the word "fifty."

No. 7.
Clause 4, page 3, line 41—Delete the word "twenty" and substitute the word "fifty."

Mr. GRAHAM: These amendments are consequential on amendment No. 3. I move—

That amendments Nos. 5 to 7 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendments Nos. 8 to 17 made by the Council are as follows:—

No. 8.
Clause 7, page 4, lines 13 to 21—Delete subclauses (b) and (c) and substitute the following to stand as subclause (b):—
(b) Two members appointed by the Governor, one member nominated by the Association

and who shall be a member of the Association, and one member nominated by the West Australian Chamber of Manufactures Incorporated and who shall be a representative of the Australian Paint Manufacturers Federation (W.A. Branch).

No. 9.

Clause 7, page 4, line 24—Insert after the word "Incorporated" the word "or."

No. 10.

Clause 7, page 4, line 25—Delete the words "or the Union."

No. 11.

Clause 7, page 4, line 27—Delete the words "names or."

No. 12.

Clause 7, page 4, line 27—Delete the words "or persons."

No. 13.

Clause 7, page 4, line 28—Delete the words "members or."

No. 14.

Clause 7, page 4, line 30—Delete the passage "paragraphs (b) or (c)," and substitute the passage "paragraph (b)."

No. 15.

Clause 7, page 4, line 31—Delete the words "members or."

No. 16.

Clause 7, page 4, lines 32 and 33—Delete the word "paragraphs" and substitute the word "paragraph."

No. 17.

Clause 7, page 4, line 33—Delete the words "persons or."

Mr. GRAHAM: These amendments seek to alter the composition of the board. The chairman of the board will also be the chairman of the Builders' Registration Board, who in turn will be an architect. Whereas we propose that there should be two master painters on the board and a representative of the union, the Council has reduced the number to three, leaving the chairman as he was, but reducing the representation of the master painters to one, and leaving intact the representative of the Chamber of Manufactures but providing that he shall be a representative of the Australian Paint Manufacturers Federation (W.A. Branch).

I make a protest here because I am unaware of any other board that has been set up by the Parliament of Western Australia for the registration of a group of professional people where the majority —indeed the overwhelming majority—has been composed of other than those to be registered. But on this board only one of three will be a representative of the persons to be registered. On the legal practitioners' board every one is a member of the legal profession. On the chiropodists' board there are three out of five; on the dentist's board there are six out of seven; on the architects' board there are six out of nine.

Mr. J. Hegney: What about the medical board?

Mr. GRAHAM: On the medical board there six out of seven, and even the seventh can be a medical practitioner. On the licensed surveyors' board there are four out of six; on the nurses' registration board five out of nine; the optometrists' six out of nine; and so on. But in this instance someone's sense of humour, apparently, suggests that one out of three—a minority of those to be registered—shall be on the board. So history is being made. I am not at all happy with these amendments, but in view of the circumstances previously outlined, I move—

That amendments Nos. 8 to 17 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 18 made by the Council is as follows:—

No. 18.

Clause 10, page 5, line 34—Delete the word "registered."

Mr. GRAHAM: This is a clerical correction. I move—

That amendment No. 18 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendments Nos. 19 to 21 made by the Council are as follows:—

No. 19.

Clause 10, page 6, line 1—Delete the word "January" and substitute the word "July."

No. 20.

Clause 10, page 6, line 4—Delete the word "January" and substitute the word "July."

No. 21.

Clause 10, page 6, line 9—Delete the word "January" and substitute the word "July."

Mr. GRAHAM: These amendments will have no appreciable effect on the measure; they merely alter the commencing month from January to July. I move—

That amendments Nos. 19 to 21 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

The CHAIRMAN (Mr. Roberts): Amendments Nos. 22, 24, and 26 to 29 made by the Council are as follows:—

No. 22.

Clause 12, page 7, line 1—Insert before the word "company" the passage "partnership,".

No. 24.

Clause 13, page 7, line 29—Insert before the word "company" the passage "partnership,".

No. 26.

Clause 13, page 7, line 35—Insert before the word "company" the passage "partnership,".

No. 27.

Clause 15, page 8, line 16—Insert before the word "company" the passage "partnership,".

No. 28.

Clause 15, page 8, line 18—Delete the words "in its employ at least one registered painter" and substitute the words "registered under this Act, at least one partner of the partnership, or one director of the company, or one member of the board of management of the body corporate or a person employed by the partnership, company or body corporate."

No. 29.

Clause 15, page 8, line 21—Insert before the word "company" the passage "partnership,".

Mr. GRAHAM: Amendment No. 22 provides for a partnership. We provided in the Bill for a company or a body corporate to be registered, and amendment No. 22 seeks to insert the word "partnership". The other amendments are consequential. I move—

That amendments Nos. 22, 24, and 26 to 29 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 23 made by the Council is as follows:—

No. 23.

Clause 12, page 7, line 10—Insert after the word "examination" the words "as laid down by the Board for persons other than apprentices who have had five years' practical experience in the painting trade or."

Mr. GRAHAM: This amendment attacks what I thought was a very strong point in the Bill. The measure allowed the board to cater for persons coming from outside Western Australia, and that the Western Australians to be registered would be those who had served a period of apprenticeship and passed the qualifying examination. The Legislative Council proposes that that provision shall be watered down by providing that the board may set examinations for persons other than apprentices who have served their time and become qualified. I do not like it, but in view of the circumstances I am prepared to agree to it. I move—

That amendment No. 23 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 25 made by the Council is as follows:—

No. 25.

Clause 13, page 7, line 33—Delete the words "it has in its employ a registered painter" and substitute the words "there is already registered under this Act at least one partner of the partnership, or one director of the company, or one member of the board of management of the body corporate or a person employed by the partnership, company or body corporate."

Mr. GRAHAM: This is a further watering down of the provisions. We provided that there must be a person registered doing the work; or, in the case of a company, someone acting in the role of a supervisor. The Legislative Council wants the provision extended to embrace directors, partners, and so on. There could be odd cases when this provision could be of some value, but I think that overall it reduces the effectiveness of the legislation. Notwithstanding that, I move—

That amendment No. 25 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 30 made by the Council is as follows:—

No. 30.

Clause 15, page 8, line 33—Delete paragraph (c) of subclause (2).

Mr. GRAHAM: The Legislative Council, without making a deep study of the Bill, I fancy, was of the opinion that it was doing a good turn to those who might be registered by removing from the board power to inflict a fine where a registered painter is guilty of some misdemeanour in the way of shoddy work, false representation, and so on.

Because of the amendment, when the Bill comes into operation as an Act, the board will have power to suspend or cancel the registration of a painter, and he will be denied the opportunity of carrying out his normal work.

When drafting the Bill it was thought that a penalty not exceeding £50—it could have been £5 or £10—would not be a great burden on a master painter and would act

as a warning. But now the board will have only two alternatives. Probably the Government or a private member at some time in the future—perhaps very shortly—will have to give attention to this matter. I move—

That amendment No. 30 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 31 made by the Council is as follows:—

No. 31.

Clause 17, page 10, line 15—Delete the words "to the Minister," and substitute the words "in a manner prescribed to a Local Court held nearest to the place where that person resides."

Mr. GRAHAM: This amendment provides that an appeal by an aggrieved registered painter can be made to the Local Court instead of to the Minister. When I introduced the measure I was a little nervous about including the words "appeal to a magistrate", fearing I might be imposing a burden on the Crown. As the Legislative Council, more venturesome than I, has passed this amendment, I daresay it is acceptable on technical grounds here. I move—

That amendment No. 3 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 32 made by the Council is as follows:—

No. 32.

Clause 20, page 11, line 9—Delete the words "ten pounds ten" and substitute the words "seven pounds seven."

Mr. GRAHAM: Where we proposed a maximum registration fee of £10 10s., the sum to be approved by the Minister, the Legislative Council has reduced it to a maximum of £7 7s., still to be approved by the Minister.

I feel that if the board is to operate effectively it will require a minimum of £7 7s., and probably £8 8s., from all registered painters. It could probably manage on less, but only by neglecting some of the essential work for which it is being established.

Apparently the Legislative Council has not a great deal of confidence in the Minister, because if we made the ceiling fifty guineas the Minister could well approve £5 5s. or £10 10s. as he thought best. In the circumstances I am compelled to accept this amendment. I move—

That amendment No. 32 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 33 made by the Council is as follows:—

No. 33.

Clause 21, page 11—Delete paragraph (b) of subclause (3).

Mr. GRAHAM: This is consequential on amendment No. 30. I move—

That amendment No. 33 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 34 made by the Council is as follows:—

No. 34.

Clause 23, page 13, line 3—Delete item (9).

Mr. GRAHAM: We gave the board power to make rules for or in respect of the testing of paint and painting materials. The Legislative Council wants us to delete the words "the testing of paint and painting materials." Again I cannot understand the logic of members at the other end of the building. Forgetting the chairman of the board, 50 per cent. of the representatives will be paint manufacturers.

If the nature and quality of the paint is not to be examined or investigated, what right has a representative of the manufacturers to be on the board? Apparently if it is a paint that is unsuitable or has been broken down because of some fault in the factory, the board will have no authority to investigate the matter. It either says "Yea" or "Nay" in respect of the culpable contractor responsible for applying the paint.

So I again ask: What is the paint manufacturers' representative doing on the board, having equal representation as representative of the master painters? He is apparently to be present to adjudicate on the question also of whether a person has sufficient experience and qualifications to become registered and engage in the trade of painting. It just does not add up! As I said before, I do not think a paint manufacturers' representative should be on the board at all. But if it be the wish of the Government that there shall be one on the board, surely the board should have the right and authority to test paint and painting materials! The manufacturers' representative will be there only as a busybody, and for no other reason that I know of, except to take the place that should be held by a representative of the master painters. However, I give up, and I move—

That amendment No. 34 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 35 made by the Council is as follows:—

No. 35.

New clause. Insert after clause 12 a new clause to stand as clause 13, as follows:—

13. (1) The course of training to be undertaken by and the examination of persons desiring to be registered under this Act shall be prescribed by the Board, who shall conduct or supervise the conduct of such examinations at such times and places as the Board may appoint.

(2) All costs and expenses with or incidental to the conduct of such examinations shall be paid by the Board.

(3) There shall be paid to the Board by every candidate for examination such fee as the Board, with the approval of the Governor, prescribes but not exceeding three pounds three shillings.

Mr. GRAHAM: This is the final amendment by the Legislative Council. It is a new clause relating to the training and examination of candidates seeking registration, and making it the responsibility of the board to meet all costs and expenses of the conduct of the examination, except that the candidate, with the approval of the Governor, can be charged an examination fee not to exceed £3 3s. It could be that the amount determined could be sufficient to meet the cost of the examination. If not, the board must meet the cost from its ordinary funds. I move—

That amendment No. 35 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

RESERVES BILL

Council's Message

Message from the Council received and read notifying that it insisted on its amendment to which the Assembly had disagreed.

KATANNING ELECTRICITY SUPPLY UNDERTAKING ACQUISITION BILL

Council's Amendments

Schedule of two amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Minister for Electricity) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 7, page 4, line 25—Before the word "Nothing" insert the words "subject to subsection (2) of this section".

Mr. WATTS: I propose to move that amendment No. 1 be agreed to in order that I may accept, in principle, amendment No. 2 made by the Legislative Council, subject to certain clarification amendments I propose to move. As a preliminary to them, I move—

That amendment No. 1 made by the Council be agreed to.

I point out, at this stage, that there is no subsection (1) to the section at the present time, I understand, but I am informed that that alteration can be effected by the Clerk of Parliaments, and therefore there is no need to take any action to insert the figure "1" at this stage.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 7, page 4, line 33—After the word "thereto" insert a new subclause to stand as subclause (2) as follows:—

(2) All legal costs incurred after the ninth day of November, one thousand nine hundred and sixty-one by the Commission or the Company in respect to any appeal to the Full Supreme Court of Western Australia in or about the proper interpretation of the Agreement or the arbitration thereunder shall be borne and paid by the Commission as also shall the costs arising from any appeal by the Commission against any judgment of the aforesaid Court.

Mr. WATTS: As I said, I propose to agree to this amendment subject to certain further amendments which I will now move. I move—

That amendment No. 2 made by the Council be amended as follows:—

Add after the word "costs" in line 1 of new subsection (2), the words "as between solicitor and client to an amount approved by the Master of the Supreme Court that are".

The reason for that amendment is that I am advised there is no real strict connotation of the words "legal costs". There are two types of costs known to the legal fraternity; namely, party and party, and solicitor and client. The member for Melville will no doubt realise the difference between the two, and that the solicitor and client type of costs is the more generous, because he will have some experience in regard to the matter he raised in the Chamber a few days ago concerning certain action on the Electoral Districts Act.

It is desired to clarify the matter by stating it will be costs "as between the solicitor and client to an amount approved by the Master of the Supreme Court that are". It is not my intention to ask that they shall be taxed by the Master of the Supreme Court. The Leader of the Opposition will appreciate that wording as well. I merely seek to ensure that the amendment is reasonable.

Mr. HAWKE: The amendment from the Legislative Council which the committee is now considering proposes to lay down that all legal costs incurred after the 9th day of November of this year by the commission or the company, in respect of any appeal to the courts regarding the interpretation of the agreement, or the arbitration proceedings in connection with the agreement, shall be paid by the commission, as also shall the costs arising from any appeal by the commission against any judgment by the State Supreme Court.

I understand, from what the Attorney-General has said so far and from a copy of the other amendments that he proposes to move. that he and his colleagues accept fully the principles contained in the Legislative Council's amendment.

Mr. Watts: That is so.

Mr. HAWKE: The Minister, in explanation of the amendment he has moved, has told us that there is no established definition of the term "legal costs". I should hope that there would not be any well-established definition. However, there could be more costs incurred than might be allowed by the Master of the Supreme Court. Looking carefully at the Legislative Council's amendments, it does seem that the majority of members in the Legislative Council who supported this amendment, and who were responsible for sending it to us were concerned only with legal costs actually incurred in any case which might come to the State court and, subsequently, in any appeal which might be taken by either parties to the High Court.

Therefore, it seems to me that the amendment which the Attorney-General proposes to the Legislative Council's amendment meets the principle which the Council's amendment is endeavouring to lay down. It has to be remembered this Bill only scraped through the second reading in the Legislative Council by a majority, I understand, of one vote. The fact that the Bill was so very close to being completely defeated at the second reading stage in another place supports very strongly the attitude which Opposition members took when the Bill as a whole was before us in this Chamber.

The further fact that the Legislative Council has by a majority favoured the making of this amendment to the Bill also establishes very clearly that the majority of members in the Legislative Council were very strongly opposed to the Bill going on to the statute book in the form in which the Government was very anxious it should so be placed on our statute book.

The Legislative Council's amendment in regard to legal costs clearly lays it down that all the responsibility for meeting legitimate legal costs in favour of either party shall be met by the commission. This is, of course, a compromise as between what the Government was anxious to obtain from Parliament and what an almost even number of members in this Chamber did not want the Government to have. However, it is what a majority of members in the Legislative Council are prepared to accept as a compromise as between the attitude of those favouring the Bill as it was presented to us and the attitude of those who were opposed to the Bill in that form.

This compromise is not one which I totally favour. However, in the circumstances, it is the best which can be obtained from Parliament at this time; and as time is still the essence of the contract, I think that members of this Committee have no other alternative but to accept the amendment.

I still think the Government would have been far better advised to arrange with the commission for no appeal of any kind at all against the decision of Mr. Justice D'Arcy as made the other day. That would have been the best solution of the whole problem. It would have enabled the State Electricity Commission to take over the electricity scheme at Katanning on the 4th December, and it would have ensured that Mr. Justice D'Arcy's declaration as to the method of valuation to be adopted by the umpire (Mr. Dowson) would have been adopted by Mr. Dowson as the basis for this valuation of the assets at Katanning, and he would have, in due course, declared a final purchase price which the commission would have been obliged by law to pay, and which the company would have been obliged by law to accept.

However, the Government still is of the opinion that an appeal against Mr. Justice D'Arcy's declaration should lie with the commission if the commission wishes to take advantage of such an appeal. I agree

with the Attorney-General that the amendment he now proposes to make to the Legislative Council's amendment is practicable and proper in all the circumstances; and there is in the Attorney-General's amendment the safeguard of any amount which is finally to be declared the appropriate amount requiring the approval of the Master of the Supreme Court which should, in all the circumstances, be satisfactory to both parties concerned.

Mr. WATTS: I move—

That amendment No. 2 made by the Council be further amended as follows:—

Insert after the word "Full" in line 6 of new subsection (2) the words "Court of the".

The title of the court is the Full Court of the Supreme Court and that is what this amendment will make it. While we are on the job we should have the correct title of the court, and this is what this amendment will provide.

Mr. HAWKE: The Opposition supports this amendment. It is necessary on the ground of accuracy to have it, and I go further and say that the wording which now appears in this amendment from the Legislative Council in the description of the Supreme Court is not as respectable as is should be.

Mr. Watts: That is what we thought.

Amendment on the Council's amendment put and passed.

Mr. WATTS: I move—

That the amendment No. 2 made by the Council be further amended as follows:—

Delete the word "the" in the fourth last line of the new subsection and substitute the word "such".

This amendment is consequental to the first amendment.

Amendment on the Council's amendment put and passed.

Mr. WATTS: I move—

That amendment No. 2 made by the Council be further amended as follows:—

Delete the words "the aforesaid" in line 13 of new subsection (2) and substitute the word "that".

I do not know that it is terribly necessary that this amendment should be made, but I am informed by the Parliamentary Draftsman that there are drafting objections to the use of the word "aforesaid". Following that extraordinarily good advice, I think we should accept the amendment.

Amendment on the Council's amendment put and passed.

Mr. WATTS: I move—

That amendment No. 2 made by the Council, as amended, be agreed to.

Question put and passed; the Council's amendment, as amended, agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the council.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading: Defeated

Debate resumed from the 18th October.

MR. WATTS (Stirling—Attorney-General) [8.55 p.m.]: The member for East Perth in moving this Bill to amend the Criminal Code seeks to do only one thing, and that one thing is to make it compulsory for two Ministers of the Crown to attend on every occasion when there is an execution as a result of sentence imposed by the Criminal Court under the Criminal Code.

In the event of the amendment which was moved during the present session of Parliament being assented to by Her Majesty the Queen, to whom the message from the Governor indicated it has been referred, the only legal crime for which such a sentence would be passed would be that of wilful murder. While I agree that the terms of the Criminal Code in regard to piracy and treason would allow that such a sentence could be passed by the Criminal Court on a conviction for those crimes, it is fairly obvious that in these days it is almost certain they would be dealt with by Commonwealth law; and therefore the only crime that is likely—on the assumption which, I think is a reasonable one, that the Bill passed this session will be assented to—to be affected by this Bill would be the crime of wilful murder.

As members are aware, there have been a number of instances where the sentence of death imposed upon a prisoner in respect of the crime of wilful murder has been commuted; and in consequence it is likely that in the future the result would be much the same. But it is still reasonable to assume that there will be from time to time cases where the death penalty will be carried out.

There is, of course, a wide divergence of opinion in this House and elsewhere about the imposition of any death penalty at all. There are those who contend that a sentence of imprisonment—long or short—would meet every case. There are those who believe—and, I think, just as honestly

—that there are times, there are circumstances, there are cases, where the penalty of death should be inflicted.

I venture to suggest that no Minister of the Crown, whatever his political beliefs may be in other matters, has any desire at all to sit at any time in judgment on the question of whether the sentence of death passed by the Criminal Court should be commuted or otherwise. It is not a matter which any Minister of the Crown, as a member of Executive Council, whatever his political beliefs may be in any way relishes. But it becomes a question of doing his duty as he sees his duty ought to be done in carrying out the law while the law still provides that the death penalty should ensue unless there are sufficient reasons why it should not be carried out and the sentence should be commuted to one of a term of imprisonment.

So that, I think, is the position applying to all cases of this nature which come before Executive Council. It seems to me, without being in the slightest degree unfair to the member for East Perth, that this is an endeavour to get by an indirect method what he failed to attain by a direct method. In other words, to make it so difficult or so much more difficult, shall I say, for members of Executive Council to give consideration to these matters that they would be inclined in all cases to advise that the death penalty should be commuted whatever the circumstances and whether or no there were those surrounding circumstances which justified the exercise of the Royal prerogative of mercy.

The honourable member, of course, moved to abolish the death penalty altogether. The Government, as the result of a Government decision, produced a Bill to abolish the death penalty in respect of the crime of murder and to continue it in respect of the crime of wilful murder—wiilful murder, of course, being of the type that is premeditated—at the same time, of course, not depriving the Executive Council and His Excellency of the right to exercise the Royal prerogative of mercy in respect of any case. It was, in fact, the abolition of the death penalty in regard to one crime in respect to which the death penalty has been imposed, I should say, ever since Western Australia was a self-governing community.

The member for East Perth failed in that pursuit; and so he brings down this Bill, the only effect of which is, as I said, to add to the people who have to attend an execution, under the provisions of the Criminal Code if applicable in that particular case, two Ministers of the Crown.

I do not think in those circumstances it is possible for me to agree to this amendment, or the Government to do so. I think it is quite wrong that the member for East Perth, with due respect to him, having lost his attempt to amend the Crimina. Code in the way I have just mentioned, should now seek by this indirect method to arrive, he hopes, at the same result. It seems to me that it is grossly unfair and most improper, and accordingly I oppose the second reading of this Bill.

MR. GRAHAM (East Perth) [9.6 p.m.]: I can apppreciate the attitude of the Attorney-General, speaking for the Government, in opposing the proposition embodied in this Bill. Naturally enough, I am well aware and sincerely appreciate the difficult situation which would confront a Government: The fact that if an execution were to take place, it would require at least two Ministers of the Crown to be in attendance for the purpose of witnessing the carrying out of such execution.

My point is, however, that it is no more distasteful to Ministers than it is to other persons. The Government has the final say as to whether the State shall, by deliberate action, take the life of a human being. But if those who make that final decision are prepared to allow that process to be put into operation, of all those who are required to be in attendance, who more so should be there than those responsible for the decision?

The Comptroller-General of Prisons or his deputy play no part in the making of the decision. They are just as human as any Minister. It is just as gruesome and as sickening a business to them as to anybody else; and yet they, I repeat, have no say as to whether the dreadful business should be carried out. Yet the ministry has no compunction in compelling that man or his deputy to witness the awful procedure. The superintendent or gaoler, the proper officers of the prison, including the medical officer, must all go along to the hanging party, and apparently that is all right.

Those persons, who are public servants and officers of the State, because the Ministers have decided that Western Australia shall continue this process of hanging, of execution, are compelled as part and parcel of their duties to attend within a few feet of the hanging which is taking place. Why not, then, the Ministers? They are the ones responsible for it.

Mr. W. A. Manning: Why don't you include the judge and jury also?

Mr. GRAHAM: Unfortunately this Parliament has instructed the judge that he has no alternative. This Parliament has also decreed that Executive Council—that is to say, the Governor on the advice of the Ministers—can determine otherwise.

Mr. Lewis: What about the jury?

Mr. GRAHAM: The jury, within the ambit of the law, have a duty to perform. If the present Ministry is insistent, as it is, that the law should continue as it is, then I am suggesting, in all fairness, that two of them—not that all of them—shall be in attendance to see what a hanging is really like.

This Bill does not make it compulsory for any Minister to attend the Fremantle gaol; because, first of all, if the Ministers or the Government decided to commute the sentence there would be no hanging; and secondly, if there were no Ministers or no two Ministers prepared to witness the hanging then it would be unlawful for it to occur.

Mr. Watts: That is why this sort of political blackmail has been introduced. That is all the Bill is.

Mr. GRAHAM: No; it is not. It is a basis of fairness and equity.

Mr. Tonkin: It is a nemesis.

Mr. GRAHAM: I say the Ministry has no right to compel responsible public servants to be in attendance at this rotten thing if they are not prepared to be there at all.

Mr. Watts: We do not compel it; the law compels it.

Mr. GRAHAM: The law is because of the attitude of the Ministry of the day.

Mr. Watts: It has not been amended in that regard for years.

Mr. GRAHAM: Of course; but there have been a number of attempts made. I well remember the one in the year 1941, when nobody spoke more vigorously in support of the abolition of the death penalty than the present Attorney-General himself. What sickens me about this is that I am aware—and there is no guesswork or hazard about this—that a majority of members of the Legislative Assembly are in favour of the abolition of the death penalty.

Mr. O'Connor: You are wrong.

Mr. GRAHAM: I am not wrong. I am prepared to make that statement with one hand on my heart and the other one on the Bible. But apparently this matter of inflicting the death penalty upon a fellow-being is something which has a party-political flavour; and because the idea in this instance originated from a member of the Opposition, apparently he should have no credit or kudos for initiating a reform; and accordingly, those who have feelings on the matter get nowhere—and I am aware of those individuals with such feelings who are on the other side of the House, because they have told me. Naturally I do not want to disclose their names, but anybody, I suppose, can find out. Because of this attitude of seeking, for political reasons, to deny an Opposition member success with regard to a piece of legislation, the State goes through with this rotten business of taking anther's life.

Any members, if they have given any serious consideration to the question, or made a study of it, know perfectly well, as I have said in this Chamber *ad nauseam*, that the most comprehensive inquiry that was ever made in the history of the world into the question of the death penalty as a deterrent came to the conclusion that it plays no part whatsoever in deterring any would-be murderers.

Mr. Crommelin: Read Lord Goddard's book and see what he says.

Mr. GRAHAM: The opinion of one person can be matched against the opinion of another. This was a Royal Commission of some 12 or 15 eminent citizens who spent four or five years examining the records and the documents, and examining also witnesses in practically every part of the world; and they unanimously came to this conclusion. It is the trend thoroughout the world. In recent weeks we have seen that New Zealand has decided to introduce legislation for the abolition of the death penalty. The death penalty has been executed in Western Australia on two occasions comparatively recently. But murders have still continued. I heard over the air the other night that there are three murder cases awaiting trial in respect of the north-west alone.

I have also indicated that there are almost twice as many murders when there are Liberal-Country Party Governments in power in Western Australia, when there is every possibility of the death penalty being inflicted, as against when there is a Labor Government when, if anyone who paused to think would know there was no prospect of an execution taking place.

The SPEAKER (Mr. Hearman): This Bill does not propose to abolish the death penalty.

Mr. GRAHAM: It was my hope that that would be the case because, if it became law, I would suggest there would be only one more hanging, and one only. None of us here knows for certain precisely what happens at an execution. We have heard certain things from certain officers and other people; we have read certain reports; and we can draw on our imaginations. I know that even the teen-agers in Fremantle gaol know the exact moment when an execution takes place; because when the doors drop, there is a crash, and the pigeons fly out of the roof. That is what happens at the Fremantle gaol in this hanging house.

A young lad still in his teens was here the last time we sat—last Thursday—and together with others at 8 o'clock, knowing the terrible event about to take place, he informed me of it. They look in a certain direction and that is what happens. I have already indicated that the previous Comptroller-General of Prisons is today a dead man because he witnessed a hanging. I am not wishing that upon Ministers of the Crown, but if they could for themselves see this dread business that they support, and which they compel honest, conscientious public servants to witness—if there were

two of them blatant enough and callous enough to go along once—that would be the end of the penny section.

Mr. Brand: Did you ever take action along these lines when you were a Minister for six years?

Mr. GRAHAM: That has been thrown at me on a number of occasions, and I have had to confess, as I do now, that because it was automatic when there was a Labor Government in office, as there was from 19533 to 1959, for the death penalty to be commuted, nothing was done. Whilst I had no direct association with the forwarding of matters for Cabinet consideration in regard to this questtion—that would be the prerogative of the Minister for Justice and I do not blame him for it—I plead guilty to not having raised the matter and pursued it to the extent that the Government would introduce legislation. But if this matter is to be decided on a party-political vote, whilst we may have had success in this Chamber by 28 votes to 21, or whatever the numbers may have been, when the Bill reached the Legislative Council its fate would have been a certainty; in other words, it would have been rejected. I do not say that as an excuse, because I plead guilty for not having promoted this particular matter vigorously during the time I was a Minister of the Crown.

Mr. Brand: The position is the same now, in respect of the Legislative Council.

Mr. GRAHAM: The difference is that if the Premier as a private member or as Leader of the Opposition had introduced a Bill to bring about the abolition of the death penalty it would have received the unanimous support of the Government of the day, and every one of the Labor members of the Legislative Council would have used his vote to support the Bill had it been introduced then by the member for Greenough.

Mr. Brand: That is not always the position just now.

Mr. GRAHAM: What I am indicating in respect of this particular matter—

Mr. Lewis: Why do you hold the view that all Labor members would support it?

Mr. GRAHAM: Because I have indicated that of all the political parties in this Parliament the Australian Labor Party is the only one which has a plank in its platform relating to this matter; and the A.L.P. has had it in its platform since the year 1919.

But in respect of the Liberal Party and the Country Party, so far as I am aware there is no mention of the death penalty, pro or con, in the platform of either party. Therefore the members who comprise the Government parties at present are free, so far as their parties are concerned, to exercise their individual judgment in respect of the matter.

Mr. Lewis: By the same token the present members of the Opposition are not free?

Mr. GRAHAM: We are bound to support the abolition of the death penalty; but nobody on the other side of the House is bound to support its retention.

Mr. O'Connor: Whether you believe in it or not?

Mr. GRAHAM: That is so; and that, of course, is the position in respect of any person who belongs to any organisation. If the member for North Perth is a delegate, shall we say, from the East Perth Football Club to the National Football League, and if the East Perth Football Club has a certain policy, then, irrespective of what he thinks, it is his bounden duty and responsibility to promote that particular idea at the councils of the National Football League. There is nothing untoward about that, and nothing to get excited about.

In respect of the interjection of the Premier I will say that unless I am a very poor judge the abolition of capital punishment will be in the programmed policy speech of the present Leader of the Opposition; and that if returned as the Government, without any qualification whatever, legislation will be introduced to give effect to the policy of the abolition of capital punishment.

But as the several Bills that have been submitted over recent years have not been received with favour by the Government; as it is not prepared to accept the overwhelming evidence obtained from all corners of the earth; as it is not prepared to follow, which nobody can deny, the world trend towards the abolition of capital punishment—more and more countries are either reducing the number of offences for which the death penalty is imposed, watering it down, or making it apply only in certain cases, as in respect of Great Britain or Canada, or abolishing it entirely as in the case of the most recent, New Zealand—accordingly it is a matter of whether we abolish the death penalty in Western Australia in 1961, 1965, or 1971. But as long as we defer, then this rotten, degrading business continues.

I know there is always an attempt in regard to those who seek a change in the form of punishment to have the finger of scorn pointed at them, and it is suggested that their sympathies are in favour of the guilty person. Of course, nothing could be further from the truth. All members agree that for offences penalties should be imposed, and the more serious the offence the graver the penalty. But there are many others in the community who disagree violently with the form of punishment—punishment, in this instance, I suppose is the wrong word to use, because we cannot punish a person by taking his life. All that we can do is, theoretically, to provide a deterrent to others. But the whole of

recorded history, in practically every country of the world, has shown that that is completely and utterly a myth, and that it has no deterring effect whatever.

So if the various efforts which have been made have been ineffectual in the matter of persuading the Government that it is acting contrary to the concepts of an enlightened, civilised, and Christian community, then it was my hope to place the issue fairly and squarely in the lap of the Government; and if it cared to proceed with this awful business, two of those who had the opportunity of deciding that a person should hang should be in attendance to accompany those highly-placed Crown officers who have no alternative but to attend.

As I indicated when introducing the measure, in all other spheres of Government activity the Minister attends or inspects. He shows pride in making his announcements, in being photographed near works, whether they be sewerage works, lunatic asylums, new prisons, or anything else; but there is one activity of Government where there is a cloak of anonymity. Instead of the Minister making a direct declaration it appears in the Press that "Executive Council yesterday decided so and so." The Minister shrinks from it. There is secrecy about what takes place at Fremantle gaol. I could go into details but I do not intend to do so.

Nobody knows who is the inhuman animal who for some pieces of silver undertakes this business, ties the person up, puts a hood over his head and a noose around his neck, peeping at him beforehand to assess his dimensions, weight, and the rest of it, and at the appointed time pulls the lever. Nobody knows the name of the person or where he comes from; whether he receives £10 or £10,000 for his nefarious job. In other words, constituted authority from the Government down is ashamed of the procedure; and that is why I say it is a relic of the dark ages.

Some countries gave this away more than 100 years ago. I think I am right in saying that next year sees 40 years since there was an execution in the State of Queensland. During that time there have been Labor Governments and non-Labor Governments, but that is the accepted procedure, or rather it was for some 30-odd years. It is only in recent days that the death penalty has been abolished by legislation. This is the world-wide trend.

Must we always drag so many miles or so many years behind the rest of the world, or the rest of Australia? Is it not possible occasionally for us to take a lead, or perhaps be near the van of reform instead of trailing some distance at the rear? So often has it been said that to do so-and-so would be out of step with the other States; that it is premature because only one other State has done it; and so on. I think immediately of the five-day week for banks; but that has come and the bank employees have received that concession some half a dozen years later than need have been the case, because certain people lacked initiative and guts. They wanted other people to do the pioneering, and then they would carry along. If this reform is brought into being, and if ultimately it has the effect which I desire, Western Australia will be breaking no new ground. It will, as I have said, be a century behind certain parts of the world, and will be getting further and further behind with every year that passes.

I know I am right in what I say, because even the Attorney-General said that if this Bill became law Ministers would be inclined in all cases to commute the death penalty rather than to witness the carrying out of the death sentence. He is right. In the cases of particularly brutal and sadistic murders—and I am sure it will be agreed that anyone who commits a murder has something wrong with his mind—we are unable to measure or comprehend them; and that is why we do not employ the old philosophy of an eye for an eye and a tooth for a tooth. If I punch a man and break a rib of his the law in turn does not break one of my ribs.

I know that reform is being carried out in other parts of the world when a person commits the crime of murder. Here he is behind prison walls. No real attempt is made to have that person examined, or to nurse him back to health. Surely that should be the criteria of all cases of persons who are incarcerated for a period, and not that there should be an interval during which they are locked away from society, and at the expiration of the period are let loose, and are probably more anti-social and less able to adapt themselves among decent human beings than before they were in prison. Probably the result could be that they will become more careful and more subtle, in the hope that they will not be again convicted.

Our approach in all cases should be to nurse those persons back to health, instead of spending money on the services of a hangman and the rest of it. We should maintain our financial resources so that they can be spent on the rehabilitation of special cases. Surely there is something constructive and something Christian-like and civilised in an approach such as that! No good purpose is served by imprisoning a person for 10, 15, or 20 years and then turning him out when he has actually deteriorated. If a person, upon a full examination and after treatment, is found to be unfit to return to society, unfortunately there is only one thing to be done; namely, he must be kept in a place under reasonable and decent circumstances where he cannot interfere with decent human beings, the same as we do with people who are certified as being insane.

The course that should be followed, whether it be long or short, should be one that nurses that person back to health so that, when he returns to society, he can become a useful member of it. So this Bill was introduced not with the idea of entering by the back door; not as a political trick, but, to some extent, to test the *bona fides* of the Government. Indeed, I heard several interjections from the other side of the Chamber that in the case of the person who was only recently hanged in Western Australia there were two volunteers from the Government benches who would be prepared to do the job themselves. This matter of taking another human being's life is certainly not one that can be treated lightly, and I would say that no responsible Government weighs and measures the aspects of a case and decides that the hangman's noose shall go around an individual's neck, without giving the deepest consideration to it.

In the majority of cases, the death penalty is commuted to a term of imprisonment. If we are to have this terrible situation of half a dozen or so officials being compelled, as part of their duties, to witness the body of a man dropping down the well with the noose around his neck, what is wrong with their being joined by the Ministers who are responsible for the hanging? If the members of this Ministry believe so firmly and fervently in the death penalty, why then, in turning back the hands of time, should Mr. McKillop have been required to witness a hanging when the Minister for Lands—had he been a Minister at the time—was not compelled also to be present if he was an ardent believer in the death penalty?

Mr. McKillop had no say in the matter, but the Minister certainly would; because, if the affair should be too gruesome for him, it would be a simple matter for him to refrain from attending, and that would be that. I am certain that if Ministers were confronted with the problem as directly as these other unfortunate persons are—that is, the public officials, the medical officer, and so on—they would not have a second, a ninth, or even a tenth thought. I am certain that the Government of the day agrees that the death penalty should be imposed because its members do not know what it is all about. With perhaps one exception, members of the Government have made no serious attempt to find out what it is all about.

If this terrifying ordeal were to be the lot of two Ministers, and achieved the objective of doing away with this archaic method of inflicting penalties, it would be worth while, and this Bill could prove to be, in the matter of social progress and penology, one of the most progressive measures introduced for many years. So I make no apologies whatsoever for introducing it. I say again that this Bill is a test of the *bona fides* of the Government. If members of the Government are not prepared to stand up to all the hideousness of witnessing an execution, they have no right to impose it.

Before I resume my seat I will pause for a moment for any Minister or any member on the other side of the House to indicate to me any other sphere of public activity which a Minister does not visit or inspect, or would be prepared to visit or inspect as the occasion demanded. Let them indicate any other spectacle whatsoever! There is none, Mr. Speaker! If this awful business be so unknown not only to Ministers, but to members generally, in view of history and of the examples of the conclusion that has been arrived at, no Government in the year 1961—indeed during the 20th century—has the right to insist upon this diabolical form of savagery being perpetrated by the State.

I use those words fully conscious of the nature of some of the serious murders and the events that have preceded them, sickening in the extreme to every single one of us on this side of the House, and to other persons who believe in the abolition of the death penalty and are aware of those facts, as it is to the Government.

Might I conclude on one other note. A murder has taken place. A person has been found guilty by the judge, and the death penalty has been pronounced by him. The matter is then placed in the hands of the Government to make its recommendation to the Governor. If the Governor agrees that the execution shall be commuted—or, in other words, that the Royal prerogative shall be exercised—there are a few lines published in the Press and that is that. There is no complaint or protest from any side.

Invariably, however, if the Governor confirms the death penalty, there are protests made throughout the length and breadth of the State, and the majority of them emanate from quarters that are not closely associated with the Australian Labor Party. Those protests emanate from some of the greatest minds, the greatest intellects, and the greatest thinkers in Western Australia, combined with the heads of the various religious denominations and others—social workers and many other people—all protesting to the Government against this sort of thing being allowed to continue and carried into effect.

So the Government, by that decision, has the effect of agitating the minds of the public. In many spheres it is found that that results in false sympathy being generated for the cause of the condemned person, and also the reluctance of juries, in future cases, to find a person guilty of wilful murder. In future, I hazard the guess that the great majority of persons—whether the murder committed by them has been wilful or not—will be found guilty of the crime of murder.

In other words, if this Bill be not agreed to, and if the Government insists on travelling along its present course, it is asking a jury, and indeed will be encouraging a jury, to be dishonest in its finding. Because I think one can say that a jury—12 citizens, upright and true—will be more advanced in its thinking than is this Government, as well as the members, who, I am afraid, will vote with them against the objective contained in this Bill—as they have with others—in seeking the abolition of the death penalty.

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

Ayes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Jamieson	Mr. Mann
Mr. Fletcher	Mr. Burt

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Bill defeated.

TOTALISATOR AGENCY BOARD BETTING ACT: DISALLOWANCE OF REGULATION No. 36

Motion

Debate resumed from the 6th September on the following motion by Mr. Tonkin:—

> That new regulation 36 made under the Totalisator Agency Board Betting Act, 1960, as published in the *Government Gazette*, on the 8th February, 1961, and amendments thereto published in the *Government Gazette* on the 30th March, 1961, and the 8th June, 1961, and laid upon the Table of the House on the 8th August, 1961, be and are hereby disallowed.

MR. BOVELL (Vasse—Minister for Lands) [9.48 p.m.]: The Deputy Leader of the Opposition considered certain regulations relating to the Totalisator Agency Board Betting Act, 1960, and moved for the disallowance of regulation 36 (1) (a) and 36 (1) (b). I understand that because this matter was referred to the courts for judgment the late Minister for Police and the Deputy Leader of the Opposition agreed that they would allow the matter to remain in abeyance pending the decision of the Supreme Court arising out of the writ action. However, a judgment was given on this matter on Monday, the 6th November, 1961, and I understand the court found that regulations 36 (1) (a) and 36 (1) (b) were *ultra vires* the Totalisator Agency Board Betting Act, 1960.

The Totalisator Agency Board has now secured a stay of proceedings for 21 days, and is considering the matter of an appeal to the High Court of Australia. In my opinion, therefore, there is no need to proceed with this motion. As the matter now stands if there is no appeal to the High Court—and this is the way I see it—then the regulations must definitely be considered to be invalid and be in effect cancelled. If the appeal by the board proceeds and the High Court dismisses the appeal there will be no alteration, and the regulation will not be capable of being put into operation in the future. If, however, the appeal is upheld then the regulation will stand.

There does not appear to me to be any need for this House to take the matter further at this stage. In view of all the circumstances—the granting of a stay of proceedings for 21 days, and the possibility of an appeal to the High Court—there is no reason for proceeding with this motion. I therefore oppose it and suggest to the Deputy Leader of the Opposition that it be withdrawn.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.52 p.m.]: The matter is not as simple as the Minister would have the House believe, because the decision given by the court refers only to paragraphs (a) and (b) of subregulation (1) of regulation 36. This regulation affects other sections of the Act as well.

It would not necessarily follow because the court has made a pronouncement on these two paragraphs that this portion of the regulation is beyond the power of the board and therefore *ultra vires* the Act, the rest of the regulation is beyond the power of the board. It could be that this board, which has done strange things in the past, will continue to operate those portions of the regulation which have not been declared by the court to be *ultra vires* the Act. For that reason the motion should not be withdrawn; in fact, a decision should be made on it. I realise the Government is in a awkward position. I know it would be unpalatable for members opposite to support any motion that I put forward.

Mr. Bovell: We treat every matter on its merits. It is most uncharitable for the honourable member to say that; usually he is so fair.

Mr. TONKIN: Of course members opposite do treat every matter on its merits! The Government finds itself in a dilemma. If it votes against the motion and makes a decision that the regulation, which has been declared *ultra vires* the Act, shall remain, it will make a laughing stock of itself. On the other hand, if it follows the decision of the court it will be supporting something which I have put forward, and that is the last thing which the members of the Government want to do.

I have no doubt whatever of the ultimate result so far as the matters which were referred to the court are concerned. I have argued along these lines from the commencement of this year. I tried firstly to convince the Minister in charge of the board; subsequently the Acting Minister for Justice, then the Commonwealth Commissioner of Police and his chief legal adviser, and then the Governor. Each time I got the answer that they were assured by the board and other legal gentlemen that the regulation was within the power of the board and was not *ultra vires* the Act; and therefore what was being done by the board was being done legally.

How anybody could believe in such a proposition for even a little while amazes me, because it boils down to this: If the Totalisator Agency Board takes money from off-course investors and then decides to pay out dividends as it is now paying out —that is, in accordance with the odds declared on the course in the Eastern States —it is acting as a bookmaker. The chairman of the board told the court that the board was acting as a bookmaker because it was not utilising regulation 36; and that when it brings regulation 36 in any of its amended forms into operation, and goes through the process of collecting money and holding it, but instead of paying out at the odds declared on the course, it pays out at a fraction of those odds completely unrealistic to the amount of money in the pool and the number of investors concerned, the board is operating a totalisator. That was the argument of the board.

To bring home the point more clearly, let me give these examples. I have taken an extract from the results of the races run at Moonee Valley on the 29th April, 1961. At that time the T.A.B. was operating regulation 36 which provided under paragraph (a) of subregulation (1)—

> Where the dividend either for a win or a place that would but for this regulation be declared on the totalisator pool is less than seventy-five per centum of the corresponding dividend for a win or place declared by the totalisator operating on the race course outside the State on the horse race on which the totalisator pool was conducted, the Board shall declare a totalisator pool dividend for a win or a place equal to seventy-five per centum of such corresponding dividend as is declared by the appropriate totalisator on the race course outside the State;

Paragraph (b) of subregulation (1) provided that 125 per centum of the dividend declared on the course should be paid.

Mr. J. Hegney drew attention to the state of the House.

Bells rung and a quorum formed.

Mr. TONKIN: I was about to say that I have here a very good illustration of how this operation of the T.A.B. works, and it should not leave any doubt in the minds of members that it has been operating illegally. I have just quoted the two regulations which cover the position, and when those regulations are applied to the actual results given, the following occurs:

In the first race the starting price of the winner was at odds of 7 to 2. On the Melbourne totalisator the straight-out odds were 26s. 6d. If the T.A.B. decided to pay 26s. 6d. then, according to its own determination, it was acting as a bookmaker. But immediately it decided to pay something less than that amount, or something more, it was running a totalisator, even though the dividend it paid had no relationship whatever to the amount of money in the pool or the number of successful investors. In other words, if it decided to pay as it did, 75 per cent. of that dividend on the course, it would still pay the same figure whether it had to pay one successful investor or 1,000. And it reckons it is running a totalisator!

Now the dividend which the board decided to pay was 75 per cent. of that dividend declared on the course, and so it paid £1 2s. 6d. Had it not been operating the regulation, it would have paid £1 6s. 6d. So if it paid £1 6s. 6d., it was acting as a bookmaker, and if it took 25 per cent. off, it was acting as a totalisator, so it says.

We come to the next race: The winner was 4 to 1 and the dividend on the Melbourne totalisator was 18s. 6d. When the T.A.B. worked out its dividend, it came to 16s. 6d. Now as that was more than 75 per cent. of the dividend declared on the course, it did not alter that dividend. In that respect it was properly running a totalisator in accordance with the Act. That is, it took its 15 per cent. deduction out of the pool and divided what was left by the number of successful investors and its dividend came to 16s. 6d. So on that particular event it ran a totalisator; but it did not use regulation 36.

Immediately it applies regulation 36 and manipulates the dividend, it is no longer a totalisator. That is why the court declared it *ultra vires* and beyond its power, because the T.A.B. was only given power to run a totalisator pool scheme.

Let us come to race 3. The price of the winner was 5 to 2. The dividend on the totalisator on the course was 16s. Now,

had the T.A.B. decided to pay the 16s., as it would now because it is not operating regulation 36, it would have been acting as a bookmaker; but it decided to pay 75 per cent. of that dividend, which was 12s., and then it says that because it is doing that it is running a totalisator.

Now the 12s. which it decided to pay was in no way related to the amount of money in the pool or to the number of successful investors. It was the percentage of a dividend declared somewhere else. How on earth can that be a totalisator! If this board is foolish enough to appeal, it will only waste its money.

With regard to race 4, the price of the winner was 5 to 4 against. The dividend on the course was 11s. 6d. If the T.A.B. paid the 11s. 6d. without using regulation 36, it was acting as a bookmaker and has admitted that; but if it paid 75 per cent. of the 11s. 6d. it claims it was operating as a totalisator. Actually, on this race, it did not pay 75 per cent. It did not apply the regulation because when it worked out its proper dividend it came to 11s. 3d. As that was 83 per cent. of the dividend declared on the course, regulation 36 was not brought into operation, and so that was a totalisator pool scheme in accordance with the Act because regulation 36 was not applied.

Now we come to event No. 5: The winner started at 5 to 2 against and the price on the Melbourne totalisator was 18s. When the T.A.B. worked out its dividend in accordance with totalisator principles, its dividend came to 14s., which was 78 per cent. of the dividend declared on the course. So again there was no need to apply the regulation, because it paid the true dividend. That was a proper totalisator pool, where the dividend was related to the amount of money in the pool and the number of successful investors.

With regard to event No. 6, the winner was 20 to 1. It paid £12 12s. on the straight-out totalisator in Melbourne. When the board worked out its dividend in accordance with totalisator principles it arrived at the figure of £10 17s., which was 86 per cent of the dividend declared on the course. So it did not apply regulation 36. That is a proper totalisator. There is no argument about it.

We now come to event No. 7: The winner's price was 5 to 2 and the straight-out dividend on the totalisator on the course was 14s. When the board worked out its dividend on this race, the amount came to less than 75 per cent. of the dividend declared on the course, so the board immediately applied regulation 36 and said that its dividend—without any reference whatever to the amount of money in the pool or the number of people who had to be paid—was three-quarters of what was declared on the course. In other words it paid 10s. 6d. That was not a totalisator pool scheme because it was not run on totalisator principles and it was beyond the power of the Act, and therefore *ultra vires*.

Surely members can see that if the board is running a totalisator scheme, the principles have to be the same all the way through, because the Act says, "On like principles to a totalisator," and that is the only pool scheme the board has authority to run—a pool scheme on like principles to a totalisator enabling persons to bet with one another. Therefore on some events it follows the Act, but immediately it follows regulation 36 and starts to manipulate the dividend, it is no longer running a totalisator.

Now we come to event No. 8, in which the winner's price was 5 to 2. It paid 17s. on the Melbourne totalisator, but when the board worked out its dividend it came to less than the 75 per cent. and therefore it abandoned its dividend worked out on totalisator principles. It simply said that it would pay three-quarters of what was paid in Melbourne; but nevertheless it claimed that it was running a totalisator. What a lot of nonsense! It cannot be running a totalisator simply because it says it is. It has to run the totalisator in accordance with totalisator principles and the principle of the totalisator is that the dividend is directly related to the amount of money in the pool and the number of successful investors.

Mr. Bovell: Yes; but the court is in the process of deciding.

Mr. TONKIN: No; it is not in the process of deciding. It has already decided.

Mr. Bovell: Yes; but there is an appeal, and leave has been granted for that appeal to the High Court, so it can all be resolved at law.

Mr. TONKIN: No it cannot, because regulation 36, which is the subject of my motion, has three subregulations all together. The decision of the court applies only to subregulation (1) (a) and (b).

Mr. Bovell: Which is the kernel.

Mr. TONKIN: Not necessarily.

Mr. Bovell: Oh yes!

Mr. TONKIN: I will read subregulation (2). It is as follows:—

> Except as otherwise provided in these regulations the total amount invested in the totalisator pool less fifteen per centum totalisator commission shall be divided *pro rata* between the successful investors, and the provisions of regulations relating to fractions shall apply to such dividends.

Does that in any way depend upon paragraphs (a) and (b) of subregulation (1)? Subregulation (3) reads as follows:—

> No brackets shall operate in relation to horses in respect of which the bets on such horses have been placed in a totalisator pool conducted by the

> Board, and where brackets as applied by the totalisator on the race course outside the State are removed by the Board, any dividend declared in respect of any bet on a horse or horses in respect of which the brackets have been so removed shall be declared and paid without regard to paragraph (a) or (b) of subregulation (1) of this regulation.

What has to be appreciated with regard to this subregulation is that when the board is paying out in accordance with the odds declared on the course, the totalisator on the course has already taken cognisance of the brackets, if the Minister knows what that means. In case he does not, I will give an illustration: We will suppose there is only room on the totalisator for 24 numbers, but there are 28 starters. Obviously any investor has to be able to buy a ticket on any one of the 28 starters. But if there are only 24 numbers accommodated in the tote, some of them have to be grouped; and what happens then is that those on the end of the list—in this case there would be four of them—are grouped with four horses already accommodated on the tote.

Therefore, at some windows when a person invests on one horse, he is actually investing on two. He only pays the amount of money for one ticket but he has two chances; and if either one of those horses wins, he can collect the dividend declared. One horse in the betting ring might be 100 to one and the other one might be 10 to one. If the 10 to one horse wins the person gets the dividend which is worked out by grouping those two horses; it will be something better than 10 to one but a lot worse than 100 to one. The point I am trying to make is that the dividend on a horse which is bracketed does not reflect the true starting price; and, therefore, if the board disregards the brackets when it pays out it is depriving the people of something to which they are entitled, and that is what I want to prevent. So it is necessary that that part of the regulation be disallowed. It has nothing to do with the other section which has been declared beyond the power; that question was never submitted to the court.

Mr. Bovell: It would be an infrequent occurrence.

Mr. TONKIN: It would not be frequent, but that is no answer to the problem. It does occur.

Mr. Bovell: But very seldom.

Mr. TONKIN: We might as well say to the person who wins charities, "It is not a frequent occurrence so it does not matter if you don't win at all." That is just as sensible.

Mr. Bovell: No.

Mr. TONKIN: What satisfaction would it be to a person who had backed a bracketed horse, and who should get a dividend, to say to him when he does not get it, "Look old chap, you shouldn't worry because it is not a frequent occurrence." Does the Minister think that would satisfy him? It would not satisfy the Minister. Of course, it is no argument; and do not let us forget the Minister's submission cuts both ways; because if it is of such infrequent occurrence that it does not matter to the investor, why should it matter to the T.A.B.? So if we can afford to do without it so far as the investor is concerned, we can afford to scrap it so far as the T.A.B. is concerned on the Minister's own argument that it is only of infrequent occurrence.

But, of course, now the Minister faces up to the situation he will want to change his view, because he will say, "What I meant is that so far as the investors are concerned it does not matter even though it would be an infrequent occurrence; but so far as the T.A.B. is concerned it does matter and they want to hold the regulation." That has been the line taken all along—"Never mind anybody else. Never mind the illegality of it. It suits the T.A.B., so let it continue."

On the results which I previously detailed I worked out what was really involved and I found that the Melbourne totalisator price, without the application of the regulation, would have returned to an investor who had one ticket on the winner of each race a total of £16 13s. 6d., in addition to his stake of £2. But on the T.A.B. price he would have got £13 11s. 6d., in addition to his £2; or for an investment of £2 during the day on the tote price on the course his return would have been £3 2s. more than he would have received from the Totalisator Agency Board.

Mr. O'Neil: Is that figure of the T.A.B. based on their applying regulation 36, or what should have been paid?

Mr. TONKIN: No; it is the actual dividend which was declared. In some races, the board applied regulation 36; and on other races it did not. I indicated the races where it had been and in those races the board was running a proper totalisator pool in accordance with the Act.

Mr. O'Neil: Did you work out what they would have paid had they run it as a tote?

Mr. TONKIN: I tried to get the information from the Minister to enable me to do that, but the T.A.B. saw to it that I did not get it; it was against the public interest to let the people know that. Why, I do not know. I have not yet worked it out, but that was the answer I was given. All through the piece the T.A.B. has not been frank about the matter. On the contrary, it has even prevaricated, because when the board was approached by a representative of W.A. Newspapers to give some information about this matter this

is what the chairman was reported to have said—and as it is in quotation marks, and was not subsequently contradicted, I assume it was actually what he did say—and I quote from *The West Australian* of the 6th May this year under the heading of "Board Holds Back Figures"—

> Totalisator Agency Board chairman Jack Maher said yesterday the board would not release its holdings and pay-outs on races because it feared it would assist persons wishing to manipulate tote dividends.

What a laugh! That is precisely what the board has been doing for months and months—manipulating the tote dividends to suit itself. As a matter of fact the Premier gave me some information here a couple of weeks ago which showed that the board used the regulation for the purpose of manipulating the dividends to regulate its profit. When it first applied regulation 36 it made, I think, 18½ per cent. profit. It considered that was too much, so it amended the regulation to permit a variation of the manipulation, and then it made 17½ per cent. profit. It considered that was too much, so it amended the regulation again to permit of another variation of the dividend and reduced its profit and finished up by saying that it was in search of a formula which would enable it to make a certain amount of profit.

Whoever heard of a tote determining beforehand how much profit it is going to make and manipulating its dividends accordingly? Until Mr. Maher came along I had never heard of the idea of a tote where the operator decided beforehand how much of the real dividend he would pay or withhold from the public in order that his profit should be a certain amount. That is what the bookmaker tries to do; that is not a tote. A tote is run on a fixed principle; all the operator can get is a statutory percentage beforehand. It used to be 13½ per cent. in this State, and now it is 15 per cent. He can take his 15 per cent. from the pool and then he has to divide what is left amongst the successful investors to the nearest fraction of sixpence, and he will get a little more revenue from the undistributed fractions.

But he cannot say, "I am not getting enough profit and so, instead of paying 15s. as a proper dividend, I am only going to pay 14s."; and next week, "I will only pay 13s."; and the week after that, "I will only pay 12s." But that is what the board has been saying. It has been manipulating the dividend to regulate its profit; in other words, it has been withholding from the investing public the amount of money to which they were entitled under the Act; and the board's purpose in withholding that was to achieve a certain amount of profit.

Mr. O'Neil: On some occasions it has been subsidising the dividend.

Mr. TONKIN: That is true, but it still showed in the court that despite the fact that on occasions it subsidised the dividend it made 18½ per cent. when the regulation first came in. It did not want to make that much, so it altered the dividend from 75 per cent. and 125 per cent. to 87½ per cent. and 112½ per cent.; but it was still making too much, so out of the goodness of its heart the board said, "We will let the investors have a bit more." So it decided to pay 95 per cent and 105 per cent., but it was still making too much. Then when it looked as though it would be in trouble it decided that for the time being it would put the regulation into cold storage, and it is not being operated now. Mr. Maher made the statement that the board would keep it there in case it wished to use it again in the future.

Mr. O'Neil: Is it paying its own tote dividend now?

Mr. TONKIN: No; the board is operating as a bookmaker and paying the dividend declared on the course. That is the remarkable thing about the board's reasoning. When it decided it would pay the actual dividend declared on the course, it freely admitted it was a bookmaker, and so did everybody else; but immediately it says, "We will depart from that figure which is paid on the course and we will pay a little less or a little more," the board reckons it is running a tote. If members can find anybody with any common-sense who will accept that, I will be surprised.

If the dividend declared on the course is £1 and the board pays that, it is a bookmaker; but if it decides it will pay 19s. it is a tote. In both cases the dividend has no relation whatever to the amount of money in the local pool or the number of successful investors; yet we are told that in one case it is running a tote and in the other it is a bookmaker. And the board is thinking about appealing. If it does it has money to waste.

Let me proceed with this quote from *The West Australian*, where Mr. Maher was reported to have said—

> The T.A.B. pays not less than 75 per cent. or more than 125 per cent. on course dividends for Eastern States events. It receives commission of 15 per cent. on all turnover plus fractions.
>
> "No records have been kept of the exact amount of the cost or benefit of this ruling to the T.A.B. . . .

Yet when it went to the court it told the court precisely the result of the application of this regulation, and it has no records from which to get the information! What a genius we have in control when, without any records to enlighten him, he is able to calculate the exact result.

The ACTING SPEAKER (Mr. W. A. Manning): The honourable member has two minutes to go.

Mr. TONKIN: This is qualified a little later by the following:—

> However, at this stage it would appear that the application of the regulation, together with fractions, will result in the board making an additional surplus of approximately 1 per cent. on turnover. But I must stress it is too early to make a firm forecast.

This without any records upon which to base his calculations. What a man! Running a pool every week and sometimes two and three times a week, applying the regulation in its various forms, not keeping any records at all and yet telling the court the exact result of the application of this regulation! That is the sort of stuff we have had to put up with for months and months.

I suggest that we declare this regulation, the application of which makes a farce of the intention of Parliament, as unjust to the investors. Let us declare that the board shall either act as a bookmaker or as a totalisator—the one or the other. We should say that this regulation does not permit the board to carry out the intention of the Act. Let us declare that so far as we are concerned it is an injustice to the investors and should be wiped out.

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

Ayes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Jamieson	Mr. Mann
Mr. Fletcher	Mr. Burt

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Motion defeated.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

The CHAIRMAN: The amendment made by the Council is as follows:—

> Clause 2, page 2, lines 6 to 12—Delete subparagraph (iv) and substitute the following:—
>
> > (iv) Any person who is a member or eligible and qualified to become a member of an industrial union that is on the coming into operation of the Industrial Arbitration Act Amendment Act 1961, registered under the provisions of Part II of this Act;

Mr. COURT: I move—

> That the amendment made by the Council be agreed to.

New subparagraph (iv) gives effect to what was originally intended when the Bill was introduced. The reason for the need for this new subparagraph (iv) to replace the one which was in the original Bill is that on closer examination of the Bill it was found that the original subparagraph would have had the effect of unfairly prejudicing unions which already have industrial cover for employees in certain Government and semi-Government bodies. In its original form it would have meant that the situation would have developed very quickly whereby some of the employees in an office at the time of the passing of this Bill could continue as members of an industrial union, and others who entered the service of the same office after the passing of this Bill, but doing exactly the same work, could only be members of the Civil Service Association. This was never intended.

The original intention of the Bill was to enable the Civil Service Association to take reasonable steps within the industrial arbitration system to protect its organisation against what might be termed industrial erosion of its ranks through other bodies applying for registration of groups of people within the Public Service.

The new subparagraph (iv) will not, of course, protect the members or those eligible and qualified to become members of an industrial union which was registered after the passing of this Bill. In other words it attempts to preserve the *status quo* but not to protect members of an industrial union registered after this Bill becomes law. Such employees would then have to rely on the provisions of proposed new section 150A covered by clause 3 of the Bill. The new subparagraph will enable those who are members or eligible and qualified to become members of an

industrial union registered under the provisions of part II of the principal Act—that is, the Industrial Arbitration Act—on the coming into operation of this Bill to continue with their present industrial union.

This clause sets up the machinery whereby the court may declare a body of workers not Government officers for the purposes of part X of the Industrial Arbitration Act when it is considered by the court that such workers could not conveniently be members of the Civil Service Association. With reference to subparagraph (v) of the proposed new section 150A it will be remembered that the court will not grant the application for registration if it is of the opinion that the members of the body seeking registration can conveniently be covered by the Civil Service Association. The Government feels that new subparagraph (iv) more appropriately interprets its intention as the legislation was introduced, and for that purpose I support the amendment.

Mr. W. HEGNEY: The amendment refers to the definition of "Government officer" as set out in the Industrial Arbitration Act, and the provision of this Bill is one of the exclusions. I would refer members to subparagraph (iv) of the Bill that was previously before this House. They will see the meaning is that any person who joined an instrumentality after the passing of the Act would require to belong to a union separate from those who are employed at the time or before the passing of the Act.

The amendment clears up the position. It will mean that any person who is employed by a State instrumentality after the passing of the Act will be entitled to join the same organisation which was in operation prior to his commencing in the particular employment. Other portions of the Bill remain intact. This will give a large measure of protection to the Civil Service Association; and it will still be necessary for any further proposed organisation to take action in accordance with subparagraph (v) and the court shall refuse to grant the application unless it can be shown that the members' proposed organisation cannot conveniently belong to the Civil Service Association.

The position is clear and the proposal will substantially meet the requirements of the Civil Service Association which initiated discussions and negotiations with the Government in regard to this particular amendment, which I support.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

1871 PENSIONERS: INCREASED PAYMENTS

Motion

Debate resumed from the 11th October on the following motion by Mr. Heal:—

> In the opinion of this House, the Government should introduce legislation during the present session, to improve substantially the financial position of the 1871 and other State pensioners who receive little or no assistance from the 1960 legislation.

MR. BRAND (Greenough—Treasurer) [10.47 p.m.]: I do not suppose there is anything easier than to move a motion such as this in a House of Parliament—that in the opinion of the House there should be an increased pension, or an increased holiday, or an increased wage, or an increased profit. That is very simple; but the very fact that this particular motion for an increase in pensions had to be moved indicates there are some reasons and probably good reasons why increases, such as those suggested by the member for West Perth, are simply not given.

We as a Government would like to do all of the things suggested by the member for West Perth for the people who are dependent on pensions. No doubt the Federal Government would like to do the same thing; but there is a limit to which pensions can be paid in relation to the capacity of the economy of our State to pay them. Therefore, I cannot agree to the motion which has been moved by the member for West Perth. I believe any additional adjustments to individual pensioners in relation to the 1871 Act will create anomalies and inequities.

It is pointed out that in the past various increases, together with adjustments made in the 1960 amendment Act, have provided the 1871 Act pensioners with equivalent increases to those granted to pensioners under the 1938 Act. The effect of these increases has been to provide the 1871 Act pensioners with the same amount of subsidisation by the Government over their original pension assessments as has been received by the 1938 Act group.

I do know that a great deal of time—in fact many days of work—was put in by Treasury officers, and finally by the Under-Treasurer himself, in ironing out some of the anomalies which existed in respect of pensions paid to those people under the 1871 Act in relation to what was received by pensioners under the 1938 Act. In other words, the increase in the 1938 Act unit value from 10s. per week for each unit to 17s. 6d. has been made available to the 1871 group. I will give some details of the various upward adjustments made to the pensioners under the 1871 Act.

In 1951, pensions of less than £250 per annum were increased by 20 per cent. Pensions over £250, but less than £650 per annum were increased by £52 per annum.

In 1953 supplementary benefits of £26 per annum were added to pensions below £156; and an amount equivalent to one-sixth of the annual rate was added to pensions between £156 and £312 per annum. An amount of £52 per annum was added to pensions between £312 and £448, and £26 to all pensions above the rate of £448.

In 1955 a further supplementary amount of £26 per annum was approved for all pensions under the Act. In 1958 increases were paid under the Nicholas formula which allowed for increases in accordance with the basic wage since 1938 or from the date of commencement of pension, whichever date was later. The formula, however, deleted from the increase the amount calculated to be the equivalent of the amount which a 1938 pensioner would have paid himself. As a result of this, various anomalies arose, not only within the 1871 Act group itself, but in relation to pensions payable under the 1938 Act.

As I have stated, the 1960 amendments, as well as providing an increase for a considerable number of pensioners, also brought the 1871 Act group into a comparable position with those receiving pensions under the parent Act. Obviously any change in this basis would effect a return to the anomalous position which previously existed and would result in inequitable payments to other pensioners under Government superannuation schemes.

In addition, it should be mentioned that the 17s. 6d. unit rate is the current weekly rate of other superannuation funds conducted in the Eastern States; and if the rate in this State were increased before similar increases are granted in the other States there is no doubt this would be a matter of concern to the Commonwealth Grants Commission. I think the member for West Perth mentioned this very fact; but we cannot ignore the position that the rate which is established in the standard States must be the rate which we pay here. As a claimant State we cannot afford either to make any increases in pensions to the 1871 group, or to increase the value of the unit under the 1938 Act.

I might mention that those pensioners who did not receive an increase under the 1960 amendment were mainly persons who retired in more recent years and had, in fact, received a pension calculated on inflated salaries, or had received percentage supplementary increases regardless of when the pension commenced. These pensioners were already receiving the equivalent of the 1938 Act pensions. When introducing this motion the honourable member agreed that most pensioners were living in a reasonable manner, but there are some who are required to pay rent, or are paying rent for accommodation in the metropolitan area and who are in receipt of only a small pension under the 1871 Act.

I would point out these pensioners would be or could be in receipt of a supplementary income by way of Commonwealth social service pensions; and to grant further State assistance would not help those pensioners: it would merely relieve the Commonwealth Government of a pension expenditure. That is a very important point. Why should this State pay out of its funds a contribution to a pensioner when, in fact, it would not relieve the pensioner of any of his difficulties and would not increase his income, but would merely offset the amount which should be the responsibility of the Commonwealth by way of social service?

Where a pensioner is married, the combined income under the 1871 Act and the Commonwealth pension would amount to £910 per annum, or over £17 per week. The basic wage is considerably less than that figure, and it provides for a man with a wife and family. In the basic wage assessments the court makes allowance for the payment of rent. The lowest 1871 Act pension rate paid now is £431 10s. and an increase in the amount from £431 10s. to £910 per annum could be obtained—if it has not already been claimed—from the Commonwealth.

Other matters raised were the question of legal entitlement of 1871 pensioners, and the suggestion that these pensions be adjusted in accordance with basic wage increases. The legal entitlement required the Government to pay a pension of the equivalent of the average annual salary of the last three years of service multiplied by the years of service divided by 60. That was the formula under which original pensions were paid. The State has not only made legal payment of pensions to all persons concerned but, as I have already stated, has gone far beyond this legal minimum.

The suggestion of basic wage variations would be unworkable and would produce results which would completely destroy any comparability or equity with the basis of other pension schemes. For example, the pensioner who retired in 1946 would on an assessed pension of £400 per annum be given an increase of 220 per cent. in the pension rate. I know of no scheme which provides for that sort of increase.

I would like to make it clear to members that there is no connection between the sources of payment in these two schemes apart from Government supplementations of the various groups of pensions. The superannuation fund established under the 1938 Act belongs to the contributors to that fund and it cannot be used to pay the 1871 Act pensions. The reserves under the 1938 Act are not excessive and are not available for other than the purposes for which the fund was established. The actuarial examination has disclosed that while the fund is financially sound the reserves are required to meet the liabilities of the fund.

Reference has also been made to our parliamentary fund in regard to the income being greater than the amounts at present being paid for benefits. However, as a result of an actuarial investigation of the fund conducted on the 30th June last, it has been found that it is not actuarially sound and will finally require an additional subsidy in order to maintain solvency.

Mr. Heal interjected.

Mr. BRAND: I do not think the member for West Perth said "rubbish"; it sounded briefer than that.

Mr. Heal: It was, too.

Mr. BRAND: The member for West Perth should realise that this is the report of the actuary who was brought here to advise upon this fund. I think there has been a tendency in this House to ignore the advice of experts. However, in this regard I am sure we cannot ignore the advice of the gentleman who was appointed to inquire into the solvency of this fund.

The 1871 Act pensions are a direct charge on the Consolidated Revenue Fund of the State and expenditure on these pensions must be annually and entirely from that fund. I consider that the 1871 Act pensioners have received equitable and generous treatment compared with the legal entitlement of the Act. Substantial increases, at the expense of the State, have been granted, and this group of pensioners is now receiving pensions on the same basis as those in the other groups. Those who received no assistance from the 1960 legislation were already in the position of having received more than the equivalent increases paid to other State pensioners. Therefore, for the reasons which I have outlined, I am not able to support the motion now before the House.

I think they are very good reasons for opposing this motion. It is a pious motion, in fact. It is very easy to say that in the opinion of this House pensions should be increased. But above all, in respect of the claims of the 1871 pensioners, surely they have no claim to greater pensions than those which are granted under the 1938 Act. Following, as I said, the adjustment made, the amendment made to the parent Act last year, and the removal of the anomalies, I see no reason—bearing in mind that I feel the 1871 Act pensioners are being fairly treated—to support the motion by the member for West Perth. In fact, I would ask the House to oppose it.

MR. BRADY (Guildford-Midland) [11.1 p.m.]: I am in duty bound to say a few words on this motion because of approaches which have been made to me to try to get increases for some of those members who have retired from the railways, which they joined about 1904. On joining the railways they were informed that when they retired they would receive a pension equal to about two-thirds of their salary. In actual fact, they did get that. One man in particular has given me figures to show that when he left the railways in July, 1949, he was given a pension of £7 5s. a week. The basic wage at that time was £6 18s. In other words, he was getting 7s. over the basic wage when he retired on the 14th July, 1949. To that extent he felt the Government had kept faith with him in regard to the pension to which he was entitled.

However, in 1961, when the basic wage is around the figure of £15 a week, he is receiving a pension of only £9 19s. In other words, he is getting £5 1s., under the basic wage. The argument which these people advance is this: For 50 years they gave good and honest service to a Government because of a promise made when they joined the railways in the early part of the century, when it was very hard to get civil servants. They worked long hours; they worked without overtime; they received less money than apprentices and junior workers at that time. They felt they should not have been brought into the 1938 superannuation at all; that their claim under the 1871 Act is a claim distinct and separate altogether from what the Government decided to do for the railway employees and other Government servants in 1938.

Mr. Brand: What right did they have to claim more than the pension under the 1938 Superannuation Act when they did not contribute anything to it?

Mr. BRADY: No-one around 1938, or 1928, or 1918, was promised any pension at all. I joined the railways around 1921 and I was not promised any pension, and I did not expect any. I was entitled to join a provident fund if I so desired. Some of the railway men complained that they joined a provident fund, and when the superannuation came into being they had to join the 1938 superannuation scheme; and they received nothing for being in the provident fund, and lost the money they put into it. They were forced to join the 1938 superannuation scheme. In the case of 1871 pensioners this was part of their emoluments as employees at the time they joined the service. They were promised an annual salary and a pension equivalent to about two-thirds of the salary they were drawing when they retired.

The man to whom I referred earlier is Mr. J. R. Pow, of East Guildford. He mentioned other men in Midland Junction, and school teachers; he said they feel it is *infra dig* to suggest they should go to the Commonwealth Social Services and make a claim when they were told—and accepted the promise in good faith—that they were going to receive a pension equal to two-thirds of the salary when they retired. According to Mr. Pow's statement, they feel they are being badly let down; they feel that the Government,

in breaking into their claim under the 1938 Act, is trying to avoid its responsibility.

I can see their point of view. This man has handed me about six pages. I will not read all of it, but I think I should refresh the minds of members of this House what these people had in mind when they claimed under the 1871 Act. The letter reads as follows:—

> It is imperative in order to treat the question of State pensions under the Act of 1871, and Superannuation under the Act of 1938, with justice first of all, to understand how the provisions for these payments came into being. When the Act of 1871 was passed by our legislature, the salaries paid to civil servants were very small indeed, and in order to induce suitable persons to enter the service and remain in its employ, the emoluments of office were increased by the addition to them of a pension payable on retirement.
>
> This pension was to be based on the average of the salary which had been paid to the particular officer over the last three years of his service, and calculated at one-sixtieth for each year of such service, up to a maximum of forty years. Definitely it was part of the contract for service which the Government of the day and the officer entered into on his entering the service.
>
> On the passing of the Public Service Act of 1904 this provision was repealed, but so that the officer on his retirement would have, what might be termed a nest egg, it was enacted that each and every officer should take out a policy of assurance, with an approved society or company, for an amount equal to the salary that he was in receipt of from time to time, and maturing at the time of his retirement.
>
> This was superseded in 1938 by The Superannuation Act, by which the Legislature created a fund, which was subsidised by the Government and under which officers of the service could take up certain units, according to the salary he was receiving and then, upon retirement, he would receive an annual payment from the fund according to the number of units he had applied for and subscribed to. Actually it was, and is, on all fours with the annuity which may be secured from any assurance company, but on very much more liberal terms. It was not compulsory on the civil servant to take up any unit, or units, nor was it payment in any way for his services—it was purely a financial arrangement that he could enter into with the Government. For his services he was to receive an annual salary, and there his emoluments of office for services rendered ceased.
>
> The value of a pension under the Act of 1871, to each officer on retirement, was its purchasing power, not merely the amount quoted in pounds, shillings and pence. As each officer who had joined the Service prior to 1905 retired his pension was fixed on the basis referred to above, and with this each pensioner was satisfied, while the purchasing power remained stable.
>
> As time went on, and wages came under the jurisdiction of the Industrial Arbitration Court, whose duty it was to fix wages to be paid according to the cost of living then prevailing, it was found necessary by that court to determine a basic wage to be paid, i.e., the wage to be paid to the lowest paid employee, and then fix margins for skill to those working in higher grade positions.
>
> All the time that such basic wage remained static, and the purchasing power, therefore, was static too, all was well, but when the cost of living began to rise and the court found it necessary to increase the basic wage to keep pace with it, the value of pensions already granted commenced to lose their purchasing power.
>
> As one well known member of the Legislative Assembly is reported to have said, "If the rates originally decided on for these non-contributory pensions were fair and just at the time in terms of money, it would only be fair and just to preserve in terms of purchasing power the rates of pensions originally granted."

I do not think anybody could argue against that. This gentleman was good enough to give me five or six pages, which I have perused. Much of it bears out the argument adduced on the first page.

In 1955 there were 358 of these pensioners. The number has now been reduced to 207. They feel that the Government should, in good faith to them, pay the additional value in money to satisfy their claim that they are not being treated justly.

These people, by virtue of the fact that they are on this pension, are missing out on other things. I recently asked the Premier about these pensioners paying half-fares on M.T.T. buses similar to social services pensioners. The Premier replied that the concession could not be extended to pensioners under the 1871 Act without its being given to other classes of pensioners, together with their dependants, to whom the concession does not now apply.

These people under the 1871 Act say there are no other pensioners. They are losing out. They cannot claim Commonwealth social services because some of

them have private incomes and some have been trying to provide for the day when they may need extra money. They miss out on concessions which the Government gave to Commonwealth pensioners. They miss out when it comes to paying taxation; and they say they miss out more than anything by the fact that they have not been given the pension which was promised to them in the early days.

Most of these people are elderly. They cannot come into this Parliament and argue for themselves; they have to rely on members like the member for West Perth and myself, and others, to make submissions for them. They seem to have a justifiable case. It does not appear to be an honest approach for a Government in 1904 to promise people certain rights when they retired; and then when they do retire, for those rights to be taken away from them by virtue of the fact that the value of money has gone down.

Nobody will quibble that the Government did wrong by Mr. Pow in July, 1949, when he retired, because it honoured its promise to pay him approximately two-thirds of the salary, which was £7 5s. He was quite happy, because he was getting more than the basic wage. But 11 years later he finds he is getting £5 1s. under the basic wage. I think it will be agreed that these people have some justification for complaining.

Not only are railway men affected; there are school teachers and other State employees who come under the 1871 Act. For my part I do not make any apologies for speaking on behalf of these people. It looks to me as though they have been let down very badly; and I think the Government—having regard for the money coming into Consolidated Revenue, and the general progress of the State—should assist them. A lot of the increased revenue is due to the loyalty and doggedness of these people in the early days who remained at their jobs when others were flocking to the goldfields and turning to more remunerative employment. That was when the Government wanted them mostly. Now, when they are badly in need of Government assistance, the Government lets them down.

So I thought that whilst the member for West Perth was trying to help these people, I at least should put up the case on behalf of some school teachers who find it difficult to approach members of Parliament and submit their cases to them. Although they are in receipt of the lower pension, in effect they are getting less than that to which they are entitled, because money values have deteriorated. They are entitled to a pension increase not out of the superannuation fund created in 1938, but out of Consolidated Revenue. That was the fund from which, at the outset, it was decided the pension should be paid, when these men were induced to accept the pension. It is almost a dishonest act on the part of the Government to induce people to do something on the promise of being paid a certain pension; and then, when it comes to the time when the pension should be paid, not to fulfil the promise, on the pretext that money is losing its value.

The Treasurer went to great pains tonight to read out all the concessions that have been received by these people since 1951. He said that they received a £25 increase in 1951, a £26 increase in 1953, a £26 increase again in 1955, and another increase in 1958 to bring their pensions in accord with the basic wage increments. However, all those increases have still not done justice to these men. Consider yourself, Mr. Acting Speaker (Mr. W. A. Manning) retiring from Parliament this session on a pension of £12 per week, which is about three-quarters of the basic wage; and then, in about five or six years' time, discovering that you are receiving only one-third of the basic wage. Would you feel that you were being treated fairly? I do not think you would; and neither would any other member of Parliament.

These people have right on their side, and the only way to effect some improvement for them is for us to keep on stating their case in this House in the hope that the Government, out of the goodness of its heart, will grant them some increase, or some concessions to which they are entitled. I understand that the pensions received by those people who are covered by the 1871 Act are nowhere near the value of money today.

MR. GUTHRIE (Subiaco) [11.18 p.m.]: It is very easy to over-simplify this problem, but it is one that has become very complex. I have spent many months studying it. It has become complex because of the haphazard treatment it has received by past Governments of all political colours. It is of no use throwing mud at this Government or at any past Government. The responsibility rests fairly and squarely on all of them. One must keep in mind the conception of the 1871 Act. Taking out the niceties, it was basically framed to pay a man approximately two-thirds of the average of his last three years' salary from the Government.

As the Treasurer has said, there was a fraction, of which the denominator was 60, and the multiple was the number of years' service a civil servant had in the Government. However, the basic idea was that a man who had served about 40 years should get approximately two-thirds of the salary received at the time of his retirement; and, undoubtedly, it was a contract with a particular public servant to give him a pension that kept him in dignity for the rest of his life in keeping with the position he had held in the public service, and in keeping with the service he had rendered to the State. If a man rose to a high position in the public service his pension was

much higher than that of one who did not get off the bottom rung of the ladder. That was the basic idea of the scheme.

To give members some idea of the calibre of a few of the men in the civil service who came under the terms of the 1871 Act, I can cite the names of Sir John Forrest and C. Y. O'Connor. There is little doubt that men of that calibre did pay some attention to the fact that there should be some pension rights accruing to them on their retirement. It is also true that some men who left the service and who forfeited their pension rights, but who returned to the public service, under some weird and wonderful formula could have their pension rights returned to them. Some of those men who returned to the public service have created some of the anomalies that have crept into this scheme.

As I said, the length of service over the denominator of a man's age at retirement obtained the result. If a man had a certain length of service, even though it was served in pieces, as it were, the intention was to give the man a constant pension by reason of the fact that one averaged the last three years. Inflation during the course of his period of service was taken into account, but inflation that occurred after his retirement was completely overlooked, and probably not envisaged. I know the 1871 pensioners claim they are in a different category from the 1938 superannuation public service contributors; but whether they like it or not they are, in fact, in no different position, and what is done for the 1871 pensioners will have to be done for the 1938 Act superannuation fund contributors.

I say that for this reason: The superannuation fund contributor today fixes his own pension on retirement by the number of units for which he applies; but in the past he has been limited—and is still limited—in regard to the number of units for which he can apply. For instance, on the 1st July, 1938, the maximum number of units that could be applied for was 12. On the 30th April, 1948, the maximum number of units that could be applied for was increased to 20; and on the 1st October, 1951, the maximum number was increased to 26; and I think the last amending Bill increased the maximum number to 42, but I am open to correction on that.

Take, therefore, the position of a man who comes under the 1938 Superannuation Act. Whilst he is in the service he can apply to increase his rate of pension according to the maximum number of units provided for in the legislation. However, a public servant who retired before the 30th April, 1948, would be paid a pension to a maximum of only 12 units, and that goes on and on as he continues to live. So he must continue to accept the number of units for which he applied when in the service—not the value of the units, because they have been increased by legislation. The maximum number of units to which he is entitled is limited to 12.

Similarly, a public servant who retired before the 1st October, 1951, is limited to 20 units; and a man who retired before the 1960 Bill was passed is limited to 26 units. So those pensioners suffer in the same way as the 1871 pensioner does as the result of the principle being applied of taking an average of his last three years' salary in the service to assess his pension. Consequently, I submit that the problem will continue to exist. So it is useless to argue, as members of the Opposition have, that there are only a couple of hundred 1871 pensioners who are affected, because there are thousands of pensioners affected, and the problem will continue so long as the inflationary spiral continues.

I have examined the list of the 1871 pensioners, and there are some outstanding anomalies. I will not mention the names of the pensioners, but there are three that represent tremendous anomalies. One pensioner has died since the list was compiled. Of those three men, two of them held the position of the senior officer of one of our leading Government departments, and the third man held the position of 2 I.C. of that department. One of them retired on the 12th May, 1938; and his annual rate of pension is now £886, being increased to that figure by the legislation of last year. Yet the man who held the office subsequently, and who retired on the 1st November, 1951, and whose pension is now £1,183 as a result of the legislation passed last year, held exactly the same position and carried the same responsibility as the man who retired on the 12th May, 1938. Finally, the man who was the 2 I.C. of that department, and who retired on the 8th February, 1951, draws a pension of £1,115 on the new rate that applies under the legislation of last year or, in other words, a pension which is higher than that received by a man in charge of the department prior to his retirement.

Then we find, as another anomaly, one who obviously came back into the service after retirement and therefore lost some pension rights, finally retired on the princely pension of £37 6s. 8d. I do not think anybody, for a moment, could imagine that over the last three years prior to the 30th April, 1938, that man was drawing a salary only slightly under £1 a week, but obviously he had a broken period of service. Yet that man retired on a pension of £37 6s. 8d., but now draws £260 per annum.

There are many others in a similar category, but I do not propose to go through them at great length. I mention those examples only to point out the anomalies that have occurred by granting these other increases, and by forgetting the basic principle from which a departure has been made. As a result, it is extremely difficult to get back on the rails.

The Under-Treasurer did perform a magnificent job and made a wonderful effort to bring the scheme on to a decent principle by associating it with the 1938 superannuation scheme. He would be the first to admit that it would be a human impossibility to effect equal justice throughout; because it can be seen that, when one examines the figures, quite a number of people are drawing pensions far in excess of those to which they would have been entitled proportionate to the scheme.

Just how one approaches the problem, I do not know. However, it is wrong to attempt an amendment of the 1871 Act with a view to increasing the pensions payable under that Act; or, for that matter, to alter the 1938 superannuation scheme and attempt the payment of social service benefits. I say that for two reasons: Firstly, social service benefits do not come within the province of this Parliament; and, secondly, we are a claimant State and have to watch our step in that regard so that we do not pioneer the way to our disadvantage.

Running down the list I have just mentioned, the following pensions are being paid:—

£
944
801
655
744
1107

which, incidentally, gives the answer to the member for Guildford-Midland as to why one simply could not treat them as aged pensioners are treated and grant them half rates on the buses; because when one starts to give a man half rates on buses when he is in receipt of a pension of £944 per annum, one may as well say to the rest of the community, "You can have half rates on the buses also." Those are the difficulties that arise and if there are injustices I cannot see any other way to solve the problem than to endeavour to examine them on an individual basis.

It must be borne in mind that increases in some directions only will mean the State subsidising the Commonwealth Government, and there is no purpose in doing that. Consequently, to find out the circumstances of these cases I can see a solution lying only in some form of a special commission examining each individual case under the 1871 Act, or a sufficiently representative cross-section of them to ascertain whether any just solution can be produced which will not penalise the State unfairly.

It is not germane to this motion for me to suggest who should constitute that commission and what should be its powers, except to say this: Such a commission could call upon the 1871 pensioners who are prepared to lay candidly before it their financial position. If the commission could obtain a sufficiently large number of these people to volunteer information it could prepare a report on the basis of their hardship, and presumably those who did not come forward would not be regarded as cases of hardship. If such a commission could not get these pensioners to give information of their cases voluntarily the Government could consider some form of compulsion for obtaining the information.

Mr. Brady: These pensioners would like to see the appointment of such a commission.

Mr. GUTHRIE: I would not be opposed to such a commission. Its appointment would bring to light the fact whether or not by granting an increase we would be penalising this State. None of us likes to see any retired public servant, who has served the State well, not being able in his old age to live at the standard and with the dignity of the position which he occupied before he left the service. If it is possible to achieve that result by appointing a commission, such a proposal would find favour with me.

I go back to what I said earlier: that this problem will have repercussions on the State so far as the 1938 scheme is concerned. I cannot distinguish the problems between the two classes of pensioners. What we do for the 1871 pensioners will undoubtedly become the principle for the 1938 legislation. I can only beg of Parliament not to pass any legislation, or to agree to any motion based purely on expediency; we should endeavour to get back to principle as quickly as we can. For that reason, although I have no desire to oppose any increases being granted to the 1871 pensioners, I cannot support the motion before us, because to my mind the principle contained therein will continue the policy of expediency more and more.

MR. HEAL (West Perth) [11.35 p.m.]: Members who have spoken on this motion have no doubt spent considerable time delving into the various aspects. The Premier was wide off the beam when he said in his opening remarks that this was a pious motion. It is quite easy for him as leader of the Government to defeat any motion he desires to defeat. I point out for his information that my motion was not plucked from the clouds above. It was a motion into which members of the Opposition had put considerable thought and time.

Mr. Brand: I did not say anything about the preparation of the motion. I said how simple it was to suggest increases to pensions, but that the responsibility for meeting those increases fell on the Treasury.

Mr. HEAL: Before the motion was moved, members of the Opposition spent a lot of time and gave a great deal of thought to it. The Premier should remember that the association of pensioners wrote many letters asking for a deputation

and requesting increases for certain sections. Each time the Premier replied that he could not agree to increases.

Mr. Brand: I did receive deputations and requests were made, but no new matter was added to their story.

Mr. HEAL: That is so. The Premier could not see his way to grant any increase. The pensioners then elected a deputation to wait on the Leader of the Opposition and the member for East Perth, with a request for them to take up the matter. It was discussed in Caucus and a decision was made to move a motion in this House.

I was given the task of moving the motion, which has stood on the notice paper for nearly three months. It is pleasing to see that in the dying hours of the session it is being dealt with. Mr. Acting Speaker (Mr. W. A. Manning), you will be playing a big part in the vote on this motion. As you are in the Chair, it looks as though your vote will decide the issue. I am sure that if it were broadcast that you were the final one to defeat the motion you would not be popular among the pensioners in your electorate.

Mr. Brand: His majority is too big for him to be affected.

Mr. HEAL: That is not so. I am explaining the position to the Acting Speaker because no doubt a division will be called. I notice that an officer from the Superannuation Board has extracted figures and information for the Premier to present to Parliament. Whatever is the outcome of this motion, a future Treasurer may see the justice of going into this matter fully and may desire to introduce a Bill to rectify the anomalies.

The member for Subiaco has spent some time in examining this matter. He said the Act contained many anomalies which are difficult to straighten out. But something must be done for these people, especially the 1871 pensioners, who spent many years in the Public Service and retired up to 30 years ago. They would not approach members of Parliament if there was not a need for them to have an increase in their pension.

Much emphasis has been placed on the fact that the 1871 pensioners have not contributed to any superannuation fund. They could not do so, because the legislation of that time provided that they would receive a pension for their services to the State. I am sure all members will agree that those people rendered great service to Western Australia. If that was the position in those days, we should face up to our responsibility and give them an adequate pension. If in the meantime there is an increase in the cost of living the Premier should do something to alleviate their plight. At present there are only 200 or so of these pensioners, and as the years go by the number will decrease, so the burden on the Treasury will become smaller as time goes on.

The argument that the Grants Commission would penalise Western Australia, which is a claimant State, is far from correct. I would point out that during this session the Treasurer has abolished the entertainments tax and that has deprived the State of many thousands of pounds. If Western Australia is so hard up for funds, and if the Grants Commission would react unfavourably to such a step as is proposed, what will it do when it discovers that this State has not only abolished the entertainments tax, but has also reduced probate duty, which must have cost the State hundreds of thousands of pounds each year? If the argument concerning the attitude of the Grants Commission is correct, there would be an unfavourable reaction by the Grants Commission in relation to those two taxes.

Mr. Brand: In relation to both the entertainments tax and probate duty we have adopted the standard of the Eastern States.

Mr. HEAL: I am not talking about the Eastern States standard.

Mr. Brand: You are talking about the standards of the States.

Mr. HEAL: It is generally argued in this House that whatever the Eastern States do we should fall into line. Surely in a matter of a small increase in pension Western Australia should do something individually.

Since this motion was moved I have received many telephone calls and letters from pensioners, one of which was from a pensioner living in Claremont who thanked me for moving the motion and who offered a little grist to the mill. Undoubtedly the member for Claremont has received requests from pensioners for increases.

If this motion were passed the Government would not be bound. There would be no great harm in passing it. The Premier mentioned that the officer who investigated this matter was concerned about the state of the Parliamentary Superannuation Fund. I hazard a guess that that fund has millions of pounds in it.

Mr. Brand: Certainly not millions.

Mr. HEAL: Over £1,000,000.

Mr. Brand: Definitely not. I should say about £100,000; not much more.

Mr. HEAL: It would be £500,000.

Mr. Brand: Not much more than £100,000. The honourable member is confusing the Parliamentary Superannuation Fund with the fund contributed under the Superannuation Act.

Mr. HEAL: The actuary was frightened that the fund would not be solvent, but I want to point out that it has been in existence for many years and the contributions are increasing, as also are the

payments from the fund. In relation to the fund under the 1938 Act there are many millions of pounds in credit. The last figure I obtained was over £6,000,000. If the Treasurer thought fit to give the pensioners under the 1938 Act some increase I am sure that the actuary would not be worried about the state of the fund.

The member for Subiaco said that a commission could be appointed to investigate the position fully, and that these pensioners could put forward their cases with a view to obtaining some relief. The member for Guildford-Midland has also gone into this problem in great detail because there are many retired railway workers living in his electorate. This is a complex question and it is difficult to give assistance to those who are in receipt of superannuation under the various Acts. They are in different categories and retired on different salaries. I maintain that the two Acts are separate and distinct.

The member for Subiaco indicated that in the future the pensioners under the two Acts will have to receive the same treatment. To my mind they will not because in one case the funds are paid by the State Treasury, and in the other by the superannuation fund. The 1871 pensioners will dwindle in number as the years go by and that liability on the Government will disappear in the years ahead.

As I said previously, it was pleasing to find that an officer has gone fully into this matter. The speech the Premier read was enlightening to me and to other members of this House; and perhaps something will come out of it in the next session of Parliament.

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

Ayes—22.	
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)
Noes—22.	
Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Jamieson	Mr. Mann
Mr. Fletcher	Mr. Burt

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Motion defeated.

COMPANIES BILL

Returned

Bill returned from the Council with an amendment.

KATANNING ELECTRICITY SUPPLY UNDERTAKING ACQUISITION BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the further amendments made by the Assembly to amendment No. 2 made by the Council.

BUILDING CONTROL

Resolution from Council

Message from the Council received and read requesting concurrence in the following resolution:—

> That in the opinion of this House the Government should treat as urgent and introduce legislation immediately to excercise a reasonable degree of control over the erection of Government, semi-government, and private buildings adjacent to Parliament House and King's Park, such control to embody maximum height restriction, appearance, colour, and texture of materials of exterior construction.
>
> This House is also of the opinion that the legislation should provide for a committee to be established, having the necessary power to make decisions which would be subject to appeal, but only to the Parliament of Western Australia, and comprising representatives of the Government, the Town Planning Board, and the Perth City Council, together with representatives of other public bodies which in the opinion of the Government should be represented.

WORKERS' COMPENSATION ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 9th November. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clause 2: Section 8 amended—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

Mr. MOIR: I move an amendment—

> Page 2, line 11—Insert after the word "time" the words "in Western Australia".

This would mean there would be no doubt that the disease had been contracted through working in the industry in Western Australia. This is really a consequential amendment and tidies up the provision whereby a worker cannot return to

Western Australia and claim compensation if he has subjected himself to the risk of silicosis in another State.

Mr. BOVELL: As stated when the first amendment moved by the member for Boulder was opposed, this alters the principle of the Bill. It is more or less consequential following the amendment to which the Committee has agreed.

Mr. Moir: It has nothing to do with it. You do not know what you are talking about.

Mr. BOVELL: I am not prepared to agree to any amendment. The Government had an amendment moved earlier by the member for Boulder, carried against its wishes; and I want to make it quite clear that the Government is determined to have this Bill carried as was originally intended.

Mr. MOIR: I am too tired to burst out laughing.

Mr. Brand: What a pity!

Mr. MOIR: But I would indicate to the Committee that in view of the statement just made by the Minister, he has displayed his complete ignorance of the Bill and my amendment. I am willing to give £10 to any charity he will name if he can give any authority to uphold his contention that my amendment has anything to do with the previous amendment inserted. This does not confer any benefit on the worker. The reverse occurs, and I am certainly not going to press for it if the Minister does not want it.

Amendment put and negatived.

Mr. MOIR: I move an amendment—

> Page 2, lines 12 to 16—Delete all words after the word "disablement" down to and including the word "worker" with a view to substituting the words "than if the worker since being so employed—".

Under the Bill as it is, every application for compensation for silicosis must, if the Act is to be complied with, be submitted to the Workers' Compensation Board. Under my amendment only the cases that were in dispute in any way would be referred to the board, and they would have to be referred to the board by the worker himself or whoever was acting on his behalf, because when a worker makes application for compensation under this part of the legislation, if the State Government Insurance Office, which is the sole insurer of this risk, decided that the claim was not justified, it would reject it and the onus would be on the worker to take his claim before the board; but this provision makes it mandatory for all claims submitted to be referred to the board. If that provision were complied with the board would be cluttered with unnecessary work because the worker concerned would have to engage someone to appear on his behalf merely to formally prove that he had not been absent from the State for any period.

I know this is not done at present. Probably very few of the claims made are referred to the board. However, if statutes are passed they must be complied with. I know that this Government, of course, is very easy on that point; but such behaviour brings the law into contempt.

Mr. BOVELL: I do not see any reason why the existing conditions should be altered. The report that I have indicates that the suggestion of the member for Boulder is based on a complete misunderstanding of the position. The present wording does not mean that every application for compensation in respect of silicosis must be brought before the Workers' Compensation Board. The position is identical with every other claim under the Act in that applications are only so made in cases of dispute. Further, the present wording, by giving discretion to the board instead of relying on normal standards of proof makes it possible to deal more easily with claims in certain cases, such as where claimants are outside the State. I do not see any reason for altering the present conditions and therefore I oppose the amendment.

Mr. MOIR: I just wish to point out that this amendment was drawn up on the advice of the best workers' compensation lawyer in this State, and I think his knowledge would be far greater than that of any of the advisers of the Minister.

Mr. Bovell: That is a matter of opinion.

Mr. GUTHRIE: I do not care who the adviser to the member for Boulder is, or whether he is a practising lawyer or not. It is a matter of plain English. If we delete the words suggested by the member for Boulder we leave no discretion to the board at all. If there is a dispute we endeavour to establish an absolute liability, and if the fact cannot be established I do not know what happens at all, because the way it will read is that "previous to the date of disablement, then the worker since being so employed. . . ." will be entitled to compensation. He is entitled to compensation, and there is no qualification, which there is at the moment, that the board can be satisfied with some standard of proof which to the board may seem satisfactory.

Leaving that point alone, if the member for Boulder took the time to study the statutes of the State he would see that hundreds of statutes use the term "to the satisfaction of the court." If there is a dispute it will clearly indicate who will decide it. However, that does not stop the parties from settling the matter themselves. If there is an absolute certainty concerning the decision of the court, one party may decide to concede the position. Whatever advice the member for Boulder may have,

it would be extremely unwise to take out the words proposed, because the person who would suffer would be the worker.

Mr. MOIR: I cannot accept the definition given by the member for Subiaco; because, for the information of the Committee, this has only been in the Act for 12 months.

Mr. Guthrie: I am talking about the language you are trying to put in.

Mr. MOIR: One cannot take something out of its context and build something up around it. We have to look at the whole Act. Section 8 has operated without these words being included, and the approach to the board is there. This new wording came into operation only last December. I consider it is absolutely unnecessary. I again draw members' attention to the wording of clause 2.

Mr. Guthrie: If there is a dispute as to whether a person left the State, who is going to decide that?

Mr. MOIR: That touches on the question of disqualification. I am not removing that. I am merely taking out the necessity for its having to be shown to the satisfaction of the board in every case. I am endeavouring to make sense out of something which is nonsensical. The Act has operated for many years without this provision that it has to be shown to the satisfaction of the board. Yet the approach to the board is there. The approach has always been to the board if there has been any matter in dispute. If there is any dispute as to whether a worker worked outside the State in one of those industries, it could be taken to the board, because the machinery of the Act provides for that. It would mean there would be no necessity to refer cases to the board when there is no dispute.

Mr. W. HEGNEY: I was interested in the remarks of the member for Subiaco. As I see the position, all that the member for Boulder is seeking to do is to remove the words in connection with the satisfaction of the board, because the present practice is for the State Insurance Office, which is the sole insurer, to determine whether or not a man's claim is admissible. Under the wording of the amendment the claim would not be admissible unless it was shown to the satisfaction of the board that the claimant was entitled to compensation.

If the words are removed the position will be that the State Insurance Office will continue to determine whether or not a claim is admissible; and if it is determined that a claim should be rejected, then surely the member for Subiaco is not going to suggest that the man concerned has no further rights! The rights which the applicant would have would be under the Workers' Compensation Act, and the Workers' Compensation Board has ample jurisdiction to determine any dispute.

The matter would be submitted to the board by way of appeal, and the board, in the ordinary course of its duties, would be entitled to make a decision. If the board was of the opinion that a man's claim was justified, then the board would grant the claim. All that the member for Boulder is seeking to do is remove those words which to his mind and to my mind are superfluous. I agree with the amendment.

Mr. EVANS: I would like to ask the member for Subiaco whether he can indicate to the Committee the number of instances about which the Workers' Compensation Board has been acquainted since this particular provision, or an identical one, came into operation under section 8 of the Workers' Compensation Act, and since the coming into operation of the 1960 amendment. Before that time there was no such provision in the Act.

It would seem to me that we have to consider the Act as a whole. We find there is already provision for the board to be acquainted in cases where there is any doubt. The point arises that the provision here relating to the admissibility of a claim is governed by the fact that once a claim is admissible *prima facie*, and it is then shown that a worker has been absent from the State, then the admissibility must be to the satisfaction of the board. Under the conditions of absence from the State the question of the board being satisfied is obligatory.

I would like to know how many cases have been placed before the board, for the satisfaction of the board, since these identical provisions came into operation following the amendment of 1960. I would challenge any member on the Government side to quote one instance where this was done. That merely shows that this amendment is completely redundant.

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

Ayes—22.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nulsen	Mr. Mann
Mr. Fletcher	Mr. Burt

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause, as previously amended, put and passed.

Title put and passed.

Bill reported with an amendment.

Recommittal

Mr. BOVELL: I move—

That the Bill be recommitted for the further consideration of clause 2.

Question put.

Mr. Evans: What has happened to the member for Murchison? He is not here tonight and he will not be here next year.

Division taken with the following result:—

Ayes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Naider
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning *(Teller.)*

Noes—21.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Rowberry
Mr. Graham	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Nulsen
Mr. Burt	Mr. Hall

Majority for—1.

Question thus passed.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Point of Order

Mr. EVANS: I would like to ask a question of you, Mr. Chairman. I know Standing Orders have been suspended, but have they been suspended in order to dispense with the obligation of the Bill being reprinted after being amended?

The CHAIRMAN (Mr. Roberts): Yes; all Standing Orders have been suspended on motion by the Premier.

Mr. EVANS: All Standing Orders?

The CHAIRMAN (Mr. Roberts): So much of the Standing Orders as is necessary to enable this legislation to be dealt with.

Committee Resumed

Clause 2: Section 8 amended—

Mr. BOVELL: I move an amendment—

Page 2, line 6—Delete after the word "wages" the words "at the work to the nature of which such diseases are due" inserted by a previous committee.

The words to be deleted are "at the work to the nature of which such diseases are due." I indicated, both during the second reading and Committee stages, that the Government was not prepared to introduce any new principle into this Bill. It was prepared to let the Bill lapse if the matter was resolved as I outlined in my second reading speech. I explained that the amendment moved previously in Committee by the member for Boulder introduced a new principle which the Government was not prepared to accept.

Mr. MOIR: I object strongly to the deletion of these words. Are we to take it that this Committee is just a cipher, and that members of the Opposition may just as well stay at home? We may as well, because the Minister takes umbrage at anybody trying to move an amendment in Committee. He considers that he should bring a Bill here and that we on this side of the Chamber should not amend any clause, no matter how obnoxious it is. When you, Mr. Chairman, gave the casting vote the other evening in favour of the amendment which allowed it to pass, I thought that we had seen a little democracy practised in this Chamber, but it appears it is not to be. The Minister has spoken of my introducing a new principle. This is not a new principle.

Mr. Bovell: I say it is.

Mr. MOIR: The fact that the Minister says it is a new principle does not make it one, because the very same principle is contained in section 8 of the Act now.

Mr. Bovell: It was included in last year's legislation.

Mr. MOIR: I do not intend to enter into a duet with the Minister. Subsection (1) of section 8 reads as follows:—

> (a) a worker is suffering from any of the diseases mentioned in the first column of the Third Schedule of this Act and is thereby disabled from earning full wages at the work at which he was employed

"at the time he was employed when he contracted the disease." Those words do not appear in this section, but that is what is implied. Were it not for the lateness of the hour I would read to the Minister all the diseases contained in the third schedule, to indicate to him all the diseases covered by this Act.

Mr. Hawke: Why don't you read them?

Mr. MOIR: Very well; I shall. A description of the diseases is as follows:—

Arsenic, phosphorus, lead, mercury, or other mineral poisoning.
Anthrax.
Communicable diseases.
Poisoning by trinitrotuluene or by benzol or its nitro and amido derivatives (dinitrobenzol, anilin and others).
Poisoning by carbon bisulphide.

This may interest members of the Committee in view of the recent controversy that has occurred—

Poisoning by fluorine.
Poisoning by nitrous fumes.

The CHAIRMAN (Mr. Roberts): Order! Does the honourable member say that this is section 8 of the Act?

Mr. MOIR: Yes; it is section 8, and all of this refers to the third schedule. The list of diseases continues—

Poisoning by cyanogen compounds.
Poisoning by carbon monoxide.
Leptospirosis.

Mr. Hawke: That is what the Minister is suffering from.

Mr. MOIR: Continuing—

endemic typhus, scrub typhus, brills' disease, swineherds disease, plague, mite dermatitis and scrub itch.

All those diseases are dealt with under the provisions I have mentioned; and to gain entitlement a man must prove that he is sufficiently disabled to earn full wages at the work in which he was employed at the time he contracted the disease. By this clause, however, the Minister is going to make it something else. He is going to make it that a man's inability is measured by being employed at some other occupation entirely divorced from the occupation in which he contracted this disease.

If it is considered that the amendment to section 8 is wrong in the Bill, section 8 still applies to the diseases contracted by other workers, but probably this is because these other diseases are not often contracted and not a great deal of money would be involved. However, in view of the fact that there might be a fair sum of money involved in regard to the disease of silicosis, the Government is going to place a man suffering from silicosis on a different basis altogether from other workers suffering from other diseases.

If this is not legislation with a difference, I do not know what is. Under the provisions that have been in existence for the past 10 months, it has been found that very few men have been able to be compensated for the industrial disease from which they suffer. We also find that since the 12th December last, of 25 applications, only five have been successful. It is also found that £4,984 has been the contractual liability. That is not the amount that has been paid out, but the contractual liability for the percentage of the disease from which these men are suffering.

It is then discovered that an enormous sum is held in reserve against the risk, amounting to £1,647,630; and the Government is concerned because £4,984 has been the contractual liability that has been incurred in the last 18 months. That is a shocking business! It indicates that the Government is completely callous and has no regard for the injured worker. Yet Ministers go around the country telling the people, "We are bringing down legislation to do away with the injustice that has been served out to the people." But what does it do? This is what it does!

Even when an amendment has been made that would restore some measure of justice to these people, the Government tumbles over itself to remove the amendment from the Bill. I for one am going to be very busy in the next few months acquainting the people of the Government's action. Not only will the workers who are affected by silicosis take strong objection to this move, but also other fair-minded persons will revolt against what the Government is doing.

Mr. W. HEGNEY: I wish to record my protest and amazement at the attitude of the Minister for Labour on behalf of his Government. Not long ago the Bill was debated keenly and long, and the Committee decided that the amendment of the member for Boulder should be passed. At least one member of the Government saw justice in the amendment; and, as a consequence, the Committee accepted it. While I do not expect any member who voted against the amendment to vote for it, I do think it is an insult to have a member turn a complete somersault in so short a time.

The amendment seems to protect workers who may be incapacitated as a result of a most dangerous occupation. The third schedule indicates three major diseases which can be contracted by people in the mining industry. They are silicosis, miner's phthisis and pneumoconiosis. The Government should accept this amendment to make the Bill conform with the provisions that have been contained in the Act for a number of years.

I think the Attorney-General was responsible for introducing many sections of the Act in 1947; and if he considers the position for a moment I am sure he will appreciate the justification for the member for Boulder's amendment accepted by the Committee recently. I would refer members to paragraph (a) of section 8 of the Act. The wording of that section has been there for years. The marginal note shows part of it has been there for 37 years and another part for 18 years. The member for Boulder was successful in having that retained in the legislation to

make it uniform. But now the Minister says the Government will either have all or nothing.

If the amendment is fair and reasonable to a number of workers who may be struck down in the course of their employment and permanently incapacitated as a result of their following a certain occupation, surely the Government would not stand hard and fast on its attitude, particularly after the amendment had been accepted by the Committee. The Minister had time to look at the purport and application of the amendment, which will only help incapacitated workers struck down in the course of their employment.

Some of the other items mentioned in the third schedule are trade spasms and cramps, ankylostomiasis—and I hope the Minister does not get that—nystagmus, subcutaneous cellutitis of the hand (beat hand), subcutaneous cullulitis over the patella (miner's beat knee), acute busitis over the elbow (miner's beat elbow), inflammation of the synovial lining of the wrist joint and tendon sheath, and dermatitis. Apart from these there are silicosis, pneumoconiosis, and miner's phthisis.

All we are asking the Committee to do is to uphold the amendment moved by the member for Boulder. The Minister expects the Committee to accept his amendment, which will reverse the decision made by the Committee last week. I hope fair-mindedness and reason will prevail and that those who voted for the amendment the other evening will continue to adopt that attitude.

Mr. MOIR: The Minister has decided to sit there dumb.

Mr. Bovell: I made my intention quite clear.

Mr. MOIR: The Minister attempted to hold a duet while I was speaking; and though he ceased interjecting when I invited him to speak later, he is now not prepared to answer the arguments that have been put forward; and they require an answer. No reasonable person would be satisfied with the Minister's attitude. The principle which the Minister is endeavouring to take out still applies, and it will apply after this amendment is dealt with. Even though it may not apply to the section of the Act which the Bill is seeking to amend, it will apply to the other.

This will mean that section 8 of the Act will say one thing in respect of one section of workers who contract certain complaints, but it will retain an entirely different principle in regard to workers who work in the mining industry and contract any of the three diseases mentioned in the Bill. That is most discriminatory legislation against a section of workers who do not deserve such treatment.

These workers stand high in the esteem of the people of Western Australia for the arduous job they perform. Workers who contract these three diseases are to receive entirely different treatment from that received by workers under other sections. They are to receive entirely different treatment from that received in the past. This Bill will take something away from the workers.

Mr. Bovell: It will assist the workers. Do you want the Bill?

Mr. MOIR: If assistance in this form were given in a greater measure the workers would really be down the drain. We know the exact position. The necessity to introduce this Bill was pointed out to the Government 12 months ago, but it adopted a stiff-necked attitude. No-one on this side can tell the Government anything about introducing legislation. This Bill does not assist the worker one iota. What it will do is to assist the Government Insurance Office to legalise something it has been doing wrongfully in the last 11 months and which that office is not game to carry on. It will not be game to carry on what it has been doing for the last 11 months if this Bill is not passed.

Mr. EVANS: In departing from section 8 of the Act the Government will have to answer to the people at the next election. Prior to the amendment passed last year, section 8 provided that compensation was to be paid as a result of disability which was the outcome of working in the industry where the disability occurred. When the amendment was made there was no retrospectivity. It removed the three-year limitation in respect of silicosis, pneumoconiosis, and miner's phthisis. The strange formula which was applied to limit the disability to the earning of full wages was inserted.

The member for Boulder attempted to restore the position by the inclusion of similar words, but the amendment was negatived. I cannot understand why this Committee has changed its attitude in the past few days.

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

Ayes—21.	
Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Watts
Mr. Hearman	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	*(Teller.)*

Noes—21.	
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. Curran
Mr. W. Hegney	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Nulsen
Mr. Burt	Mr. May
Sir Ross McLarty	Mr. Kelly

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Amendment thus passed.

Clause, as amended, put and passed.

Title put and passed.

Further report

Bill again reported, with a further amendment, and the report adopted.

Point of Order

Mr. TONKIN: On a point of order, has Standing Order No. 299 been suspended?

The SPEAKER (Mr. Hearman): So much of Standing Orders have been suspended as is necessary to enable a Bill to be put through all stages in the one day.

Mr. TONKIN: I submit with all respect to you, Sir, that that is in the ordinary course, and it makes no provision for a recommittal. So I am not sure it is competent to do what we have just done. A Bill can be recommitted for the purpose of making amendments, and I cannot find anything in Standing Orders which permits of the recommittal of a Bill to reverse a decision made in a previous Committee.

I submit that the motion which the Premier moved did not contemplate suspension of the Standing Orders with specific reference to the recommittal of Bills; and Standing Order No. 299 definitely provides that when a Bill has been recommitted a report cannot be taken on the same day. I heard nothing in the motion moved by the Premier which suggested that all Standing Orders were suspended. His motion referred to the introduction of Bills without notice and the passing of Bills through all stages in one day, that is assuming nothing untoward happened in the process. But surely that motion did not mean you could ride roughshod over all Standing Orders to enable Bills to be put through all stages in the one day!

However, if that is your ruling I accept it; but I submit with due respect that it is not the correct ruling.

Third Reading

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier): I move—

That the House at its rising adjourn until 11 a.m. today.

House adjourned at 1.58 a.m. (Wednesday).

Legislative Council

Wednesday, the 15th November, 1961

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) resumed the Chair at 2.30 p.m.

ADJOURNMENT OF THE HOUSE: SPECIAL

Withdrawal of Motion

THE HON. F. J. S. WISE (North) [2.30 p.m.] On a point of information, I desire to have the situation clarified with regard to the motion which was moved prior to the suspension yesterday. That motion was not put and therefore was not carried or voted against. The motion to which I am referring was that "the House at its rising adjourn until 2.30 p.m. tomorrow." I am wondering whether this motion should be withdrawn or some action taken in connection with it so that there is no doubt about it. I am a little concerned about the matter.

THE PRESIDENT (The Hon. L. C. Diver) [2.31 p.m.]: I thank Mr. Wise for his comment. Perhaps for the sake of the record it would be desirable for the Minister to withdraw that motion.