

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th May.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [10.01 p.m.] : This is a simple Bill and it sets out to deal with a problem in a practical manner. The problem, of course, is the question of representatives on appeal boards as provided for in the Government Railways Act.

On this side of the House we support the measure as being necessary and desirable. However, I must make one comment. One hears so much these days about the Government wanting to finance all sorts of elections for the union movement, under all sorts of circumstances, and yet in his second reading speech, the Minister advanced as one of the reasons for the alteration to the method of appointment of representatives that each election and by-election cost Westrail \$700. The Minister also told us that since 1968 three general elections and six by-elections have been held. I make that comment because it seems to me on the one hand the Government wants to spend money on running elections and on the other hand one of the reasons advanced for the change of procedure contained in this Bill is that it wishes to save money by doing away with elections. We support the Bill.

THE HON. N. E. BAXTER (Central—Minister for Health) [10.03 p.m.] : I thank the Hon. D. K. Dans for his contribution to the debate. In regard to his remarks that on the one hand the Government wants to spend money on elections and on the other hand it wants to save it, I think the honourable member knows as well as I do that we are talking about two different situations.

The Government wishes to pay for elections in the case of officers of unions. In this case, we are speaking of the representatives on an appeal board, and in this Bill each of five different sections of Westrail will have the right to nominate a representative. At present an election occurs when there are two or more nominees by a particular railway section, and this measure will do away with the necessity for such an election. The saving of \$700 an election to the department was

mentioned only as a side issue. The main issue, of course, is to ensure that representatives are appointed from each section, and if they are not appointed, provision can be made in regard to appeals.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

House adjourned at 10.09 p.m.

Legislative Assembly

Tuesday, the 25th May, 1976

The **SPEAKER** (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

AUSTRALIAN CONSTITUTIONAL CONVENTION

Member for Melville: Resignation

THE SPEAKER (Mr Hutchinson) : I wish to inform the House that in accordance with the terms of the motion moved by the Premier in regard to the appointment of delegates to the Australian Constitutional Convention, the member for Melville (Mr J. T. Tonkin) has forwarded to me advice of his formal resignation as a delegate to that convention, to take effect as from today.

QUESTIONS (18) : ON NOTICE

1. MINISTERS OF THE CROWN

Statutory Responsibilities

Mr **JAMIESON**, to the Premier :

- (1) Will the Premier make available a current list of statutory responsibilities of each of the 13 Ministers, specifically defining the duties of the Minister for Justice and the Attorney-General?
- (2) When was the last such list published in the *Government Gazette*?
- (3) Why has there been no such publication since the appointment of the 13th full-time Minister?

Sir CHARLES COURT replied:

- (1) Yes, as soon as practicable after the Supreme Court Act Amendment Bill is passed. See also answer to (3).
- (2) 18th June, 1975.
- (3) The purpose of the Supreme Court Act Amendment Bill, currently before the House, is to facilitate a distribution of statutory responsibilities between the Minister for Justice and the Attorney-General.

2. EDUCATION

Rhoda Smith Day Activity Centre

Dr DADOUR, to the Minister representing the Minister for Education:

- (1) Is the Minister aware of the good work done for sufferers of the Downes Syndrome disease by the Rhoda Smith Day Activity Centre in Stevens Street, White Gum Valley?
- (2) Is there any truth in the rumour that the Education Department or another department is going to take over the operation of the centre?
- (3) If so—
 - (a) how will the school be run;
 - (b) is it intended to discharge present valued staff;
 - (c) how would the physically handicapped group of children be catered for there?
- (4) Has the centre enough playing area, and if not, what action is being taken to obtain more?

Mr GRAYDEN replied:

- (1) Yes.
- (2) to (4) The Slow Learning Children's group and the Education Department have been conducting discussions on ways of extending the present co-operative development but no finality has been reached.

3. LONGMORE REMAND CENTRE

Security

Mr J. T. TONKIN, to the Minister representing the Minister for Community Welfare:

- (1) Will the Minister list the items in connection with which the assistant superintendent of Longmore in the presence of the superintendent and his deputy promised those present at a staff meeting on 25th February last that specific action would be taken?
- (2) Which of these items have yet to be attended to?

Mr RIDGE replied:

Specific action has been promised and is proceeding as follows—

- (1) Immediate repair of damage. All repairs are completed and the building is now physically more secure.
- (2) Building modifications to provide further security improvements. Following a most detailed survey, tenders have now been called and the Public Works Department is proceeding on many additional safety aspects.
- (3) Provision of closed circuit television to monitor cabin corridors. Estimates have been completed and work is proceeding through the Public Works Department.
- (4) Provision of additional external flood-lighting of buildings and grounds. Examination of this requirement has produced proposals for both a new and an upgraded system and estimates are currently being completed.
- (5) Revision of keying systems and staff security procedures. This area has been examined closely and new systems and procedures have already been adopted to ensure greater physical security and safety cover for all staff.
- (6) Additional staff at night. Attended to immediately after the incident and since maintained.
- (7) Additional external security patrols by Night Watching Services. Attended to and maintained since the incident.
- (8) Provision of an emergency police-call system. Two possible solutions have been examined with staff representatives and work is proceeding with the preferred system.

4.

LOCAL GOVERNMENT

Rates: Charitable Institutions

Mr J. T. TONKIN, to the Minister for Local Government:

- (1) Is he aware that because some local governing bodies rely solely upon the opinions of their solicitors when making their decisions on the question of whether land is used and occupied exclusively for charitable purposes a situation exists where in some districts the councils (for example South Perth) do not give any homes for

frail aged persons exemption from rates as provided for in Section 532, subsection (3) (c) of the Local Government Act whereas in other districts such homes are regarded as being non-ratable?

- (2) Does he not consider it desirable to attempt to remedy the existing anomalous and unsatisfactory position by providing a relevant definition of the term "charitable purposes"?
- (3) If "Yes" will he take the necessary action to have a definition made and supplied to local authorities for their guidance?

Mr RUSHTON replied:

- (1) No.
- (2) and (3) The Local Government Act makes provision for an owner against whom rates have been assessed, to appeal to the Valuation Appeal Court on the ground that the property is not ratable. This provides organisations which believe their properties to be exempt from rating with adequate opportunity to have the question determined.

Conditions of occupation of aged persons homes differ so vastly that it would not be practicable to define each instance where the property is used for charitable purposes. Homes for aged persons are not necessarily charitable institutions.

5. EMPLOYMENT SCHEMES

Retired Persons

Mr DAVIES, to the Minister representing the Minister for Community Welfare:

- (1) What support has the Government provided for schemes to provide retired people with opportunities for work of value to themselves and the community?
- (2) Has the Government initiated any such schemes?
- (3) If (2) is "No" why not?
- (4) If (2) is "Yes" what are the details of the schemes?

Mr RIDGE replied:

- (1) The Government has provided financial support to existing organisations providing work opportunities to retired people.

In May, 1974, a grant of \$1000 was paid to Beehive Industries and a further grant of \$3000 was made available in October, 1975.

In October, 1974, \$1000 was granted to "Oldpower" and a further grant of \$500 was made this month.

- (2) No.
- (3) The Government, consistent with its pre-election undertaking, has supported existing schemes rather than initiating new schemes which would compete with those currently operating.

PENSIONS

Indexation

Mr DAVIES, to the Minister representing the Minister for Community Welfare:

What action has the State Government taken—

- (a) alone:
- (b) in conjunction with other State Governments,

to press the Fraser Government to fix pensions at an adequate living level and to keep them adjusted ahead of inflation?

Mr RIDGE replied:

It has not been necessary to press the Fraser Government on the question of pensions.

I refer the member to a press statement by the Minister for Social Security dated 4th February, 1976.

In part it reads—

Senator Guilfoyle said that in its review of public sector spending the Government had given special consideration to welfare spending. She wished now to assure pensioners in particular that the Liberal-Country Party policy of making adjustments to pensions twice yearly in accordance with movements in the consumer price index would be honoured.

The next increase in income security pensions and benefits would be made on the first payday in May.

Legislation would be introduced in the Autumn Parliamentary session to adjust pension and other major income security benefits according to consumer price index movements. This would apply to age, invalid, and widows pensions, to supporting mother's benefits and to unemployment and sickness benefits.

7. EDUCATION

Polling Booths at Schools: Control

Mr CARR, to the Minister representing the Minister for Education:

- (1) On an election day is a school in which a polling booth is conducted under the control of the Education Department or the Electoral Department?
- (2) On such an occasion is it permissible for election signs to be erected within the school grounds?

Mr GRAYDEN replied:

- (1) The section of the school used for polling purposes is temporarily under the authority of the presiding officer.
- (2) The erection of signs is governed by the Electoral Act.

8. TOWN PLANNING

Canning Vale Improvement Plan No. 7

Mr BATEMAN, to the Minister for Works:

In accordance with the Public Works Act—

- (1) Under section 17 (2) (e) what was the name of the Governor who signed and the date of signing the approval or authorisation for the undertaking of the Canning Vale improvement plan No. 7?
- (2) Under section 17 (1) of the said Act what was the date such notice (subject to the provisions of subsection (2) of the section) was published in the *Government Gazette*?

Mr O'NEIL replied:

- (1) Approval or authorisation under section 17(2)(e) of the Public Works Act is not applicable in the case of Canning Vale improvement plan No. 7. Approval was given under section 37A(2) of the Metropolitan Region Town Planning Scheme Act under the hand of the Governor on 13th December, 1972. (See *Government Gazette* dated 15th December, 1972, page 4701).

- (2) 20th December, 1974.

9. TOWN PLANNING

Canning Vale Improvement Plan No. 7

Mr BATEMAN, to the Minister for Urban Development and Town Planning:

Further to question 16 of Tuesday, 18th May, 1976 concerning the Canning Vale improvement plan No. 7—

- (1) Under section 33 (1) of the Metropolitan Region Town Planning Scheme Act, what

was the date of and who signed the certificate certifying that in the opinion of the authority the Canning Vale improvement plan No. 7 does not constitute a substantial alteration to the scheme?

- (2) Under section 33 (1a) (a) (i) of the said Act—
 - (a) what was the date of the publication of the notice of the amendment published in the *Government Gazette*;
 - (b) what were the names of the daily newspapers and the date on which the notice was published?
- (3) Would he please provide me with a copy of the notice sent to owners of land directly affected by the amendment (section 33 (1a) (a) (ii))?

Mr RUSHTON replied:

- (1) No certificate under the provisions referred to was signed. Improvement plans can only be prepared in the terms of section 37A of the Act. The Canning Vale improvement plan No. 7 was approved by the Governor on 13th December, 1972.
- (2) and (3) As indicated in (1) above, the provisions of section 33 do not apply to improvement plans. The zoning of the land was changed from rural to industrial by an amendment under section 33. This was not certified as "not constituting a substantial alteration to the scheme" and was dealt with in accordance with the full amendment requirements. The appropriate dates are—

Minister's preliminary approval,
2nd August, 1974.

Governor's approval, 3rd October, 1975.

The amendment was tabled in Parliament in accordance with the provisions of the Act and became effective on 4th November, 1975.

10. INDUSTRIAL DEVELOPMENT

CSBP: Roadways Plan

Mr TAYLOR, to the Minister for Industrial Development:

With respect to Plan No. 1.0038—Town Planning Department—tabled in conjunction with the introduction of the Industrial Lands (CSBP & Farmers Ltd.) Agreement Bill, will he have prepared and table a further plan which shows those roadways open to vehicular traffic within the area

bounded generally by Rockingham Road on the north and west and Patterson Road on the east and Charles Street on the south?

Mr MENSAROS replied:

A further plan is not considered necessary as all roadways within the area specified are open to vehicular traffic.

11. INDUSTRIAL DEVELOPMENT

CSBP: Town Planning Plan

Mr TAYLOR, to the Minister for Industrial Development:

With respect to Plan No. 1.0038—Town Planning Department—tabled in conjunction with the introduction of the Industrial Lands (CSBP & Farmers Ltd.) Agreement Bill, will he table an appropriate key which explains the labelling and colouring of the various sections designated Areas A to Area P?

Mr MENSAROS replied:

No; but I refer the member to the schedule of the Bill (pages 3-4 and 5) where this question is answered.

12. INDUSTRIAL DEVELOPMENT

CSBP: Land Acquisition at Kwinana

Mr TAYLOR, to the Minister for Industrial Development:

With respect to that section of the Kwinana Beach area adjacent to CSBP (Kwinana) Ltd. and lying between Rockingham, Ocean and Office Roads and the nickel refinery—

- (1) How many houses (as distinct from empty lots) are directly affected?
- (2) How many of those homes directly affected are—
 - (a) privately owned;
 - (b) occupied by their owners;
 - (c) owned by ILDA;
 - (d) occupied as tenants of ILDA;
 - (e) owned by any other Government department or instrumentality;
 - (f) occupied as tenants of any other Government department or instrumentality;
 - (g) owned by a private company or corporation;
 - (h) occupied as tenants of such companies or corporations?
- (3) How many houses are likely to be affected by the proximity of the new areas acquired by CSBP?

- (4) Is it intended to—
 - (a) offer to buy;
 - (b) resume, any houses and/or lots in the area adjacent to CSBP?

Mr MENSAROS replied:

- (1) 13.
- (2) (a) 7;
- (b) 4;
- (c) nil;
- (d) nil;
- (e) 3;
- (f) 3;
- (g) 3;
- (h) unknown.
- (3) It is unlikely that any will be affected.
- (4) For the purposes of the Industrial Lands (CSBP & Farmers Ltd.) Agreement Bill it is intended to acquire only those lots directly affected.

13. INDUSTRIAL DEVELOPMENT

CSBP: Land Acquisition at Kwinana

Mr TAYLOR, to the Minister for Industrial Development:

With respect to that section of the Kwinana Beach area being acquired by and/or for CSBP Kwinana, how many—

- (a) homes;
 - (b) empty lots,
- is it anticipated will need to be resumed?

Mr MENSAROS replied:

Of the thirteen properties required ten have already been offered for purchase. Resumption will only be considered as a last resort if negotiations with the present owners fail.

14. MENTAL HEALTH

Community Psychiatric Division: Funds

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) What funds (if any) for financial years ended 30th June, 1974, 1975 and so far this financial year, have been received or are due from the Australian Government to assist with the Community Psychiatric Division of Mental Health Services?
- (2) How has this been spent, i.e., salaries, equipment, etc.?

Mr RIDGE replied:

(1)

Year ended 30-6-74	Year ended 30-6-75	1-7-75 to 30-4-76
\$	\$	\$
15 892	70 664	172 128

(2)

	Year ended 30-6-74	Year ended 30-6-75	1-7-75 to 30-4-76
	\$	\$	\$
Salaries	15 825	60 805	137 124
Repairs, renewals and maintenance, including minor items of furniture	3 318	3 677
Administration	67	3 388	11 036
Rent	2 500	2 500
Vehicles	3 153	17 791
	15 892	70 664	172 128

15. OIL EXPLORATION

Abrolhos Islands

Mr CARR, to the Minister for Fisheries and Wildlife:

- (1) With reference to the announcement of oil permits at the Abrolhos Islands, will he please provide specific details of the "strict conditions to safeguard the environment and the rich crayfishing industry"?
- (2) Which islands are the subject of bans of seismic surveys and drilling?
- (3) On which islands or in which specific areas offshore will the four wells be drilled?
- (4) What research has been conducted to establish that the seismic surveys will not endanger either the breeding cycle of rock lobsters or any creature in the food chain on which the rock lobsters feed?
- (5) Will he please table the results of such research?
- (6) Does the decision to defer exploration until after the close of the season on 14th August mean that in future years no exploration will take place during the rock lobster season, or is the deferral this year a once only gesture?
- (7) Will he please substantiate the claim that potential ill feeling between fishermen and the companies has been averted?
- (8) Are the companies being required to put up a bond to cover the eventuality of any damage being caused?
- (9) If "Yes" to (8), will he provide details?
- (10) If "No" to (8), will he explain why not?

Mr P. V. JONES replied:

- (1) The exploration permits will be subject to the following conditions:—

A. Seismic Surveys:

- (i) Seismic energy sources to be used will be subject to the approval of the Minister for Mines/Designated Authority after consultation with the Department of Fisheries and Wildlife.
- (ii) Approval for seismic surveys to be undertaken during the rock lobster fishing season from 15th March to 14th August will only be given on the condition that satisfactory arrangements are concluded between the permittee, the Minister for Fisheries and Wildlife, the Minister for Mines, and representatives of the fishing industry. Such arrangements shall include the following:
 - (a) All practical measures are to be taken to avoid contact with or damage to rock lobster pots, ropes and floats set in the area.
 - (b) Fishermen are to be appropriately recompensed for any damage to pots, ropes and floats, or loss of income through the activities of the surveys.
 - (c) One or more appropriate personnel are to be stationed in the area by the permittee for the total period of the survey, for the express purpose of keeping in contact with the fishing industry.

B. Drilling:

- (i) Drilling and seismic surveys to be prohibited in the following onshore areas: East Wallabi, West Wallabi, Wooded, Gun, Long and Pelsart Islands. (The conditions to be appropriately varied for the various onshore island permits).
- (ii) Drilling and seismic survey proposals on any islands (other than those listed in B(i), and offshore

drilling within the limits of the island groups may be subject to special conditions required by the Department of Fisheries and Wildlife in order to safeguard to fishing industry, fauna and flora of the area and features of historical importance.

- (iii) Contingency plans for implementation in the event of an oilspill to be detailed and approved by the Western Australian Oilspill Advisory Committee before any drilling is undertaken.

C. General:

- (i) Petroleum operations in the Abrolhos Island area to be subject to the prior approval of the Minister for Mines/Designated Authority.

- (ii) The approval of the Minister for Mines/Designated Authority in respect of the Abrolhos area to be given only after consultation with the Minister for Fisheries and Wildlife.

- (iii) In carrying out its operations in the permit area the permittee shall take adequate measures for the protection of the environment and shall comply with all directions of the Minister for Mines/Designated Authority in relation thereto.

- (2) See B (i) and (ii) above.

- (3) I understand that the specific areas where the four wells will be drilled cannot be determined until the survey work has been undertaken and evaluated.

- (4) I am advised that considerable work has been done overseas on the effects of blasting and seismic surveys. References to the published reports can be given, but it would take time to make copies available. Pressure changes associated with seismic surveys will damage fish, but do not, apparently, affect rock lobsters. Observations carried out by departmental research personnel after experimental blasting has shown that rock lobsters did not vacate the affected reef area, and no changes were noticed in the proportion of breeding to non-breeding female rock lobsters afterwards.

- (5) I suggest that the member discuss his points of concern with the Director of Fisheries and Wildlife, who will arrange, if required, for him to have discussion with the appropriate research officers of the department.

- (6) This decision relates only to the present seismic survey. No drilling can take place without a specific permission which will be made subject to appropriate conditions.

- (7) I can say that the recent negotiations terminated in an atmosphere of general goodwill and the Geraldton Professional Fishermen's Association has expressed itself to the Press as pleased with the result.

- (8) No.

- (9) Not applicable.

- (10) Bonds totalling \$25 000 for the five permits are required under the petroleum legislation for compliance with the conditions of the permits and further bonds to cover the eventuality of any damage being caused are not considered necessary in view of the conditions imposed.

16.

ABATTOIRS

Treatment Charges

Mr GREWAR, to the Minister for Agriculture:

- (1) What are the current abattoir charges for treatment of—
 (a) lambs;
 (b) adult sheep;
 (c) baby beef;
 (d) steers?
- (2) What were these costs in 1973, 1974 and 1975?
- (3) How do these charges compare with the general inflation rate?
- (4) What were the required tallies per man over the past four years for the four categories above?
- (5) Has there been improved automation in the industry over the past four years?
- (6) What has been the average hours worked per man to fulfil his tally over the past four years?
- (7) Is it possible to further automate this industry to bring a reduction in charges?
- (8) How do Western Australian abattoir charges compare with—
 (a) other Australian States;
 (b) with our main overseas competitors;
 (c) with our main importers?

Mr OLD replied:

- (1) to (8) The answer covers six foolscap pages, and I request permission to table it.

The answer was tabled (see paper No. 248.)

17.

FARMERS

Carry-on Loans

Mr GREWAR, to the Minister for Agriculture:

- (1) What emergency State Government finance schemes are available to mixed enterprise primary producers suffering extreme hardship?
- (2) If there are no such schemes or the current schemes are not able to adequately provide the assistance required, will the Government give the highest priority to effect immediate relief to farmers now in a desperate situation along the lines of that provided in the Rural Inquiry—Carry on Loan Scheme (1971) but funded at levels commensurate with current needs?
- (3) (a) Could he liaise with—
 - (i) banking authorities; and
 - (ii) hire purchase companies, in an endeavour to have a moratorium placed on interest and principal repayments to those primary producers proven to be in a desperate liquid-ity situation;
- (b) negotiate with hire purchase companies in an endeavour to have repossessions of agricultural equipment stopped until at least next harvest proceeds are received?
- (4) In view of the sound recommendations proposed in IAC reports on new land farmers, rural reconstruction and income fluctuations, could he urge the Commonwealth Government to immediately implement the suggestions with special considerations included to assist the so-called "non viable" farmer?

Mr OLD replied:

- (1) (i) The beef finance scheme funded jointly by State and Commonwealth Governments is available to mixed enterprise primary producers substantially reliant upon beef for their income. Loans are for amounts up to \$10 000, repayable over seven years at 4% interest. Application forms are available from farmer's own bank, Pastoral House, and the Rural Reconstruction Authority.

- (ii) The dairy adjustment programme provides carry on finance which is funded jointly by the State and Commonwealth Governments to mixed enterprise primary producers substantially reliant upon dairy products for their income. Loans are for amounts up to \$4 000 repayable over seven years at 4% interest. Application forms are available from the farmers' bank or the Administrator, Dairy Adjustment Programme, 54 Barrack Street, Perth.

- (2) Apart from assistance mentioned above, the matter of financial assistance to primary producers has been discussed on a Commonwealth level at Agricultural Council and I am currently having discussions with the Treasurer in which we are investigating the possibility of further State assistance.
- (3) (a) No.
- (b) No, it is believed that as a general rule where client history is satisfactory and the situation merits it, the banking and hire purchase industries give the utmost consideration to rearranging interest and principal payments of those primary producers referred to.
- (4) I am negotiating with the Federal Minister for Primary Industry on the matter of IAC reports. Members are doubtless aware that the Commonwealth Government has meantime agreed to the continuation of the existing rural reconstruction scheme until December, 1976, to enable negotiation and discussion with States on future arrangements arising from the IAC's report.

18. FOCAL UNIVERSAL ACTIVITIES

Press Report

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) (a) Further to question 18 of 19th May, 1976 regarding the activities of Focal Universal, did the Minister make any statement to any representative of the *Sunday Independent*;
- (b) if so, what was the nature of the report?
- (2) (a) Has the Minister taken up with the *Sunday Independent* the fact that he was apparently reported in the issue of the newspaper of 16th May, 1976;

- (b) if so, when, and with what result?

Mr RIDGE replied:

- (1) (a) Yes; in answer to questions by a journalist from a newspaper.
- (b) The journalist was told that the department was looking into the matter. He assumed the department was the Public Health Department, whereas Mental Health Services was intended. This misled the member. From inquiries now made by Mental Health Services there does not appear to be any legislative control over the activities of organisations of this type.
- (2) (a) and (b) No.

QUESTIONS (10): WITHOUT NOTICE

1. OIL EXPLORATION PERMITS

Abrolhos Islands

Mr CARR, to the Minister for Mines:
With reference to a meeting held in Geraldton last Monday, the 17th May, concerning oil exploration permits at the Abrolhos Islands—

- (1) Under whose authority was this meeting convened?
- (2) What was the purpose of the meeting?
- (3) What interests were represented at the meeting?
- (4) How was it that two Liberal Party parliamentarians, Miss McAleer and Mr Tubby, were present while the member for Geraldton, whose electorate contains the Abrolhos Islands, did not even receive the courtesy of being advised that the meeting was being held?

Mr MENSAROS replied:

I thank the honourable member for notice of this question, the reply to which is as follows—

- (1) to (4) A private meeting held in Geraldton on Monday, the 17th May, with representatives of the Geraldton Professional Fishermen's Association and the WA Rock Lobster Advisory Committee, was convened to discuss matters relating to the issue of oil exploration permits, as they affected the rock lobster industry. The discussion was one of several discussions with, and by, industry in accordance with the undertaking originally given by the Premier that industry would be

consulted regarding the issue of oil exploration permits. Miss McAleer and the member for Greenough were present on their own initiative, having contacted the Manager of the Geraldton Fishermen's Co-operative and, as I understand, also a departmental officer.

2.

TRADE UNIONS

Ballot: Irregularity

Mr HARMAN, to the Minister for Labour and Industry:

- (1) Does the Minister recall a Press statement of the 20th May, 1976, wherein he claimed that he had documentary evidence of irregularities in a union ballot?
- (2) Did he cause inquiries to be made into the alleged irregularities?
- (3) Could he now inform the House that the ballot was conducted legally?

Mr GRAYDEN replied:

- (1) to (3) I have not had any notice of the question, of course. I cannot recall the precise statement to which the member for Maylands has referred. I can certainly recall making a statement in respect of irregularities. I was referring at that time to a union ballot which was being conducted with numbered ballot papers, which nullifies any provisions of secrecy. I take it that that is what the member for Maylands is referring to. I can assure him that we are constantly watching for matters of that kind in the hope of being able ultimately to strengthen legislation which will ensure that union ballots are in fact secret.

3.

CHILD HEALTH SERVICES

Sister Williams: Resignation

Mr MOILER, to the Minister representing the Minister for Health:

- (1) Is the Minister aware that Sister Williams of the Child Health Services covering the Mundaring district resigned from that position on Friday, the 21st May, 1976?
- (2) What steps did his department take to endeavour to retain the services of Sister Williams?
- (3) How does he now propose to provide child health services in the Eastern Hills area which Sister Williams used to cover so capably?

Mr RIDGE replied:

- (1) Sister Williams notified the department of her resignation by telegram on Monday, the 24th May, 1976, the resignation to go into effect immediately.
- (2) The department has taken no steps to retain the services of Sister Williams.
- (3) My department is advertising immediately for a replacement for Sister Williams. In the meantime relieving services will be provided.

4. MINISTERIAL VISITS

Advice to Electorate Member

Mr CARR, to the Premier:

- (1) Does the Premier confirm that it is an established convention for a Minister, prior to visiting a country electorate, to advise the local member of the visit?
- (2) If "Yes", will he please explain, with reference to a visit to Geraldton last Tuesday by himself and the Minister for Fisheries and Wildlife, why the Minister did not advise me until after his return and why the Premier did not extend that courtesy at all?

Sir CHARLES COURT replied:

- (1) As a matter of courtesy it is an established practice, where practicable, for a Minister to advise the local member of his intention to visit the area—I refer to areas outside the metropolitan area—and I think in the main this is honoured.
- (2) There are circumstances when a Minister, including the Premier, is going through an area unexpectedly without time to observe the normal courtesies, and the case to which the member referred was just such a case. I was going to Carnarvon and Exmouth in connection with the Governor-General's visit. In view of a query that had arisen the only practical way to deal with the matter was to do so in Geraldton on the way through. I take full responsibility for inviting the Minister for Fisheries and Wildlife to accompany me, at short notice, and to undertake that discussion in the time that was available; and it was a very effective discussion.

I should have thought the member would have been grateful for the fact that the Premier was prepared to go to such trouble in the interests of the member's electorate and some of his constituents.

5.

TRADE UNIONS

Ballot: Irregularity

Mr HARMAN, to the Minister for Labour and Industry:

- (1) Alluding to the Minister's reply to my earlier question without notice, can he tell the House whether he has instituted inquiries into the alleged irregularities of a union ballot to which he referred?
- (2) What is the result of those inquiries?

Mr GRAYDEN replied:

- (1) and (2) I can assure the member for Maylands that we are inquiring into all irregularities in union elections. For instance, quite a number of unionists in the union about which we are speaking have said to me: "We are afraid to vote because there might be a correlation list in existence which will mean that the individuals will know precisely how we voted. We do not care how many there are or whether we like them all. We do not want them to know how we voted." There is always the possibility of a correlation list. In those circumstances there cannot be a secret ballot if the ballot papers are numbered.

6. TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Deferment

Mr McIVER, to the Minister for Transport:

I preface this question by saying that I am asking it on behalf of the taxi owners and drivers although I understand from this morning's newspaper that it is no longer relevant. Further to my question of the 19th May, and due to the amount of opposition I have received from taxi operators, would the Minister hold the present Bill over to the next part of this session of Parliament or until such time as the board can seek the views of those taxi drivers re the proposed legislation before the House?

Mr O'CONNOR replied:

The taxi operators held a meeting on Sunday morning and have made submissions acceptable to the Government. I have placed amendments on the notice paper and in view of this I do not feel the legislation should be delayed.

7. **TRADE UNIONS***Ballot: Irregularity*

Mr BRYCE, to the Minister for Labour and Industry:

- (1) As the smokescreen expert second only to the Premier on the Government side of the House, will the Minister now inform the House whether he has specifically inquired into the charges that were referred to by him in this Chamber a moment ago?
- (2) Has he set up an inquiry into the situation concerning the union that he alleged had sent out numbered ballot papers?
- (3) When will he be in a position to inform the House of the outcome of that inquiry?

Mr GRAYDEN replied:

- (1) to (3) I assure the member for Ascot that no inquiry is necessary in the case of this particular union. It makes no secret of the fact that its papers are numbered. The leader of the Australian Council of Trade Unions expressed disbelief, as reported in the *Weekend News*, that the papers were numbered. The union does not deny it. I suggest that the member for Maylands and the member for Ascot conduct their own inquiry into what is taking place in this respect.

8. **TRADE UNIONS***Ballot: Irregularity*

Mr H. D. EVANS, to the Minister for Labour and Industry:

Is it a fact that the union in question is required to number ballot papers under the agreement registered with the Industrial Commission?

Mr GRAYDEN replied:

The union can register what agreement it likes, but that does not alter the situation one iota. It is the practice of numbering ballot papers that is simply not acceptable.

Several members interjected.

The SPEAKER: Order!

9. **TRADE UNIONS***Rules: Registration*

Mr SKIDMORE, to the Minister for Labour and Industry:

Is he able to inform the House whether a union has a right to register in its rules any matters it so desires provided they are not rejected by the registrar and then they must be accepted?

Mr GRAYDEN replied:

This is precisely why that particular provision exists in the document of which we are speaking; but it does not make it any more acceptable.

10. **OPERATIVE PAINTERS AND DECORATORS' UNION***Ballot: Conformity with Rules*

Mr HARMAN, to the Minister for Labour and Industry:

The SPEAKER: Is this still on the same subject?

Mr HARMAN: Yes.

The SPEAKER: This is the last question I will accept on this subject.

Mr HARMAN: In view of the answers given to the questions posed to him this afternoon, would he now say that the ballot conducted by the Operative Painters and Decorator's Union of Australia was in accordance with the rules registered with the Industrial Commission?

Sir Charles Court: He does not have to say so. He merely has to reiterate that it was not a secret ballot.

Mr Jamieson: He would not know.

Mr GRAYDEN replied:

I understand that the ballot concluded at only 5.00 p.m. today so I am not in a position to say whether it was conducted in conformity with the rules. I suggest that the member for Maylands places the question on the notice paper.

BAREWA OIL AND MINING NL*Report of Investigation:
Ministerial Statement*

MR O'NEIL (East Melville—Minister for Works) [5.03 p.m.]: I seek leave to make a statement in relation to the document I tabled a little earlier.

The SPEAKER: Leave granted.

Mr O'NEIL: The following statement is issued in respect of the affairs of Barewa Oil and Mining NL—

Barewa Oil and Mining NL was incorporated in Western Australia on the 6th January, 1970, and issued a prospectus on the 19th January, 1970. On the 20th January, 1970, one of the directors of the company announced to the Press that the offer in the prospectus for the issue of shares had, on that day, opened and closed, heavily oversubscribed.

The company made an unsuccessful attempt early in 1970 to have its share capital listed on the Melbourne Stock Exchange. An attempt during the same period to obtain stock exchange listing by acquiring control of an existing listed company was also unsuccessful.

On the 13th May, 1970, the Governor-in-Executive-Council of the State of Western Australia, being satisfied that it was in the public interest that allegations of fraud, misfeasance or other misconduct of persons who were concerned with the formation or management of the company should be investigated, declared Barewa pursuant to section 172 of the Companies Act of Western Australia.

Because most of evidence to be taken in relation to the transactions entered into by the company was available in Victoria Mr E. D. Lloyd, QC, a Victorian barrister, was appointed an inspector under the Companies Act of Western Australia to investigate the affairs of the company. On the 26th May, 1970, the Governor-in-Council made an order under the special investigation provisions of the Victorian Companies Act giving to Mr Lloyd power to investigate the affairs of Barewa in Victoria.

From the outset, therefore, Mr Lloyd's investigation was a co-operative venture between the Governments of Victoria and Western Australia.

In October, 1972, Mr Lloyd delivered to the Attorneys-General of Victoria and Western Australia an interim report, setting out the history of the company and its affairs. In March, 1973, he furnished to both Attorneys-General opinions relating to the legal consequences of the events examined in his interim report. It was as a result of those opinions that prosecutions were instituted in Victoria against persons who had been directors and promoters of Barewa.

The prosecutions to which I have referred were as follows—

- (a) Ian Patrick Cornelius was charged with conspiracy with David Paxton to cheat and defraud the company and with four counts of fraudulently taking or applying property of the company.

He was convicted of the charge of conspiracy and acquitted of the other charges. He was sentenced on the 31st October, 1975, to three years' imprisonment, with a minimum of one year.

- (b) Leon Charles James Say was charged with four offences against section 124 of the Companies Act (failure to use reasonable diligence in the discharge of his duties as a director) and one offence against section 47 of the Companies Act (authorising the issue of a prospectus in which there were untrue statements). On the 20th June, 1974, he was convicted on these charges and fined a total sum of \$1 300.

Proposed charges against David Paxton have not proceeded because he disappeared from Melbourne in September, 1970, and has not since been located.

Mr Lloyd's final report was delivered in November, 1975. This, together with the interim report and a summary thereof, has been presented to Parliament today. Copies of the final report and of the summary of the interim report can be made available for those members who desire to have them.

The opinions which I have mentioned are not part of the inspector's report, as they deal with matters which section 178 of the Companies Act of each State requires to be excluded from a report of an inspector. The opinions, therefore, have not been presented to Parliament.

The estimated cost of printing the interim report itself is \$17 000, and in all the circumstances this expenditure does not appear to be justified. However, in addition to the copy of the interim report presented to the House today, a copy of the interim report will be available for perusal at the office of the Commissioner for Corporate Affairs.

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Western Australian Tertiary Education Commission Act Amendment Bill.
2. Dog Bill.

DECORUM OF THE HOUSE

Interruption by Audible Conversations

THE SPEAKER (Mr Hutchinson): I will be pleased if members would refrain from speaking audibly while I am reading Messages or I am on my feet for any other reason. If they would be so kind as to do that, I would appreciate it.

BILLS (4): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Industrial Lands (CSBP & Farmers Ltd.) Agreement Bill.
2. Financial Agreement (Amendment) Bill.
3. Mental Health Act Amendment Bill.
4. Local Government Act Amendment Bill (No. 4).

BILLS (5): ASSENT

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

1. Perth Medical Centre Act Amendment Bill.
2. Weights and Measures Act Amendment Bill.
3. Western Australian Marine Act Amendment Bill.
4. Jetties Act Amendment Bill.
5. Public and Bank Holidays Act Amendment Bill.

CLOSING DAYS OF SESSION: FIRST PART

Standing Orders Suspension

SIR CHARLES COURT (Nedlands—Premier) [5.10 p.m.]: I move—

That until 31st May, 1976, so much of the Standing Orders be suspended as is necessary to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and messages from the Legislative Council to be taken into consideration on the day they are received.

I have discussed this motion with the Leader of the Opposition. It is intended to expedite business in the remaining days of this week by which time we anticipate that this part of the 1976 session will conclude and we will adjourn to a date to be fixed.

It is not intended to use this motion on all Bills. I have arranged with the Leader of the Opposition that the machinery to enable all stages to be dealt with in one day or more than one stage on the one day will not be used except after consultation with the Opposition, and only if there is a clear understanding that there is no problem in connection with the Bill going through the third reading or some other stage which would otherwise be held up for a day.

I do not think any further explanation is needed. I have not given any notice in connection with private members' day. There is only one Wednesday left and I thought it was better to leave that as it is and treat it as an ordinary private members' day.

MR JAMIESON (Welshpool—Leader of the Opposition) [5.11 p.m.]: The Opposition agrees in general with this motion. It is a policy which must be adopted if we are to move legislation between the two Chambers, and I see no harm in it at this juncture to enable us to clear up the notice paper to a sufficient degree to allow the proposed adjournment.

It is true that the Premier talked to me about the situation last week, and we are quite happy that the motion be adopted, particularly in relation to third readings which it is unnecessary to delay. If there is any disagreement on any legislation I am sure we can reach some agreement on the use or otherwise of this motion. I support the motion.

Sir Charles Court: Thank you.

Question put and passed.

FREMANTLE PORT AUTHORITY ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

LAND TAX ASSESSMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows—

No. 1.

Clause 10, page 9, lines 28 to 35 inclusive—Delete the whole of subclause (3).

No. 2.

Schedule.

(a) Page 42, line 13 of paragraph (a) of clause 3—Delete the word "or".

(b) Page 42, line 15 of paragraph (a) of clause 3—Delete the expression "1973," and substitute the following—

"1973;

(V) any bona fide educational institution not carried on for the purpose of private profit or gain; or

(VI) any college, hostel, or hall of residence, that is affiliated with any one of the bodies or institutions specified in items (I) to (V) both inclusive of this subparagraph, that has as its objects the provision of residence or education and residence of enrolled

students of such a body or institution, and that is not carried on for the purpose of private profit or gain."

- (c) Page 42, line 19 of paragraph (a) of clause 3—Insert after the word "body" the passage—"institution, college, hostel, or hall of residence, as the case may be."
- (d) Page 42, line 21 of paragraph (a) of clause 3—Delete the words "any of the bodies" and substitute the passage—"such a body, institution, college, hostel, or hall of residence as is".
- (e) Page 42, line 3 of paragraph (b) of clause 3—Delete the words "for any one of the bodies" and substitute the word "as".
- (f) Page 43, line 2 of subparagraph (iii) of paragraph (b) of clause 3—Delete the words "for any one of the bodies" and substitute the word "as".
- (g) Page 44, line 12 of paragraph (a) of clause 9—Delete the word "or".
- (h) Page 44, line 18 of paragraph (a) of clause 9—Delete the passage "residence." and substitute the following—

"residence; or

- (iv) the owners of which are a natural person, or natural persons, and an exempt proprietary company within the meaning of the Companies Act, 1961, and which is used by the natural person or natural persons solely or principally as his or their ordinary place of residence."

- (i) Page 44, line 1 of paragraph (b) of clause 9—Delete the word "Qualification" and substitute the word "Qualifications".
- (j) Page 44, line 2 of paragraph (b) of clause 9—Insert the subparagraph designation (i) before the word "Where".
- (k) Page 44, at the end of paragraph (b) of clause 9—Add a new subparagraph as follows—

- (ii) The exemption specified in subparagraph (iv) of paragraph (a) of this clause applies only to the interest of the natural person or persons in the land unless the land is also used by all persons who have any share in the capital of the exempt proprietary company

solely or principally as their ordinary place of residence, in which case the exemption applies to the whole of the land.

- (l) Page 45, line 1 of paragraph (b) of clause 10—Delete the word "Qualification" and substitute the word "Qualifications".
- (m) Page 45, line 5 of paragraph (b) of clause 10—Delete the word "qualification" and substitute the word "qualifications".
- (n) Page 45, line 1 of paragraph (b) of clause 11—Delete the word "Qualification" and substitute the word "Qualifications".
- (o) Page 45, line 3 of paragraph (b) of clause 11—Delete the word "qualification" and substitute the word "qualifications".

Sir CHARLES COURT: It is the Government's desire that this Chamber agree to the amendments requested by another place. There are three main aspects to be dealt with in the amendments, and as they are not related, I can see no alternative but to deal with them separately, except for several consequential amendments towards the end of the group. I have the following observations to make.

The amendments to this Bill which appear on the notice paper have been made as a result of a re-examination of the Bill and representations made to me by individuals and the University of Western Australia.

Although there is quite a large number of amendments, the majority of them are either machinery amendments or are consequential to the main amendments.

One amendment, which is the result of the re-examination, is to correct an anomaly in the penalties prescribed for failure to supply information to the commissioner or knowingly give him false information.

This is the first amendment on the notice paper and if members will refer to clause 10 on page 9 they will see that the penalty prescribed is \$1000. Unfortunately, it was overlooked that the penalty for similar and more extensive offences detailed in clause 54 which is on page 38 of the Bill is to attract a maximum penalty of \$500 only.

Therefore, it is proposed to remove sub-clause (3) of clause 10 at page 9 of the Bill, which will then leave a maximum penalty of \$500 applying to this type of offence. It will be dealt with under the provisions of clause 54 instead of clause 10 if this amendment is passed. I move—

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

Mr JAMIESON: I have no great objection to the amendment. It is sensible to tidy up legislation before it becomes the law of the land. It seems anomalous that

this situation crept in. Obviously, it was an oversight in drafting and requires the attention recommended by the Legislative Council.

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

Sir CHARLES COURT: I move—

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

I will explain the reason for the amendment, in a general way, and I can then go back and be more specific on any particular item if it is so desired.

The second amendment concerns private educational establishments and the University of Western Australia.

The representative of the private educational establishments and the representatives of the university all suggested that the land on which some private schools and university colleges affiliated with the university are erected may not be covered by the exemption provisions of the Bill.

While it is believed that the land concerned is exempt under the Bill's provisions, and it was certainly intended that it would be exempt, because a doubt has been raised, it is proposed to amend clause 3 of the schedule to the Bill to place this matter beyond any doubt.

This amendment is being made because it was always intended to exempt these bodies, which are exempt under the existing legislation.

Members will notice there are two strictures on the educational establishments in that they have to be bona fide and not conducted for profit and gain.

This will prevent the use of this item as a means of avoidance.

The exemption of tertiary educational institutions is, of course, already fully covered in clause 3 of the schedule.

As a consequence of this amendment, there is one machinery amendment to allow the introduction of the main amendment and it is followed by a number of consequential amendments.

The other representations which have been made break into a new subject, but in view of the fact that they are all covered in amendment No. 2 I will go on to indicate the reason for their inclusion. I will then be able to amplify those reasons further if members have any queries.

The other representations which have been made are in connection with the exemption of family homes where the land is held in the names of natural persons and family companies.

The cases where the home is held by a natural person or by natural persons jointly, or by a family company where all the shareholders reside in the home, are already covered in clause 9 of the schedule.

Attention has been directed to cases where the home is owned as tenants in common as to one half share by a wife and one

half share by a family company. In these cases there is doubt as to whether any exemption is available, as the Bill has been drafted. Therefore, it is proposed to ensure that some exemption may be granted in these cases.

The Legislative Council's amendment will provide a partial exemption proportionate to the ownership of family members who live on and hold a share in the land on which the house is erected and who hold that land in conjunction with a family company.

It will also provide full exemption for the land, as is provided for the family company situation now in the Bill, if all of the shareholders of that company also reside in the home.

Members will recall that in the case of a family company, where all the shareholders treat a residence as their home, and they all reside there, it is exempt. That is fair enough. There was some question as to whether we should modify that provision. We refused because to do so would leave the provision open to abuse and avoidance or even evasion of tax.

It was pointed out to us that there was some doubt about a natural person, owning part of a residence, losing exemption. It was not the intention of the measure to deny a person his or her share of the exemption, but there was the possibility, for example, that a wife could own half a house and the husband, for his own reasons, could put the other half of the house into a company which did not qualify for exemption under the provisions of this Bill. In that case the wife would be denied her proportion of the exemption. That was not intended and in order to correct the situation the amendment has come forward on this occasion. I am assured it will achieve the objective we seek.

Mr JAMIESON: I agree to this proposal also. While the Bill was being debated in this Chamber I referred to the exemption which was to be accorded to tertiary institutions, universities and the like, and to whether it would be sufficient. The Treasurer then thought that the exemption was sufficient, but on further consideration he thought it wiser to tidy up the measure as set out in the amendment.

The second part of the amendment concerns a person who is in partnership with a company which is not eligible to receive exemption for a residence. I am sure the situation outlined in the Bill was not intended but with the inclusion of the present proposal the situation will be covered. It is often found that when short cuts are included in new legislation they can sometimes be too short and not explicit enough. In such cases complications are caused in the translation of the law. It is necessary for us to state clearly our intentions when we amend legislation.

The amendment will clarify the position regarding the exemption.

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

Report

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

FINANCIAL AGREEMENT (AMENDMENT) BILL

Second Reading

Debate resumed from the 20th May.

MR JAMIESON (Welsphool—Leader of the Opposition) [5.24 p.m.]: As the Treasurer has indicated, this Bill is to ratify an agreement made between all the States and the Commonwealth on the 5th February, this year. It is necessary to ratify the agreement; there is no alternative. Where State and Commonwealth finances are involved it is necessary to amend the agreement to cover various changes. The original agreement was made in 1927, I think, and it has been necessary to update it from time to time because of the many new features regarding finance which arise.

The Treasurer indicated that copies of the financial agreement were readily available but I did not find that to be the case. The copies were not so readily available and we had to have some photocopied. Copies were not available in our library as readily as they should have been, and as it is such an important document—considering that it concerns State and Commonwealth financial relationships—there should be an ample supply in our own library so that it is accessible to members at all times. For that reason I suggest that small matter needs some attention.

The amendment now before us will bring the legislation up to date and encompass new and simplified sinking fund provisions. With regard to the Australian Loan Council, I find it hard to justify the new procedure under which future contact for the purposes of approving any changes will be by means of correspondence between the various States. It is not possible to achieve uniformity in agreements as easily by means of correspondence as it is by means of a round table discussion. Actions covered by the agreements could be prolonged rather than simplified by the proposed change. I would like the Treasurer to comment on that point.

I also find it hard to understand why it has been necessary to change the method of nomination of a member of the Loan Council. A member will be able to substitute a Minister as his representative. In the past, any change in nomination was by written notification from the Premier of the State to the Prime Minister. It is proposed that any nomination of a substitute representative will be tabled at

the next meeting of the Australian Loan Council. I take it that it will be possible to nominate a person just prior to a meeting. It seems to me that the old system was much tidier than the new proposal and I would like the Treasurer to comment on the necessity for the change.

The procedure for expenditure of funds seems to have been greatly simplified, and that is a good move.

I am concerned that the Treasury did not put this measure forward much earlier. Of course, the Treasurer will have to take responsibility for the actions of the Treasury. The position now is that the Bill is subject to the suspension of Standing Orders to allow it to pass through all necessary stages at the one sitting. There appears to have been a lack of liaison somewhere along the line. From my inquiries in the Eastern States I find that this legislation passed through some State Parliaments as early as February of this year. As it is necessary for the measure now before us to be an exact copy of that legislation, I do not see why it should be necessary to delay its introduction in this Chamber. It could have been introduced much earlier, and it should have been. It should not have been necessary for the Treasurer to move for the suspension of Standing Orders so that the measure could be passed during the remaining part of this sitting in order to ratify the agreement so that it could take effect.

The Bill must be passed—there is no alternative. It has retrospective effect to the 30th June, 1975, and the legislation must be enacted by all Parliaments before it becomes effective. Therefore, I see no reason to hold up its passage.

This is one of those things we must face up to every now and then. It is a modern approach to financial agreements, as with all other agreements. Apart from some lesser details upon which I seek clarification, I support the Bill. I believe it is necessary legislation for the well-being of this State.

SIR CHARLES COURT (Nedlands—Treasurer) [5.31 p.m.]: I thank the Leader of the Opposition for his comments and for his support of the Bill. The two main queries he raised were in regard to Loan Council procedures, and I point out that this legislation really gives effect to something that has been practised substantially over the years but which has called for a certain amount of confirmation in subsequent times. This measure is trying merely to place the matter beyond any doubt so as to overcome a great deal of cumbersome, and I believe unnecessary procedures that now take place. There is no great departure from previous practice, and no danger, as I see it.

The question of a nomination is one which can bring all sorts of problems due to illness, plane breakdowns, or delays occasioned by strike or fog. Anyone who has been to Canberra at certain times of the year will appreciate my last point—and I am sure the Leader of the Opposition's predecessor will back me up on this. There are times, of course, when people must leave Canberra because of an emergency. I well remember one instance when the Premier of South Australia quite legitimately had to leave because of an urgent matter that had arisen in his own State. I know of other instances where a Premier and Treasurer has been delayed from attending a meeting but a Minister of the right competence and seniority was available to act for him. It would have been quite futile to hold up a Loan Council meeting because of a lack of flexibility.

In practice, this course has been followed because it is not unusual for a Premier and Treasurer not to be available for a Premiers' Conference. True, in most cases, his Acting Premier and Treasurer attends the meeting in the ordinary course of his responsibilities and as is his entitlement, and the deputy's name would have been indicated long beforehand to the Treasurer of the Commonwealth, but, there are occasions when unexpected emergencies arise and it is therefore wise to provide for such contingencies.

I can assure the Leader of the Opposition that one does not get away with anything at Loan Council meetings, because quite apart from the vigilance of the Commonwealth, the other States are also vigilant and conscious of the fact that they may require a majority to outvote the Commonwealth.

The other point raised was the correspondence and other procedures to deal with the amount and allocation of Government loan programmes. The Leader of the Opposition will appreciate that many transactions take place throughout the year—the Commonwealth seeks approvals for some and the State seeks approvals for others. Usually these matters are cleaned up by telex or telegram and, if more time is available, sometimes by letter. It may happen that a first approach is by telephone, and then confirmation follows by telegram, telex, or letter. The new procedure, which has the support of all States, is based on long practical experience. It is intended to simplify the details and to overcome many cumbersome procedures which are followed now and which, in my experience, become something of a formality. I am one who believes when something becomes a formality it can be more dangerous than having a clearly defined system such as the one contained in this measure where the onus is on the States themselves to look after their interests.

The third point made by the Leader of the Opposition was about the lateness of the measure, and for this I apologise. It was pointed out to me by the department that the delay was due to its preoccupation with the negotiations and arrangements for the new Commonwealth-State financial deal. Officers of the department have spent a tremendous amount of time in the Eastern States and it was just one of the things that was overlooked. Fortunately, the oversight was discovered in time and we are not in the situation of one State which is having considerable difficulties in this regard. I thank the Leader of the Opposition for his support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

Clauses 1 to 3 put and passed.

Schedule—

SIR CHARLES COURT: I omitted to mention one matter which is relevant to the schedule, and that is the question of making further copies of this agreement—which is in fact the schedule—available to the library. I will endeavour to obtain some more copies of the 1973 issue, but I will ensure also that the library receives the revised version incorporating the amendments as soon as possible.

Schedule 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 Sir Charles Court (Treasurer), and transmitted to the Council.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

MR McIVER (Avon) [5.39 p.m.]: The Bill before us is to amend the Road Maintenance (Contribution) Act, and it provides alternative court procedures for any person who has committed an offence against the Act. The alternative method is to submit evidence to the court by way of affidavit.

This is a small measure, and I will not go into the pros and cons of the legal substance of the Bill but rather leave that to my able colleague, the member for Boulder-Dundas.

I will, however, ask the Minister one question about which I seek information. Under this Bill a person who has been served with the appropriate papers and

who does not desire to attend the court may present his evidence by way of affidavit. However, along with the summons, the court is to be served with a document setting out his prior convictions. My query is this: where evidence is submitted on affidavit, is the statement of prior convictions known to the court before it makes its determination? If this is so, I feel it is a little unfair, because under section 8 (e) of the Evidence Act, where a person gives evidence in court, prior convictions are not referred to until after the evidence has been given.

That is the only query I raise, and as the Member for Boulder-Dundas has so much more experience in legal matters than I have, I will leave him to debate the provisions of the Bill more fully. We on this side have no strong opposition to the Bill, but we seek clarification of the matters I raised.

MR HARTREY (Boulder-Dundas) [5.41 p.m.]: I am very dubious about a certain feature of the Bill, and that is the proposal that where an accused has had previous convictions, a statement of these convictions shall be prepared and served with the summons. That statement is supposed to be kept secret from the court but, of course, it is a different procedure altogether from that existing now. If a man is charged with an offence, previous convictions on rare occasions may be a necessary element of the offence, and it is fair enough then that they should be mentioned in the complaint. In fact, they must be mentioned in the complaint, and this information becomes known to the court as soon as the court sees the complaint, and the fact of such convictions must be proved as a fact.

Let us take an example from the Police Act. Some time ago we removed from the Act such expressions as "disorderly person", "rogue and vagabond", and "incorrigible rogue". If one is convicted for the first time of being what would have been previously characterised as a disorderly person, one is liable to a penalty of six months' imprisonment. However, if one is charged with that offence but has previously been convicted of the same offence, the penalty is 12 months' imprisonment. Therefore, such a previous conviction appears on the summons and that is fair enough. However, only very rarely is it necessary to state on a charge against an accused that he has previously been convicted of an offence.

Where a man is charged under the Criminal Code with being an habitual criminal, it must be stated on the charge that he has been convicted previously, otherwise he could not be charged with being an habitual criminal, and that is fair. However, in this case, every time a person who has been convicted under this Act—or under any other Act for that

matter—is charged with an offence, a document must be prepared setting out his convictions.

The Police Department keeps a record card for every criminal, and after the conviction of the defendant such a record card can be produced to a magistrate when an accused is before the court. If the accused does not appear, evidence is called as to his guilt, and if the evidence given in his absence proves he is guilty, the police record card can be produced. However, under this Act it is provided that a record of the previous convictions of an accused person shall be prepared and served on him with the summons. Now the affidavit of service must testify that a person charged has been served, not only with the summons but also with this document to which I have referred. If that fact does not appear in the affidavit of service, the magistrate will not be able to proceed with the case because he will not be satisfied that the accused has been notified as to what previous convictions are to be relied on. If the magistrate is satisfied that the accused has been served with these documents, then he will be satisfied also that the man has previous convictions and this is not fair at all.

Even a mere absence from the courts will be taken as tantamount to a plea of guilty. That would be anything but right, but it does not appear to be the intent of the Bill. At any rate, I would have very strong objection to such a provision.

A man might have every intention of defending himself, but he may be taken ill, or he may be delayed by a train or air strike—there are all sorts of strikes these days—or his motorcar may break down. He may never get the opportunity to go to court at all.

It is all very well to say that he can come back tomorrow, but in the meantime the magistrate has discovered he has been served with a notice of his previous convictions. What chance of a fair trial would he have tomorrow? I do not like this provision one little bit.

I agree such a provision is imperative if a record of previous convictions is an essential part of the charge but, as I have already explained, this occurs on only very rare occasions. Unless it is an essential part of the charge, no document should be prepared and served, or placed where in any manner at all it could come into the hands of the court itself.

I agree that it would be safe enough in the hands of the police, because no policeman would be game to go to a magistrate and say, "I want to show you his record before you try him." That would be a real scandal! I recall in the Air Force where for some years I was an adjutant, that the commanding officer invariably would judge a man who was

up on a charge, according to the evidence of his previous convictions, which was laid face down on the table in front of him. I should know, because I was the one who put it there!

Almost invariably, the commanding officer would pick it up and say, "What sort of a bloke is he, Hartrey?" and turn over his card. I did not like to question my CO, and I am not suggesting that a magistrate would accept such documentation. However, if he sees an affidavit of service which records the fact that a statement of previous convictions has been served on the accused, he cannot help knowing what it means; he is not an idiot.

Conversely, if the magistrate is not required to see the affidavit, how is he to know whether or not notice has been served, and how can he proceed to hear the case if it is intended to rely on previous convictions? I do not like the whole idea.

This provision is dangerous enough if the case is being dealt with by a stipendiary magistrate—a man who is trained in the law and understands the full tradition of the law, and is not overawed by the police. However, members must remember that in a great part of Western Australia, these matters are disposed of by justices of the peace, who instinctively look to the police to tell them the law, and very often allow the police to tell them the law.

I have even known cases where, the night before a person came to trial, the local clerk of courts, a couple of JPs and the sergeant of police have had a nice little game of bridge and a couple of beers and have decided what they were going to do with the accused. I could even tell members the name of the town, but I am not going to.

Mr Skidmore: That is par for the course!

Mr HARTREY: That is bad enough. But if the criminal convictions of the man are par for the course, and part of the proceedings, it will be completely detrimental to the accused, even if he goes along to defend himself.

If he comes in to defend himself and the magistrate realises he has been served with a notice of previous convictions, a conviction will be odds on before the case even starts. I believe this provision should be struck from the Bill and I intend to have more to say during the Committee stage. This is a gravely dangerous part of what is probably a well intentioned Bill.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [5.49 p.m.]: I thank members for their contributions to the debate. I believe the member for Boulder-Dundas was referring to section 56B of the Act; at no time will the court learn of evidence relating to prior convictions.

Mr Hartrey: Theoretically, but not in fact.

Mr O'CONNOR: This is my understanding of the situation. The honourable member says that a miscarriage of justice could occur, and I realise this is possible; however, that is not in accordance with what is laid down here.

Mr Hartrey: There is a grave danger of it happening.

Mr O'CONNOR: There is no way I can stop judges or magistrates looking at documents they should not look at. What we are trying to do is to save the taxpayers' money, not cause hardship to an individual who has been brought up on a charge. We will be giving him every opportunity to opt out of coming to court, or of coming to court and carrying on in a normal way.

We are trying to save a tremendous amount of time which is wasted when officers attend the court unnecessarily. After all, we are spending the taxpayers' money, and that is what we must keep in mind.

Mr Hartrey: The Bill deals not only with money but also with the liberty of the people.

Mr O'CONNOR: We are not trying to take anything away.

Mr Hartrey: You are not trying to do it; you are going to do it!

Mr O'CONNOR: We are providing a person on a charge with the opportunity to come to court. However, if he indicates he does not intend to attend the court proceedings, this Bill will permit the inspector from the department to have his testimony heard by affidavit, thus saving a great deal of time wasted when an individual does not turn up or pleads guilty at the last minute.

I believe members examining the Bill would agree that it will take nothing away from the individual. In reply to the member for Avon, the details will be made available after the lists have been given.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Sections 19 and 20 added—

Mr HARTREY: This clause proposes to amend section 18. The part to which I take strong exception is new section 20 (1) which states—

Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of section nineteen of this Act and it is alleged that he has been previously convicted of an offence, the summons may also be

accompanied by a copy of a separate document in the prescribed form signed by the complainant setting out particulars of the alleged prior convictions.

Such a separate document is a dangerous procedure, and I object to the inclusion of that provision.

Mr O'Connor: It is served only on the defendant; he is the only person who receives the notice.

Mr HARTREY: It is prepared by the complainant, and the summons also is prepared by the complainant. The summons goes through the court, but a statement of previous convictions does not necessarily go through the court but is served on the defendant.

I would not object if, after the words, "it is alleged" on page 4, line 5, we insert the words, "as an essential part of the charge". Of course, that is the only way one could bring a charge under sections 66 or 67 of the Police Act, which relate to certain police offences previously committed, and where it must be alleged that the man had previous convictions.

There would be no harm at all in such a case in the court knowing from the beginning that that is the situation. However, as I have pointed out, this occurs in only rare instances. As a general rule, it is no business of the court to know what are the previous convictions.

For instance, I may be charged with drunken driving. Some months earlier, I may have been charged with dangerous driving and, on a previous occasion, I may even have been convicted on a charge of dangerous driving leading to death. Of course, those are things which it would be proper to tender to the court in the event of my being convicted on the charge of drunken driving, because my previous record would be relevant to the penalty.

However, it would not be relevant to guilt, and, at present, such records are skilfully concealed from the court. In providing for a separate document of previous convictions, there is a grave danger that these facts will become known to the court, especially if the court consists of JPs. Even if the court consists of resident magistrates, there is a danger that the information will become known to the court at about the same time, or shortly after it is delivered to the accused.

The information relating to the serving of the document is filed at the court, not at the police station, and it would be highly prejudicial to the chances of the accused should it become known to the court that he had previous convictions. I believe the entire page 4 should be struck out, because it is highly dangerous.

I see another danger arising from this proposal; in fact, it exists already, and I should like to obviate it. If a person

chooses not to appear in court, a card bearing his name and the alleged prior conviction shall be produced in court.

If that person's name is John Aloysius Smith, everything should be in order because Aloysius is not a common name. However, if his name were merely John Smith, there is a grave danger that, in his absence, a John Smith could be convicted and dealt with very harshly by the court on the strength of the seven previous convictions of a different John Smith.

This is not as unlikely as members may imagine, because I know of one case in Kalgoolie which involved a half-caste Aboriginal who was convicted and sentenced to three months' gaol on his brother's record. It was discovered subsequently that an error had been made, and his brother was proceeded against. However, I was able to bamboozle them so much in court that they did not convict the brother; they were not able to identify him to the satisfaction of the court, and the accused certainly had no intention of assisting them!

As I said during my remarks at the second reading stage, a man who intended to defend himself, but was not able to appear in court due to unforeseen circumstances, may be found guilty in his absence and his record produced in court. That man does not have very much chance of receiving a fair trial when he arrives the next day. It may be said, "We will scrap the conviction and start over again." However, as the court by then well knows—and, if the case is being heard in a small town, as the whole town would know—the accused person has had a previous conviction. I do not like this at all. In the interests of justice and elementary common sense the provision in the clause should not be agreed to.

Mr O'CONNOR: The member for Boulder-Dundas has defeated his own argument, because the provision in this clause has been included in the interests of the accused. It is in the interests of the accused for this information to be sent to him, because if there is a conviction appearing in the notice that is sent to him which does not, in fact, relate to him, he could have the matter reviewed straightaway.

The honourable member dealt with a case of a person named John Smith. He said that the record of a conviction against another John Smith might be included in the notice. The fact that the details are sent to the defendant will enable him to say that that conviction did not apply to him but to somebody else.

I say that if such a notice is not sent to the accused, it will be against his interests. I see no harm in this provision. I repeat that it serves the interests of the person who is charged. I cannot understand the reasoning of the member

for Boulder-Dundas, because usually he safeguards the welfare of the defendant, rather than the interests of the court.

By including this provision in the Bill we are not taking anything away from anyone. The details set out in the notice are forwarded to no-one but the defendant, and they are not supplied to the court unless a conviction is obtained. The honourable member has said that on certain occasions the law is not administered properly; that might be so. However, on this occasion we are taking steps to enable the law to be interpreted properly. I do not agree to the suggestion put forward by the honourable member.

Mr HARTREY: All I can do by way of a reply is to point out to the Minister that this provision may protect an accused person who is present in court, by ensuring the accuracy of the convictions recorded against him on the notice. There are, however, four main reasons, and there may be others, why a person who is charged may not be able to appear in court, although he wishes to appear.

It is common for a person who lives in Broome to be apprehended in Perth and charged with a traffic offence. Subsequently the charge could be heard in Broome, and that would be a reasonable place for the case to be heard.

However, if he is charged and the case is heard in Perth he has to come to Perth to defend himself; and if he does not appear at court on the day of the trial he is presumed to be guilty. This is what these procedures provide for. There are many reasons why a person living in Broome may not get to Perth on the day of the trial. The first is that he could be taken ill a couple of days before the trial and is unable to be present; the second is that the aircraft on which he intended to travel to Perth is held up by a strike; the third is that while driving from Broome to Perth his car breaks down, and he has not allowed himself adequate time for such an emergency; the fourth is that he decided to travel to Perth by sea and the vessel is delayed by stormy weather, with the result that he does not turn up in court in time.

Mr O'Connor: What would happen if such a situation arose today? Would not the person concerned telephone through?

Mr HARTREY: I am sure that person would ring through from the ship at sea, or from an isolated place where his vehicle has broken down!

Mr O'Connor: In those circumstances what would happen if he did not turn up in court?

Mr HARTREY: There would be a trial in his absence, but there would be no production of his record until after he has been convicted.

Mr O'Connor: That will not be done in this case, either.

Mr HARTREY: That is what the Minister says. The magistrate must be satisfied with the due service of the summons, and the summons will not be duly served in accordance with the Act unless the notice is delivered at the same time. How will the magistrate be satisfied that a statement of that person's prior convictions had been served on him at the same time as the summons was served, without being aware of the person's previous convictions?

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

BILLS (5): RETURNED

1. Education Act Amendment Bill.
2. Factories and Shops Act Amendment Bill.
3. National Parks Authority Bill.
4. Road Traffic Act Amendment Bill.
5. Fremantle Port Authority Act Amendment Bill.

Bills returned from the Council without amendment.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

MR McIVER (Avon) [6.08 p.m.]: This is a Bill to amend the Taxi-cars (Co-ordination and Control) Act. It is in some respects parallel with the Bill we have just dealt with whereby an affidavit can be presented as evidence. This matter was explained in detail in the debate on the previous Bill.

In its original form the Bill before us made provision for a charge of 10 per cent to be imposed on the transfer of taxi-car licences. Because of pressure exerted on the Minister and the Government, and because of the contention by the taxi drivers that in its present form the Bill is most unsatisfactory to them, the Minister has agreed to effect an amendment.

It is quite apparent to me that there was a great lack of liaison between the Taxi Control Board and the taxi drivers, because the first indication the drivers had of this legislation was when it was reported in the Press. I hope that in future when any piece of legislation affecting taxi drivers and their livelihood is to be amended, there will be greater liaison than existed on this occasion.

In his second reading speech the Minister said this was only a minor Bill, and that no opposition would be forthcoming from the Taxi Control Board or the taxi drivers. However, the opposite was the case. From the many discussions I have had with taxi drivers, I found that no other body with which I have had contact had been incensed as much as this group.

I understand from a report which appeared in this morning's issue of *The West Australian* that a meeting had been conducted at the Leederville Town Hall at which 400 taxi drivers were present, to discuss various aspects of the Bill and the effect it would have on them. I understand that when the question was put to a vote only 10 taxi drivers voted against the motion advocating the deletion of the provision for imposing a 10 per cent charge on the transfer of taxi licences, and the substitution of an increase in the licence from \$3 to \$35 per year.

There are other aspects of this legislation which I would like the Minister to clarify. As the Minister has pointed out, this Bill was introduced as a result of the large deficit which the Taxi Control Board will face at the end of this financial year. I would like to know why all of a sudden that board is facing such a heavy deficit. If every year the Taxi Control Board is to be confronted with a colossal deficit we should look at methods of abolishing the board and setting up an alternative. No doubt, the proposal in the Bill represents only a stop gap measure, and there is nothing to say that the same deficit will not be faced in future years.

I get back to the question of the lack of liaison. This is not the first occasion that this Government has ridden roughshod over organisations and individuals, without consulting them. Every time a Liberal Government is in office this happens. Liberal Governments do not consult anybody; they introduce legislation in this Parliament affecting primary producers and other organisations, and their members have to agree to it or else.

Mr Laurance: That is rubbish.

Mr McIVER: It is not rubbish. The honourable member should refer to the debates in *Hansard* which took place before he became a member of Parliament. If he does that he will find that what I am saying is correct.

It is no wonder the taxi drivers are incensed. No doubt, all members have received a copy of the letter from the WA Taxi Operators' Association Incorporated, signed by the secretary. It is pertinent that I should quote from it. The letter states—

Our Association on behalf of the members of the Taxi Industry seek your support in stopping passage of

the Bill introduced in the Legislative Assembly, referring to a proposed charge of a transfer fee on taxi licenses.

This proposal was not the fruit of a submission either from the Taxi Control Board, nor from members of the Taxi Industry, but the fruit of some administrator(s) within the Transport Commission.

If that portion of the letter is factual the administrators within the Transport Commission should keep their noses out of the operations of the Taxi Control Board, especially if in so doing they bring about a loss to the board. To continue with the letter—

The Taxi Control Board's approval was obtained during the meeting on 12th January 1976 by means of motions by Mr Rowe, a temporary replacement of the taxi owner representative on the Board who was ill at the time, and Mr McDonald, the Metropolitan Transport Trust representative.

However, we regard this as a mere formality, since the plan had already been devised before this meeting.

Sitting suspended from 6.15 to 7.30 p.m.

Mr McIVER: Before the tea suspension I was quoting the relevant sections from a letter from the WA Taxi Operators' Association which highlighted the Government's inability to contact the various taxi operators before this Bill was introduced, and I gave reasons for this. I now quote further from that letter as follows—

At no time were taxi owners informed of the proposal, nor were they given the opportunity to comment on it. As a matter of fact, if it were not for the Press, the taxi owners still would not have known about it.

This may clarify the Minister of Transport's statement in Parliament that no opposition to the proposal was voiced.

It can be seen from this letter the reason that the association was so much up in arms about the legislation in its original form. However, as the Government is now prepared to amend the legislation as requested by the taxi operators it is futile for me to labour the point.

On the credit side, the legislation has resulted in more taxi owners joining the association. They have seen the benefit of getting together and discussing the problems that confront them, as was evidenced at the meeting in the Leederville Town Hall the other night. I understand this has not happened very frequently in this industry and perhaps it will indicate that they should look at the legislation that comes forward from time to time, particularly if it is likely to affect their livelihood.

From the publicity that has resulted from this legislation those taxi owners who wish to sell or transfer their plates will be able to ensure earlier settlement than has previously been the case.

With those few remarks I hope that in future, when legislation dealing with transport matters is brought before the House the Minister will notify the people concerned as to what it contains so they may be fully informed.

As I have already said, since the Government has agreed to amend the legislation at the request of the taxi drivers, it is futile for me to pursue the matter any further.

I support the Bill and the amendments which will be moved in the Committee stage.

MR HARTREY (Boulder-Dundas) [7.35 p.m.]: I do not wish to bore the House by repeating what I said before the tea suspension, but the remarks I made then apply equally to the provisions appearing in the Taxi-cars (Co-ordination and Control) Act Amendment Bill which is now before the House.

In Committee I will move an amendment, and I wish to go on record as having applied to this Bill the same arguments I formerly applied to the previous piece of legislation that was discussed before the tea suspension.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [7.36 p.m.]: I thank members for their comments in connection with this Bill. To save time I inform the member for Boulder-Dundas that the remarks I made on the previous Bill in connection with what he said apply also to the relevant provisions of this Bill. I thank the member for Northam for his general support of this Bill.

Mr T. H. Jones: Where is Northam?

Mr O'CONNOR: I am sorry; I meant to refer to the member for Avon.

Mr O'Neil: He used to be the member for railways until Sunday.

Mr O'CONNOR: I am sorry the member for Mt. Hawthorn is not in his seat, because he commented that the Government had ridden roughshod over the taxi industry, which shows his total lack of knowledge of that industry, and all that happened.

Mr McIver: Not only the taxi drivers, but also some of the others.

Mr O'CONNOR: I was referring to what the member for Mt. Hawthorn had said, and I qualified it. When we consider the composition of the taxi board we find that it comprises eight members elected by the members of the taxi industry. The owners and drivers report back to the industry as to what takes place. This proposal was brought to me by the board following a meeting that was held in January. If

there was something wrong and the members of the industry did not report back it is certainly not due to any fault of the Government; it is the fault of the taxi industry itself, because it is that industry that elects the people who are expected to pass the information back.

Mr McIver: There is no driver representation on the board is there?

Mr O'CONNOR: Three members of the board are elected by the owners and drivers in the industry.

Mr McIver: But there is no driver representation.

Mr O'CONNOR: I think there is owner-driver representation.

Mr McIver: That is so.

Mr O'CONNOR: This is for the industry itself. We do not do the electing; we allow a free ballot of members of the industry to elect the members they want to represent it. We feel this is the fairest way. This system has applied for a long time. When the members of the industry are elected in this manner under the Bill we have before us, one would think the necessary information would be passed back to the industry.

Some 10 days ago the member for Toodyay approached me and said that someone from the taxi industry had made representations to him about this Bill, because the industry felt it was not aware of what the legislation contained. The honourable member asked me whether I would be prepared to see the members of the association. I said I would, but no-one from the association contacted me to discuss the matter.

Last Monday members of my party came to me and showed concern that members of the industry were restless about the Bill and would prefer there to be some return to them other than through the sale of plates.

I said I would be happy to see the members of the industry even at that late stage. I saw them on Wednesday night.

I advised the members of the association that the Bill was brought forward by the board on which they had representation; that the recommendations had been made to me some months ago and I could not understand their not knowing what the Bill contained. They advised me they still wished to obtain the money from within the industry but that they would rather get it from another source.

I notified the members of the association that provided they held a meeting of members of the industry—of the drivers, the owners, and anyone else who participated—and advertised this widely over the two-way radio and by notices on the notice board; and provided the meeting was held on a Sunday, which was a slack day, I would be prepared to listen to recommendations.

The members of the association brought forward a recommendation of which I have advised the member for Avon. I took this recommendation to Cabinet and was given approval to proceed with the amendment.

Accordingly I think it can be seen that the Government has been very tolerant in accepting recommendations and advice from the industry. As a matter of fact, even as late as last week we deferred the Bill knowing we would have to suspend Standing Orders to get it through.

Mr McIver: A lot of taxi drivers voted Liberal.

Mr Clarko: A lot of people voted Liberal; don't you read the Gallup polls.

Mr Bryce: I read the Sydney newspapers.

Mr Harman: Wait till Medibank comes in.

Mr O'CONNOR: The honourable member may speak on Federal issues at a later stage if he wishes. As I have said, the Government was quite agreeable to accept the recommendations made by the industry and during the Committee stage I shall move the necessary amendment.

Mr McIver: What is the trouble; why is the board running into financial difficulties?

Mr O'CONNOR: I am sorry I did not answer that point which was raised by the member for Avon. In the past the board has been financed to a certain extent by what the industry gets back from the sale of plates. There may be 20 plates that go out each year and a certain amount of that money goes to the board, which helps to finance it. In view of the state of the industry at the moment—it is at a very low ebb—it is not reasonable to issue new plates to finance the board in this manner. Accordingly it has been necessary to consider some other method by which to achieve this end. This is why the board came back after discussing the matter with the representatives of the industry and said it thought it could obtain the money in the manner explained. This amount of \$35 up to \$50 for the licence plates should be able to finance the board each year.

Mr McIver: You agree then that the Bill as presently worded would have depressed the industry further?

Mr O'CONNOR: No. It would have got the same amount of money but in another way; but if the industry prefers the way that has been described the Government is happy to agree to it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 19 amended—

Mr O'CONNOR: I ask members to vote against this clause.

The DEPUTY CHAIRMAN (Mr Blaikie): To achieve the desired result, the Committee will need to defeat the clause, and later on the Minister can move for the inclusion of a new clause. In the first instance, the Minister should oppose the clause, as he has done.

Clause put and negatived.

Clause 4: Sections 24A and 24B added—

Mr HARTREY: I move an amendment—

Pages 4 to 6—Delete subsections (1) to (4) of proposed new section 24B.

This will leave subsection (5) of the proposed new section, which is not so obnoxious. The reason for moving the amendment has already been recorded but I think I should repeat it.

Quite obviously, there are many times when the nonattendance of a summonsed accused person may be explained by matters over which he has no control. He cannot always command adequate health; he cannot always command adequate means of transport. He cannot always guarantee that trains, aircraft, or ships will run without interruption these days. He cannot at any time guarantee that his own motorcar will operate. There must therefore be occasions when an accused person who has been charged and notified in accordance with the Act that he is going to be charged further with other offences which are listed will not be able to turn up in court to tell the judge or the magistrate whether he has committed any previous offences or even whether he has committed the offence with which he is being charged.

If he does not turn up, affidavit evidence which is not capable of being cross-examined by anybody will be accepted. In other words, someone who is not in court will swear an oath that Bill Blow is guilty of an offence, the details of which are given, and is guilty of other offences, the details of which are given.

It will not be known why the accused is not present. It may be he is in the Eastern States or his means of communication has broken down, but if he is not present he will be found guilty. There is nothing to prove he is guilty of previous offences. There is an affidavit before the court that on a certain day he was served with a summons at a certain house. How do we know he was served at that house? The

magistrate knows that, because the person swearing the affidavit has said so; but he may be mistaken.

I was involved in a famous case many years ago. An old miner who was very hard of hearing—as many miners are—was asked, “Is your name John Trenaman Coleman?” He replied, “Yes” although he was not that person. He was charged with and convicted of a political offence during the last war. He did not know until half-way through the show what it was all about. It was his son they were after.

The fact remains it is quite possible for these provisions to misfire. This is an easy way to find people guilty, and that is what Government departments want. They want easy ways to convict citizens of offences because it is the departments which are bringing the charges and the easier it is for them to convict a citizen, the better. Is this Parliament here as the servant of Government departments or as the protector of the individual liberties of the people who elect the members of the Parliament? My responsibility is to electors in Boulder-Dundas, irrespective of party, creed, colour, or religion. My responsibility is not to some Government department. Our responsibility is to the people.

I speak from experience of criminal proceedings, and one does not improve the administration of justice by taking short cuts and endeavouring to save the time of policemen or prosecutors for the Transport Commission, the Taxi Control Board, or any other board. If we insist upon doing that, we will probably save revenue but lose a lot of votes when people are unjustly convicted. This is not the way to carry out British justice in the way it has evolved over the years. I register my protest against it.

Mr O'CONNOR: I spoke about a similar matter during the debate on the previous Bill, and I think the honourable member's argument on this occasion is just as weak as his previous argument. This evidence can be provided to the court only after the person is convicted. If the person has been convicted of several offences, the court must know that, because of the different minimum and maximum penalties in each case.

I do not blame the honourable member for trying to get his clients off or trying to use loopholes in the law; but I believe our job is to try to protect public money. As legislators, we decide how much money is wasted and how much is saved. In the proposed new sections we are trying to prevent the wastage of the taxpayers' money and we are trying to provide further security for the defendant himself. The information is forwarded to him; if he is deaf it does not matter because he can read.

Mr Hartrey: What if he cannot turn up?

Mr O'CONNOR: What happens now? He can be convicted in his absence. This provision gives adequate protection to the defendant, in my opinion, and permits him to see beforehand the information which will be provided to the court in order that he may find out for himself whether he is guilty of all the charges which have been laid against him. If he is not, he has the opportunity to notify the court accordingly. I oppose the amendment.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr T. J. Burke	Mr McIver
Mr Carr	Mr J. T. Tonkin
Mr H. D. Evans	Mr Moiler
Mr Fletcher	

(Teller)

Noes—21

Sir Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Young
Mr O'Connor	Mr Clarko
Mr Old	

(Teller)

Pairs

Ayes	Noes
Mr T. D. Evans	Mr Coyne
Mr B. T. Burke	Dr Dadour
Mr Mav	Mr Sodeman
Mr Skidmore	Mrs Craig
Mr A. R. Tonkin	Mr Sibson
Mr Davies	Mr Mensaros

Amendment thus negatived.

Clause put and passed.

New clause 3—

Mr O'CONNOR: I move—

Page 2—Insert after clause 2 the following new clause to stand as clause 3—

Section 22B amended.

3. Subsection (2) of section twenty-two B of the principal Act is amended—

(a) by deleting the words “one dollar”, in line five, and inserting in lieu thereof the words “thirty-five dollars”; and

(b) by deleting the word “ten”, in line six, and inserting in lieu thereof the word “fifty”.

New clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th May.

MR McIVER (Avon) [8.07 p.m.]: This Bill follows on the other two Bills which we have just disposed of, and its purpose is similar. From the Minister's attitude it is apparent that it is futile for us to oppose this Bill, because he is firm in his decision that the court shall act in this way.

I draw the Minister's attention to the fact that on two occasions in the Committee stages the member for Boulder-Dundas expressed considerable concern in respect of the legal aspects of these Bills. The Minister would be the first to agree that the member for Boulder-Dundas is no apprentice when it comes to legal aspects of legislation. I ask the Minister for an assurance that when this Bill goes to the other House he will confer with the Attorney-General in that place and ask him to investigate the matters raised by the member for Boulder-Dundas and amend the Bill if necessary. If legislation passed in this House could act detrimentally to a defendant, it should be corrected before it is proclaimed.

I simply ask the Minister to discuss this matter with his colleague, having regard for what the member for Boulder-Dundas has said in the House tonight. That member has a wide experience of legal matters. You may recall, Sir, that when we were in Government no-one contributed more to the workers' compensation Bills or did more research than the member for Boulder-Dundas.

With those comments, I support the measure.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [8.10 p.m.]: I thank the honourable member for his general support of the Bill. I assure him that I will notify the Attorney-General of the views expressed by the member for Boulder-Dundas. I respect the views of that member, but I think he is off the track in connection with this issue; if I thought otherwise I would have referred the matter immediately to the Attorney-General, or at least informed him I would have it checked in another place.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Sections 56A and 56B added—

Mr HARTREY: In order to be consistent, I move an amendment—

Pages 3 and 4—Delete new section 56B.

The **CHAIRMAN**: I draw the attention of the member to the Standing Order that requires written notice of amendments. If he wishes to move an amendment, I ask him to abide by that Standing Order.

Mr HARTREY: Yes, Sir; I will do that immediately. Having done so, I do not propose to address myself to the clause.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION ACT AMENDMENT BILL

In Committee

Resumed from the 20th May. The Chairman of Committees (Mr Thompson) in the Chair; Mr Grayden (Minister for Labour and Industry) in charge of the Bill.

Clause 13: Section 12 repealed and re-enacted—

The **CHAIRMAN**: Progress was reported on the clause after the member for Ascot had moved the following amendment—

Page 9—Delete subparagraph (iii).

Mr BRYCE: Members will remember from the debate last Thursday that the express purpose of this clause is to give the new post-secondary education commission the power to advise the governing bodies of those institutions in respect of charges to be made for classes and courses of instruction. It was in the context of our opposition to that principle that we took exception to this clause last Thursday.

It is a fact of life that fees have been abolished in tertiary education institutions. We have seen the Premier duck and dive when invitations have been proffered from this side of the Chamber for him to declare where his Government stands in respect of this principal issue. However, some interesting developments have occurred since we were debating this question just five days ago. We on this side of the Committee are arguing that there is no justification for reintroducing fees. Presumably the Liberal and Country Party members of this Chamber disapprove of the measure that was taken by the Whitlam Government to abolish fees in tertiary institutions. Presumably they approve of fees to be charged

in tertiary education institutions and have endorsed moves which have been made to reintroduce fees in all these post-secondary institutions.

I cannot let the opportunity slip without drawing the attention of the member for Vasse, who unfortunately is not in his seat and who interjected last Thursday to suggest that the anxiety about this question was in my mind and only my mind, to page 10 of *The West Australian* newspaper that was printed and published just 24 hours after he made that suggestion. I hope he has read the page in the newspaper. He suggested that the anxiety was in my mind and my mind only.

Mr Clarko: It's the only thing in your mind.

Mr BRYCE: At this point of time it certainly is.

Mr Blaikie: You were creating the anxiety.

Mr BRYCE: The anxiety was certainly justified because the information I had received, that the political party to which the member for Vasse belongs was not committed to maintaining free tertiary education, is true, and it is the intention of the member's political colleagues at the national level to reintroduce fees. That dovetailed very nicely with the move that is being made in this clause of this Bill to handle the reintroduction of fees in all the post-secondary education institutions.

At this moment in the debate it is important that members opposite do not run for cover in respect of their political principles. They should stand in their places, be prepared to be counted, and acknowledge that they are in favour of the reintroduction of fees for universities, colleges of advanced education, and the Western Australian Institute of Technology. If they vote to support the retention of this subparagraph that is precisely what they will be doing.

Members opposite may rest assured that those of us on this side of the Chamber who will be involved in campaigning in the months to come will accept the responsibility to ensure that their electors are well informed that that is precisely how they voted.

One aspect of this matter which concerns me is in relation to those members who represent country people. In addition to the very significant accommodation costs involved in sending a youngster to the city to be educated at tertiary level, from here on, as was the case prior to 1974, the parents of students from country areas look like facing the prospect of paying fees for universities as well.

For those members on the back bench, such as the member for Merredin-Yilgarn and the member for Stirling, who think this matter is fairly humorous, I take the opportunity to remind them that a fee of somewhere between \$500 and \$1000,

which was the level of fee being charged prior to the abolition of fees at this State's university, is sufficient to deter a significant number of young people from attending the university.

Mr Shalders: Do you oppose fees for second and subsequent degrees?

Mr BRYCE: I most certainly oppose fees for any course at a university or at any college of advanced education; we all do so.

Mr Clarko: For a fourth degree?

Mr BRYCE: I suggest that there is a very valid case for retaining free education for people who propose to continue their studies to a higher degree level.

Mr Clarko: Are you talking about additional degrees now?

Mr BRYCE: Both are lumped together. In respect of additional degrees, do members opposite ignore the needs of retraining? If somebody decides that he will study for a subsequent degree is society suffering because he goes back to university and wants to do a second degree? I respectfully suggest that our society benefits when somebody returns to a university to take a second and subsequent degrees.

Mr Clarko: What about when they stay on for 10 years?

Mr Shalders: There are a few graduates surfing in—

Mr BRYCE: It is interesting to hear where the member for Murray stands on this question. What really concerns me is that in 1974 and 1975 we had a Premier who would take arguments to the national Government and proclaim himself as the hero of the West by saying that he would protect the people of this State against the ravages of decisions made by the national Government. Now that we need him more than ever we find that his guns have been spiked and there is not a word from the Premier of Western Australia. We have asked him to declare in this place where he stands on this question and of course the fact is that he is not game to say that he believes the fees should be reintroduced.

The CHAIRMAN: The member has two minutes.

Mr BRYCE: For the sake of the record it is very important that I draw the attention of members to the words printed on page 10 in *The West Australian*. Just 24 hours after the Premier ducked and dived from the questions asked in this Chamber on this matter it was announced to everybody in Western Australia in the third paragraph of this article on the Federal Government's mini-Budget that—

... the Government has decided to reintroduce tuition fees for students taking second and higher degrees.

And it is considering imposing tuition fees for foreign students.

I submit to the Committee that this clause of the Bill, in concert with the recent decisions made by the national Government in its mini-Budget, is the thin end of the wedge. It is the first step in a list of decisions that will see the reintroduction of fees for all students in tertiary institutions.

Mr H. D. EVANS: The suggestion that there should be a reintroduction of fees for tertiary education levels is repugnant to this side of the Chamber. When one looks at them, the reasons given by the Minister for the inclusion of this clause are not even valid. In reply to a question by the member who has just resumed his seat on the 19th May—and he subsequently reiterated and strengthened the same premise in the course of debate—the Minister stated—

The Government was advised to retain the provision so that in the unlikely event of changes—which I emphasise—in national policies, then further amendments to the Act to restore the function of the education council to advise on the charging of fees would be unnecessary.

He is saying there that if by some improbable situation it is necessary to charge fees, the Act will not have to be brought back and reopened for amendment in this Chamber. I feel that that is one of the most ludicrous arguments that he could have put forward. If it is at all necessary at some future time, surely the Act should be brought back before this Chamber and the circumstances which justify the reimposition of fees should be examined in some detail. But to retain this clause or at least the phrase "for classes and courses" cannot be defended and suggests the Government has a prior motive in mind.

The Opposition could be forgiven for having some suspicions of the motives of the Government in the light of recent events. This suspicion is strengthened by the extract from *The West Australian* to which the member for Ascot referred. I shall not read the passage that he included in *Hansard* but I draw the attention of members to another significant fact, which is that the Federal Government has allocated \$1 569 million for education in the next financial year. This is a cut of \$80 million on the forward estimates on education but an increase of roughly 4 per cent on the current year's spending.

In my hearing in several places the Minister for Education has referred to the increase of costs, and he has certainly dwelt on this matter at some length at every opportunity that has been availed to him. If there is to be an increase of only 4 per cent in spending that will be after the \$80 million estimate has been dropped and it certainly will not keep up with the present rate of inflation. The Treasurer piously hoped that the rate of inflation

would be reduced to 10 per cent. If inflation is contained at 10 per cent, the allowance of a 4 per cent increase will not meet the existing services at the same level.

Therefore if there is a drop in the real amount to be spent on education—and there must be under these figures—economies will have to be effected or other sources of revenue found at least to maintain something like the present standard. This suggests that fees could be reimposed. That inference, taken in conjunction with the paragraph which was quoted, that fees will be introduced for the specific purposes stated, justifies the Opposition making this point very strongly. Also, the attitude of the State and Federal Governments does not inspire confidence and I could give one or two small examples such as Medibank. That is a classic example.

Mr Blaikie: What has that to do with the Bill?

Mr H. D. EVANS: It has everything to do with the attitude and the practice of this State Government and the Commonwealth Government. The Premier said that we would not have a bar of Medibank. They were bold words. He said that there are some things on which one must stand up for a principle and that we would not take on Medibank. However, where are we today? What about the Prime Minister who said there would be no interference with Medibank? What occurred last week, and what is contained in the mini-Budget?

Mr Clarko: The position of poor people has been made better as a result of the mini-Budget.

Mr H. D. EVANS: The member for Karrinyup must be joking.

Mr Clarko: What about child endowment?

The CHAIRMAN: What about talking about the amendment?

Mr H. D. EVANS: Thank you, Mr Chairman.

Mr Blaikie: What about child endowment?

Mr H. D. EVANS: And the concessions which will be lost? Come, come now! Members have only to do a few simple arithmetical exercises to see how it works out.

Several members interjected.

The CHAIRMAN: Order!

Mr H. D. EVANS: To return to the amendment, there is very little occasion for the Opposition to have confidence in this Government's attitude. The Press printed substantiating suggestions fairly fortuitously which makes us concerned about a provision which could possibly lead to the reimplementing of fees. This is one of the last things we would want.

It would be calculated to hurt those who could least afford it.

The Deputy Premier knows of the deprived areas of the south-west as he has had personal experience of them, as have the Speaker and I. We know of particularly outstanding youngsters who never had an opportunity to avail themselves of tertiary education. Do not let members try to tell me that the scholarship scheme compensated for this and made allowance for it. It did not at any stage.

We have only to consider the position in some farming areas these days where it is no longer traditional for children to remain on the farm and follow the vocation of their fathers. This can no longer be done with any great degree of success because the sheer economics of the industry will not permit it. As a consequence more and more youngsters who are capable of taking up a profession or following through to tertiary education level are coming from farming areas, and the imposition of fees together with the boarding and other costs which would be entailed could well and truly tip the balance against a youngster fulfilling to the greatest degree of his capacity an education in a tertiary institution.

The CHAIRMAN: The honourable member has two minutes.

Mr H. D. EVANS: Thank you, Mr Chairman. These are the people who will be disadvantaged if this clause is implemented. I trust the Committee will not go along with the clause as it is printed.

Mr HARTREY: I wish to support the amendment and to associate myself with the views expressed by the member for Ascot and also the deputy leader of our party. It has been thrown at the member for Ascot as some sort of reproach that he might have been in favour—and he says he is—of no fees for third, fourth, or fifth degrees. I do not consider that to be any reproach whatever. I am very grateful for the fact that in past years this Parliament resisted charging fees for university education.

Mr Bryce: It also cuts across post-graduate work well and truly.

Mr HARTREY: In 1921 I sat in the gallery of this Chamber and listened to animated debate about whether or not fees should be introduced in the University of Western Australia. A Labor Government in 1912 had ordained a free university and in 1921 there was a Liberal Government in office under the leadership of Mr Mitchell, later Sir James Mitchell, and it ultimately resolved to retain the free university.

In 1931 I came back from Victoria to make another attempt to qualify myself as a legal practitioner and to do that I had to obtain a law degree. I was living on £2 10s. a week as a part-time school

teacher. I do not know what fees I could have paid. In three years I managed to buy a suit of clothes and also to get my shoes repaired occasionally, but not always. I got through with the aid of a free university and obtained the necessary qualifications which, followed by articles in law, enabled me to become what I was so envious of becoming; that is, a member of the legal profession. At the age of eight I had that ambition, but I could not have achieved it without the support of free education.

I am grateful to the people of 1921 and 1931 and to all people for the contribution they made to my education. I never forget to acknowledge that debt with gratitude and I do not consider it a reproach that the people of those days enabled me to get a third degree for nothing. I am grateful for it and if I was lucky enough to get those advantages for myself, I will not sit here silently while it is proposed to open an outlet through which the rising generations of the State in which I had the honour to be born and to which I have the sincerity to be dedicated, are deprived of the opportunities given freely to me.

Very sincerely and enthusiastically I support the amendment, and for very good reason. I believe the people of Western Australia will support it. Reference has been made to child endowment. It is good to get that, but we must give our children a career when they grow up. We rear the children as citizens of the State and the better educated they are the more use they are to the State and the more likely they are to make a contribution to the happiness and prosperity of the State. The idea of that education becoming, in some mysterious manner, a preserve for the more aristocratic class, is abhorrent to me.

We of the lower orders cannot recite with sincerity that beautiful poem—

God bless the squire and his relations,
And keep us in our proper stations.

I do not want to keep everyone in his "proper station". I want every opportunity to be given to coming generations to achieve what I have achieved. I am sincere in my gratitude to my fellow countrymen and their ancestors who helped me achieve some of my ambitions and I express my gratitude by sincerely supporting an amendment which will close the door against the deprivation of future generations of what I had the good fortune to enjoy in my day.

Mr GRAYDEN: With all due respect to the members for Ascot, Warren, and Boulder-Dundas, I must say there has been a great deal of hot air spoken in respect of this clause.

The other day when the member for Ascot spoke on the second reading, for the most part he made a very objective kind of speech appreciated by most members. Later in Committee he raised this particular point, and at that stage I thought it was

a case of simply tilting at windmills. Then when I heard the member for Warren speak I began to realise the situation was in the category of a storm in a teacup. However, when I heard the later remarks of the member for Ascot the whole intention of the Opposition became abundantly clear. He made it absolutely clear that the Opposition would make a political thing of this for the sole purpose of going around the countryside to convince students that the Western Australian State Government planned to reintroduce fees when nothing could be more false.

Mr Bryce: The Premier has not been game to state anything like that.

Mr GRAYDEN: The members for Ascot, Warren, and Boulder-Dundas know the situation because the member for Ascot relatively recently asked a question on the subject and in reply he was told that there are no plans to reintroduce fees in tertiary institutions.

Mr Hartrey: At present.

Mr Bryce: At present.

Mr GRAYDEN: The answer to the second part of the question reads—

- (b) Advice to governing authorities of tertiary education institutions concerning fee matters is a retention of an existing function of the Tertiary Education Commission. The Government was advised to retain this function for the new Commission so that in the unlikely event of changes in the national policies on fees, then further amendments to the Act to restore the function would be unnecessary.

Mr Bryce: And 24 hours later they were changed.

Mr GRAYDEN: This is the situation. Surely the member for Ascot will not suggest that we can commit national Governments—Labor or Liberal—20 years hence.

This provision has been in the legislation and it is being retained so that minor amendments in future will be unnecessary.

The same kind of provision is included in the legislation concerning the Murdoch University, the University of Western Australia, and WAIT. The provision in the Murdoch University Act reads—

- (4) Without derogating from the generality of the power given by paragraph (e) of subsection (2) of section 17, Statutes not inconsistent with this Act may be made by the Senate in respect of

- (5) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, examination, residence and the conferring of degrees and other academic distinctions;

That is already in the Murdoch University Act.

Mr Bryce: If that legislation were before us for review we would be justified in deleting that provision.

Mr GRAYDEN: That provision is in that Act and it will stay there. A provision in the University of Western Australia Act reads—

31. (1.) The governing authority may from time to time make, alter, and repeal Statutes with respect to all or any of the following matters, that is to say

- (p.) The fees, if any, to be paid for examinations, for the granting of degrees, diplomas, and certificates, and for attendance at the lectures and classes of the University;

That is the provision in that Act.

Mr Bryce: And if that legislation were up for review we would be justified in deleting that provision, but it is not before us at present.

Mr Young: Who introduced the Murdoch University legislation? Your party did.

Mr Bryce: That has nothing to do with it.

Mr Young: Of course it has.

Mr Bryce: If that legislation were before us now we would be justified in deleting that provision.

The CHAIRMAN: Order! The Minister.

Mr GRAYDEN: The point raised is completely irrelevant because the provision exists in the University of Western Australia Act, the Western Australian Institute of Technology Act, and in the Murdoch University Act. It applies also to any other Act which has to do with post-secondary education institutions.

The member for Ascot has spoken relatively highly about the Western Australian post-secondary education commission. The functions of the commission are simply to advise the governing authorities of the respective post-secondary institutions with regard to fees to be charged by and paid to those institutions. We are to permit them merely to advise on fees. In those circumstances it is nonsensical for members of the Opposition to begin to oppose the measure. The post-secondary education commission will be a highly competent organisation and will simply offer advice with regard to the fees, if any, to be charged.

What we do now will not affect the situation one iota. All that the proposed amendment will do is deny a very responsible body, which is about to be set up and has been accepted by members, the right simply to give advice in respect of fees.

The attitude of the Government was made absolutely clear in the answer provided to the question asked; that is, there

are no plans to reintroduce fees in tertiary education institutions. That is the situation as far as the Government is concerned.

Mr Bryce: The provision is included as the thin end of the wedge.

Mr GRAYDEN: In the circumstances I repeat that the whole thing is an absolute storm in a teacup. As the member for Ascot has said, this attitude has been taken to gain some political capital. I hope it is not at the expense of the students attending tertiary institutions throughout Western Australia. They are being caused unnecessary alarm and they are finding things difficult enough now without rumours being spread throughout the State.

Mr HARMAN: As usual the Minister for Labour and Industry has introduced a red herring into the debate. The real fundamental difference between the Labor Party and the Liberal Party, and the real reason we have moved this particular amendment, is that the Liberal Party considers itself to be a party of privilege. Even though members opposite will never admit that is the position, it is the complete basis of their belief and the complete basis for retaining their position in Australia. Members of the Liberal Party thrive on privilege and the only way to achieve that privilege is to ensure that only certain types of people are able to attend universities.

When one looks at the hierarchy in Australia, one sees that the people who hold important positions have university degrees. So, the Liberal Party ensures that those people hold high positions by denying others an opportunity to attend our universities.

Many members on the other side of this Chamber do not understand what is happening in Australia. Last year when the High Court brought down a decision which enabled the election of an extra four senators, that would have meant the end of the Liberal Party reign in the Senate. That is when the Liberal Party "went for broke", because it knew that would be the end of any control in Australia. That was the real reason for the election in December. One can understand that the Liberal Party wants to reintroduce fees at the universities to ensure that only a certain type of person is able to attend those universities. The Liberal Party wants to ensure that the son of a guard working in the Railways Department does not have an opportunity to go to university.

Sir Charles Court: Do not talk rot.

Mr HARMAN: The Liberal Party wants to ensure that the son of a fitter working at the Midland Workshops does not have an opportunity to attend university.

Sir Charles Court: Have you looked at some of those sitting on this side of the Chamber?

Mr HARMAN: Now we really know why the Liberal Party is introducing the provision to charge fees.

Sir Charles Court: Have you changed your attitude since 1973?

Mr O'Neill: The Labor Party introduced the Murdoch University Bill which included the right to charge fees.

Mr Jamieson: That was during the pre-Whitlam era.

Sir Charles Court: It was in 1973.

Mr Bryce: When were fees abolished?

The CHAIRMAN: Order! Members will refrain from interjecting. The member for Maylands has the floor and he is entitled to be heard.

Mr HARMAN: Under the Whitlam Government we had the NEAT Scheme which enabled a certain number of people the opportunity to attend universities in order to retrain themselves for other occupations.

Mr Young: That was the biggest joke ever introduced in Australia. I knew of one woman with five kiddies who could not get in.

The CHAIRMAN: Order!

Mr HARMAN: What I am saying really hurts members opposite. Very shortly after the election of the 13th December, 1975, the Fraser Government decided that those students who had already spent a year at the universities doing full-time studies under the NEAT Scheme had to go back into the work force. What sort of a Government would take that action? A man faces all sorts of problems to achieve his ambition of retraining himself for another occupation and after doing one year at a university he is told by the Fraser Government that he no longer has the opportunity to complete his education, and that he has to go back into the work force because his allowance has been cut off.

The reason for that action was that the Liberal Party is a party of privilege and it maintains its status in Australia by ensuring that only people who support it have an opportunity to receive higher education.

Sir Charles Court: You have said some silly things, but that is the silliest.

Mr HARMAN: I know what is happening in this State, and we all know what happened in Canberra last year. When the Liberal Party realised there was a chance that it would no longer control the power in Australia it adopted a "go for broke" attitude, and achieved its objective.

The amendment proposed by the Opposition emphasises the basic differences between the Liberal Party—a party of privilege—and the Labor Party—a party which understands the plight of the workers, not only with regard to education but also with regard to health and other aspects of life.

The Minister for Labour and Industry has drawn a red herring across the argument in order to detract from the real reason the Liberal Party is opposing the amendment moved by the Labor Opposition.

Mr GRAYDEN: We have just listened to arrant hypocrisy.

Mr Davies: That is all you can say; that kind of rubbish.

Mr GRAYDEN: It would be remiss of me if I did not say something in reply to the member for Maylands.

Mr Bryce: I am sorry I am not able to speak again to this clause.

Mr GRAYDEN: It is incredible that the member for Maylands should make statements of the kind he has made.

Mr H. D. Evans: He made them very well, too.

Mr GRAYDEN: The member for Maylands talked about equality of opportunity as though the Liberal Party and the Country Party did not believe in those principles.

Mr Jamieson: That is right.

Mr GRAYDEN: The member for Maylands said this proposal made provision for the reintroduction of fees.

Mr Jamieson: You are right, it does.

Mr GRAYDEN: What did the Labor Party do in 1973?

Mr Harman: That was way back in 1973.

Mr GRAYDEN: It introduced the Murdoch University Bill which included the provision to which the Labor Party now objects.

Mr Davies: Things have altered since then.

Mr GRAYDEN: To illustrate the arrant hypocrisy of the member for Maylands I point out that the Murdoch University Act includes the provision for fees and charges to be paid, including fees and charges for entry, tuition, lectures, examinations, residence, the conferring of degrees, and other academic distinctions.

Mr Laurance: Who introduced that?

Mr GRAYDEN: That was introduced by the Labor Government at the time.

Mr Bryce: You have not done your homework, Mr Minister.

Mr GRAYDEN: The Bill now before us will include a clause—already included in the previous legislation—which will give the proposed commission power to advise the governing bodies of tertiary institutions only with regard to fees. However, the Labor Government in 1973 went infinitely further and included in the Murdoch University Bill provision not merely to charge fees for entry, but also charge fees for tuition which students received at the institution. The provision covered lectures and examinations. That

is what the Labor Government did in 1973. It is hypocritical for the member for Maylands to stand up tonight and criticise the Government for taking action which is mild in comparison with what the Labor Government did in 1973.

As I say, I rose to draw attention to this arrant hypocrisy—

Mr Bryce: You will wish you hadn't.

Mr GRAYDEN: —and it cannot be described otherwise when this legislation can be criticised in the light of—

Mr Harman: It is a party of privilege!

Mr GRAYDEN: —what the Labor Government did a few years ago. I would like to have a copy of the statements made by the member for Maylands so that I could read them to remind members of what he did say.

Mr Davies: We know what he said.

Mr GRAYDEN: He made his comments notwithstanding the fact that his Government went so much further than I have described. In the circumstances, I do not think it is necessary to say any more.

Mr H. D. EVANS: The propensity of the Minister who just resumed his seat to indulge in personal attack is exceeded only by his stupidity.

Mr Davies: Hear, hear!

Mr Blaikie: Fair go!

Mr Bryce: You just listen.

Mr H. D. EVANS: The propensity of the Minister to indulge in personal attack is exceeded only by his stupidity, and his failure to understand the subject with which he is dealing.

Mr Grayden: From anyone else I would take exception to it, but not from you.

Mr H. D. EVANS: He claimed—

Mr Bryce: We are looking for an apology from the Minister.

Several members interjected.

The CHAIRMAN: Order!

Mr H. D. EVANS: The Minister accused the Labor Government of writing the provision for fees into the Murdoch University Act which, as he said, came into effect in July, 1973. However, what he did not say, or what he did not know probably—and this comes back to the lack of homework on his part—was that there was a necessity to include the provision because of a legacy from the Menzies Government. That Government introduced fees, and as a consequence, they were still required at that time.

Mr Young: Who was in Government in Canberra at the time?

Mr Clarke: You had the Whitlam Government in Canberra.

Mr H. D. EVANS: Without the provision for fees, there would have been no revenue to the university from Commonwealth

sources, as members opposite well know. When the Whitlam Government took office, one of the first things it did was to abolish fees, and it abolished them as from the beginning of the academic year of 1974. This is the reason for the necessity to write that requirement into the Murdoch University Act. I repeat that the Minister's stupidity is exceeded only by one thing.

Several members interjected.

Mr H. D. EVANS: Has the Minister any further comments about the provision for fees in the Murdoch University Act? Where is the laughter now? I have cleared up something for the Minister which he should have known before.

Mr Young: Why should the Whitlam Government have left it for two years?

Mr Jamieson: It was his first Budget.

Several members interjected.

Mr H. D. EVANS: This principle came into vogue in the first possible academic year.

Mr Blaikie: Why not get back to the clause?

Mr Davies: You have changed it now.

Mr H. D. EVANS: The member for "Gasse" is rather anxious to get off the topic now—it is most noticeable.

Several members interjected.

The CHAIRMAN: Order!

Mr H. D. EVANS: If this matter is a storm in a teacup, as the Minister says, surely he will have no objection to the deletion of the provision.

Mr Bryce: Of course he would not!

Mr H. D. EVANS: There is no necessity for the provision if the Government is sincere in its proclamation that it is opposed to fees. What reason can it have for retaining the provision unless our suspicions are confirmed about the rather timely Press release on the 21st May, just 24 hours after his statement in this Chamber last week. But no, the Minister is opposing the amendment.

The Minister berated the member for Maylands at some length. He said the member used extravagant language in drawing what, in actuality and reality, is a difference between two ideologies. The member for Maylands indicated the philosophical approach of the Liberal Party on this matter.

Mr Young: Another hypocrite.

Mr H. D. EVANS: There is no gain-saying it—I can name a dozen youngsters who, had they been given the opportunity, would have taken advantage of a tertiary education. However, they were denied this.

Mr Young: I can name a dozen on this side of privilege, as you call it.

Mr H. D. EVANS: Let me give an illustration, and it is somewhat parallel to that given by the member for Boulder-Dundas. I would have been hard-pressed to have

completed a university degree had I been called upon to meet tuition fees in the circumstances I was in at that time, and having regard for the problems the fees would have created. However, this very opportunity is to be denied, or could well be denied, youngsters in the future. This is the hypocrisy and sham of the existing State Government. If it is a storm in a teacup, if there is no substance to our fears, why proceed with the provision? The Minister has tried to evade the issue by referring to the Murdoch University Act and in that he displayed an appalling ignorance.

Mr Grayden: Where is the appalling ignorance?

Mr H. D. EVANS: The appalling ignorance is the Minister's interpretation of the reason for the inclusion of a section permitting fees at Murdoch University.

Mr Grayden: That is absolute nonsense, and you realise that. You know when teaching commenced at Murdoch University. When would you suppose it commenced?

Mr Bryce: When would you suppose?

Mr H. D. EVANS: The question of the commencement of teaching at Murdoch University does not come into it.

Sir Charles Court: Not much—it defeats your argument.

Mr Grayden: It cuts right across your argument.

Mr H. D. EVANS: It does not, because we prepared a Bill requiring fees to be paid because of a legacy inherited from the Menzies Government. This principle was changed by the Whitlam Government at the very first available opportunity, and it was introduced to take effect in the first possible academic year.

Amendment put and a division taken with the following result—

Ayes—16

Mr Bateman	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moller

(Teller)

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neill
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Sibson
Mr P. V. Jones	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr T. D. Evans	Mr Coyne
Mr B. T. Burke	Dr Dadour
Mr May	Mr Sodeman
Mr Skidmore	Mr Young
Mr A. R. Tonkin	Mr Mensarosa

Amendment thus negatived.
 Clause put and passed.
 Clauses 14 to 21 put and passed.
 Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [9.12 p.m.]: I move—

That the Bill be now read a third time.

MR BRYCE (Ascot) [9.13 p.m.]: Members on this side of the House are very disappointed and somewhat dismayed that the Government should see fit to take such a blind and obstinate stand on the question of that very important clause, clause 13.

In my remarks during the second reading debate, I indicated that Opposition members were happy to support the general provisions of the Bill, but when I said that, I understood that the Liberal Party and National Country Party members in this House supported the principle of free education at tertiary level. It did not occur to me for a minute that there would be opposition from members opposite to the extent that they would take part in a division and line up as a team to oppose the amendment from this side to delete a provision to give this new commission the power to advise governing bodies on the question of fees to be charged. It is important—since it is our intention to oppose the third reading—

Mr Bertram: Hear, hear!

Mr BRYCE: —that the Government has seen fit to go to the wall on this particular clause. There is no justification for the inclusion of the clause which has just been the subject of such heated exchange during the Committee stage. We can assume only that the Government is not being straight with this Parliament; nor is it being straightforward and honest with the public.

Mr Bertram: It rarely is.

Mr BRYCE: My colleagues, the member for Maylands and the member for Warren issued challenges to members opposite and in particular the Minister to say whether it was definitely not the Government's policy or intention to support the reintroduction of fees at the post-secondary level of education, and if it was not, why the Government wished to include that particular principle in the Bill.

We are rather staggered at its inclusion. When we first saw that very small section of the Bill, we believed it to be an oversight on the part of the draftsman, and when the Minister replied to a question asked in Parliament that it was the Government's intention deliberately to retain that clause, we could scarcely believe our

ears and our eyes. We sincerely believed at that stage that Liberal and Country Party members saw eye to eye with members of the Labor Party on the question of the desirability of having free education at the third or tertiary level.

It has been revealed to all of us here tonight and to anybody who will have the opportunity to read this debate that the members sitting opposite have taken a stand to declare themselves; by supporting the retention of this clause, they are supporting moves being made by their colleagues at national level to reintroduce fees; they are in sympathy with such a move.

Mr Speaker, I make those comments by way of elaboration of the general principle at issue which is of very grave concern to us in Western Australia. For some 18 months, we saw a Liberal Premier in this State take many fights and issues to a national Labor Government, allegedly in the name of the interests of Western Australia, and the Western Australian people.

It is particularly important to remember that when this issue was raised during a Committee debate just five days ago, two separate invitations were issued to the Premier to declare where he and his party stood on this important question, and that the Premier ducked both of them.

Sir Charles Court: We do not have to answer every fiddling question you ask us.

Mr BRYCE: This is not a fiddling question, and the way the pendulum is swinging away from the Premier's Government, I can well imagine the Premier's discomfort—

Sir Charles Court: What did you say to your Premier in 1973?

Mr BRYCE: About what?

Sir Charles Court: When he introduced the Bill to set up the Murdoch University.

Mr BRYCE: **Mr Speaker**, not only is the Minister for Labour and Industry steeped in this form of ignorance but also his own Premier has not grasped the understanding of the Bill.

Sir Charles Court: It happens to be a very real question.

Mr BRYCE: Perhaps I had better go back through the sequence of events. An election undertaking was given by the Labor Party, under the leadership of Gough Whitlam, during the campaign leading up to the election of December, 1972.

Sir Charles Court: What a black day that was for Australia!

Mr BRYCE: That promise was to abolish all fees at universities and other tertiary education institutions. The Premier seems to be blinded by his own prejudice on this question, but he knows

government well enough to know that if a national Government is elected in December, it is operating on the basis of a Budget inherited from the previous Government.

Furthermore, by Christmas it was far too late suddenly to dislocate the whole of the 1973 academic year. The point we are making is that there was no breach of faith on this question as far as the Labor Party was concerned when it was in office, because at the first opportunity it had—in its Budget of 1973—it provided for the abolition of fees at tertiary level.

Mr Mensaros: What you are saying is that your Government did not believe the Federal Labor Government would implement its policies.

Mr BRYCE: Just for the sake of the Minister, let me complete the sequence of events. It was not until the beginning of the 1974 academic year that in actual practice, fees were abolished.

Mr Mensaros: And Murdoch University did not start teaching earlier.

Mr BRYCE: The Murdoch University was established by Statute of this Parliament during 1973; the Act was proclaimed in July, 1973.

Mr Mensaros: But it started teaching later. What I am pointing out is that there was no question of fees in 1973; there were no students.

Mr BRYCE: The Act providing for the establishment of that university was proclaimed after consideration by this Parliament and before the first Whitlam Budget was introduced.

Mr Mensaros: Therefore you did not believe the national Labor Government would implement its policy.

Mr Grayden: You knew what the Minister's policy was, and you ignored it.

Mr BRYCE: Perhaps the Minister is pretending he had a crystal ball at that time, and was in a position to know whether the promise would be implemented in the 1973-74 Budget or the 1974-75 Budget. As members opposite know full well there was no breach of promise, and that when the Murdoch University Bill was brought before this House, Australia was still living in the shadow of the darkness prevailing over the tertiary education system which was caused by the Menzies-Holt-Gorton series of Governments.

Mr Clarko: Menzies will go down in history as the man who did more for tertiary education in Australia than any other person, and you know it as well as I do.

Mr BRYCE: We would be very interested to hear the member for Karrinyup elaborate on that point.

Mr Clarko: Cannot you answer the point?

Mr BRYCE: I have a limited amount of time in this debate. If the member for Karrinyup is prepared to give me unlimited time to reply, and if you, Mr Speaker, are willing, I will be very happy to go off at a tangent and answer the honourable member's query.

Mr Clarko: You have taken about five minutes already to answer my question, when only one word would have sufficed.

The SPEAKER: Order! I believe the matter now under discussion in relation to comparisons between the action or inaction of past Governments has been aired rather fully. I ask the member for Ascot to confine his remarks to the subject before the Chair.

Mr BRYCE: There is another element relating to the Government's handling of this question which really disturbs members on this side. I would be happy to hear the Premier deny that he had prior access to the documents which comprised the mini-Budget, before it was announced publicly last Thursday. That is a normal courtesy given to State Premiers.

Sir Charles Court: We were to have had the documents an hour before the speech was given; in fact, we had only about half an hour's notice.

Mr BRYCE: I thank the Premier for his reply.

Sir Charles Court: I am telling you the facts, if you want to know them. In my opinion, we should have had the documents earlier, but we did not have even a full half hour.

Mr BRYCE: If the Premier did not have the documents at that time, I can assume only that some form of information was available prior to the mini-Budget being presented.

Sir Charles Court: No, we had no leaks or prior information at all.

Mr BRYCE: I am delighted to hear the Federal Government has resisted the strong representations of our Premier, representing our interests on these sorts of questions. The Fraser Government has rejected his attempts to gain inside information.

Sir Charles Court: I did not try to obtain prior information, because it is not my right.

Mr BRYCE: There is another indication of what we have illustrated in the past.

Sir Charles Court: Would you try to get pre-Budget information? If you would, you would be dishonest.

Mr BRYCE: We asked the Premier to make representations to the Fraser Government opposing the reintroduction of fees, and his response was, "The fears and anxieties you express are nothing but rumour and nonsense."

Sir Charles Court: You are talking now about something quite different. You asked me whether I had information relating to the mini-Budget before it was presented.

Mr BRYCE: No, I have switched from that altogether; I am giving an entirely different illustration of my argument.

We asked the Premier to make representations to the Fraser Government on behalf of the people of Western Australia. We had very good reason to fear that the Fraser Government intended to reintroduce fees at the tertiary level.

We asked the Premier to accept the responsibilities he had taken on his shoulders while the Whitlam Government was in office to raise his voice in the interests of Western Australians. Of course, he refused to do so because no doubt, his party heavies in Canberra would not have listened to him.

The Premier put his party loyalty a long way ahead of the interests of the people of this State. We knew there would be university students who would be affected by any action on the part of the Fraser Government which might result in its turning its back on an election promise given in specific detail.

Sir Charles Court: How many students will be affected by the last announcement?

Mr BRYCE: The Premier's reply to our request was that there was no need for him to approach the Fraser Government. He argued that the case we were putting up was nothing more than sheer anxiety and rumourmongering.

Rumourmongering it certainly turned out to be! Just five days ago in this Chamber we were expressing the same anxiety, and what happened? We saw the Premier refuse, again and again, to declare himself on this issue. I suspect he had some fairly clear indication at the time that the Fraser Government intended to reintroduce fees at the tertiary level.

Sir Charles Court: Are you not pleasantly surprised that the education vote has received such generous treatment, as compared with others?

Mr BRYCE: Not only am I pleasantly surprised; I am also almost staggered. I wait with interest for the August Budget to see whether I should believe the descriptive statements issued by the Federal Treasurer (Mr Lynch) which were released for public consumption just a few days ago.

The proof of the eating of this pudding will not be these vague generalities and empty promises issued in articles such as the one put out on the 21st May, to which reference already has been made; it will be when the Fraser Government brings down its Budget in August this year. Then,

and only then, will we be happy to ask the Premier the very same question he has asked us.

The Liberals have a legendary track record of giving basic and fundamental undertakings and waking up the next day with such a complete change of heart and mind that one can scarcely recognise them as the same political party, let alone the same politicians or men. We have seen this instance in many areas of Government policy. My colleague referred to Medibank. The list of the actions of Liberal Governments in not honouring undertakings is as long as one's arm, and it is only a matter of time before we see the same thing occurring in respect of tertiary education fees.

My colleague, the member for Maylands, has clearly indicated that the fundamental difference between members on this side, who are members of the Labor Party, and members opposite, is that we reject an elitist and privileged view of education. The Minister reacted strongly to these suggestions and sentiments put forward by the member for Maylands, but let me assure the Minister, who represents in this Chamber the Minister for Education, that it was a Liberal Government a few years ago which said that university fees could not be abolished because it would cost too much. In fact, it has cost only about \$90 million which, in the context of a national Budget, is chicken feed.

The real reason that Malcolm Fraser and his colleagues, who were in the Menzies, the Holt, the Gorton, and the McMahon Governments, refused to abolish fees was not that they believed they could not afford to do so; the real reason was that they did not want anybody with ability to attain the tertiary level of education. They could have abolished these fees at any stage during the 1950s and the 1960s. They did not want to do that, because they were a party of privilege with an elitist approach to education.

It is on this particular issue where the truth is borne out most. There is another area which provides a first-rate demonstration of this. I repeat it is on the question of the needs basis of aid to private schools. It is an elitist approach to education that Malcolm Fraser and his front bench colleagues allocate the taxpayers' money on a flat rate basis across the board to all private schools, irrespective of their needs.

They were quite happy to see the vast differences in opportunities that existed under the private school system grow and even worsen. Of course, by applying the system of flat rate grants to the private schools that is the surest way to achieve that objective; that is, if the Government provides the same amount of money per head to students at Timber Top Grammar School as it provides to the students of the poorest parish school in this city. That is a

further illustration of the privileged approach or elitist attitude which members opposite support in terms of their parties' attitudes to education funding.

We are very surprised that this question has developed in this way. Quite candidly, my understanding and study of the Bill in relation to the commission itself has led me to the conclusion that it is a very necessary and a very desirable thing. We on this side of the House are staggered to think that the Government is being so completely obstinate on this principle. We can be left only with the impression that this principle is very near and dear to them, otherwise out of respect for parliamentary procedures and the processes of government they would have agreed to the deletion of the clause in question.

This Government has stood fast on the principle that there shall be a commission which is vested with power to advise these tertiary bodies as to what fees they should charge. If the Government sets up a commission and gives it the function to advise the post-secondary education institutions what fees they should charge for classes and courses, the only logical interpretation is that presumably it approves of the reintroduction of fees for classes and courses.

Mr Grayden: Nonsense. They already have that power; and you know it.

Mr BRYCE: I did not have the opportunity in the Committee stage to develop this theme. If the Minister is prepared to introduce amending Bills to the relevant pieces of legislation we will prove to him and to the public that we are consistent in our opposition to the reintroduction of fees; and we will happily support any move this Government may make to delete the provisions in those pieces of legislation.

Mr Grayden: Yet you were the ones who introduced it.

Mr BRYCE: I am quite happy to introduce a Bill to delete the requirement for the payment of fees. If the Minister rejects the invitation of members on this side to introduce the requisite Bills, we would be prepared to introduce them to delete from the legislation the power of the universities and WAIT to charge fees. When we are closer to the next State election we will see how members opposite line up on their attitude to fees for tertiary education. As a matter of fact, the Minister has given me a fairly interesting idea.

I would be remiss if I did not repeat the invitation to the Premier that I made earlier, but I anticipate I will get the same response. I believe it is the Premier's responsibility to declare where his political party stands, if he thinks he is being misrepresented.

We on this side of the Chamber sustained this argument during the Committee stage and I do so again in the third reading stage, that the attitude adopted by mem-

bers of the Liberal Party and the National Country Party can lead us to no other conclusion than that they are opposed to free education at the tertiary level. Will the Premier please indicate anything to the contrary?

Sir Charles Court: You are distorting the whole situation, and you are trying to create a storm in a teacup. This is an authority to advise, and not to impose. The legislation which you introduced presented an opportunity to impose.

Mr BRYCE: With your indulgence, Mr Speaker, could the Premier answer a straightforward question?

Sir Charles Court: We do not have to answer your fool questions.

Mr BRYCE: Of course the Premier does not have to answer, but every member in this Chamber knows that he dare not answer. The pendulum is swinging against him so surely and significantly that—

Sir Charles Court: You are a silly little boy.

Mr BRYCE: —he does not dare in this public forum to say that he agrees with the move of the Fraser Government to reintroduce these fees. In principle he agrees with that.

Sir Charles Court: We are not dealing with that issue, but with a general piece of legislation.

Mr BRYCE: I can only assume, therefore, that this gobbledegook the Premier throws across the Chamber indicates—

Mr Clarko: That is what you are doing, indulging in gobbledegook.

Mr BRYCE: —that the members behind the Premier support this evasiveness. Not only has the Premier refused the invitation, but also not one back-bench member opposite has accepted the opportunity to participate in this debate, and to stand up in his or her place and declare his or her attitude. We on this side understand that members opposite belong to a party of "great freedom"! Not one of them has taken the opportunity to stand up and state categorically that he or she is opposed to the move by the Fraser Government to reintroduce these fees.

We will be very interested to see how long it is before fees generally are reintroduced for all courses and different aspects of tertiary education.

Mr Young: You are now speaking of all courses.

Mr BRYCE: It is only a matter of time before that will be done.

Mr Young: You are the one telling the story. You have worked from tertiary to secondary, and probably to primary.

Mr BRYCE: In case the member for Scarborough has any doubts, I am suggesting that it is only a matter of time before the Prime Minister and his front-bench

colleagues at Canberra will reintroduce fees for all courses at the tertiary level of education.

Mr Young: If you stood up for another five minutes you would be suggesting that they would be introducing fees for secondary and primary schools. You are really starting to stretch the long bow.

Mr BRYCE: The member for Morley has drawn the attention of members to the very significant fact that many years ago his forebears supported the payment of fees at the level of secondary education, and they were not very happy about extending universal free education at primary level.

Mr Clarko: That is not appropriate in Western Australia. We led the world.

Mr BRYCE: Of course we did. However, that is not the position now. What I am saying is valid. It was only five days ago that we were accused of putting forward an argument based on something that was less than substantial fact when we said that the Fraser Government was going to reintroduce these fees. At this stage this State Government would not have a clue what the Fraser Government has in the pipeline; and the Fraser Government will have scant regard for the political welfare of the Western Australian Government, when it makes its decisions. We are sitting back and watching with some interest the political situation which is developing, because the Fraser Government will send the Court Government to the wall; in fact, it will put the Court Government out of office quite comfortably.

I am surprised that, with his survival at stake, the Premier has not been prepared to stand up in the interests of Western Australians to fight this move. If he as the leader of the Government, and the members sitting behind him, are dedicated to the principle of free tertiary education, not only will they be agreeable to delete from the Bill the clause in question, but they will stand their ground in fighting the Fraser Government in the way that he made his reputation as a big fellow in fighting the Whitlam Government.

Since the change of Government at Canberra the Premier has become a very silent and obedient boy, indeed. This is one of the crunch issues, yet he says nothing. Members opposite get no leadership and no representation from him when they need that.

Our attitude is that the retention of the clause in question, taken with the introduction of the mini-Budget five days ago, is a move to reintroduce fees, and this is the thin end of the wedge. We anticipate it will not be very long before these fees are reintroduced. I regret that it is necessary for us to oppose the third reading of the Bill when, in fact, we support the general principles contained in it. As the Government has not been prepared to delete the clause which we thought it would

delete automatically, because of the reasons we have highlighted in this Chamber and the fact that everybody knows there is a fundamental difference between the opinion of members of the National Country Party and the Liberal Party as opposed to that of members of the Labor Party on this issue, we stress again to the Government that it should reconsider its decision and delete the clause. The Government is not prepared to do so; therefore at the third reading stage we are obliged to oppose the Bill.

MR SKIDMORE (Swan) [9.42 p.m.]: I rise in the third reading debate to challenge the Government's attitude on certain provisions in the Bill. Circumstances prevented me from raising this matter in the second reading debate.

After listening to the comments of the member for Ascot I endorse fully his remarks on the deletion of the provision in the Bill to make it possible for fees to be charged by and paid to tertiary education institutions for classes or courses, etc.

This matter is of great concern to us. No doubt, the arguments which have been put forward have failed to convince the Government of the need to accede to our request. It is well known that workers represented by members on this side of the House will not gain any benefit from the fact that fees will be charged, even in the limited area indicated by the Federal Government. It need not necessarily mean that the person who seeks to further his knowledge by undergoing education at the university or tertiary level is in a better position than anybody else in the community; but certainly the people for whom we have battled for years to provide an equal opportunity for education as a right of birth, and not a right of wealth, should have the opportunity in the future to avail themselves of such education.

I want to deal with another matter which affects me very deeply. It is the duplicity of the Partridge committee which brought down certain recommendations relating to the functions of the commission. In the second reading debate I made a note of the fact that some of the functions had not been determined by recommendations of the Partridge committee. It is passing strange to note that paragraph 5 (2) (1) of the recommendations states—

... to employ and set conditions of employment for staff within the technical and further education system.

When I looked for reasons as to why that recommendation should be implemented I found there was a lamentable lack of information in the report. It does not mention this aspect. Nowhere in the report does it say that should be a function of the commission. I wonder how it has been included in the Bill as a function of the commission.

What will take place when we look at this matter in reality? It is said that the commission will make recommendations and advise. In the industrial sphere, after the Academic Staff Association has battled for two years to secure an award for its members, in the future it will be subjected to the scrutiny of the commission.

I said during my second reading speech I wondered whether any college of advanced education would have the temerity even to think it would have any more success with the new commission than the college board had when it opposed the proposals.

I raised the argument of the \$10 000 "rake-off" from the instructors and tutors of the Mt. Lawley Teachers' College which demonstrated that the instructors had been robbed of a salary adjustment by a decision of the council and that argument is still going on. At that time those people were subject to a downgrading on a temporary basis until the question of salaries was established on a firm basis. When all the colleges had determined their attitude the Mt. Lawley Teachers' College attempted to upgrade its academic staff to the level which it thought was equitable with those employed in other colleges. However, that application was rejected by the Teacher Education Council.

I believe this Bill simply will set up an organisation of employers who will decide what the remuneration will be for the professional workers. It is similar to the unions having to go to the Employers' Federation to find out what they should receive. That is the position we find ourselves in. It took some two or three years for the Tertiary Education Academic Staff Association to reach its hard won position and have an agreement registered with the Industrial Commission in 1975. I ask members to take notice of the date—1975.

When I look further into the matter I find the provision will now interfere with the rates of the unions covering gardeners, and all support staff. It will affect the laboratory technicians and those concerned with television. That seems to me to be completely wrong for the commission to have the dual capacity of advising the employers and the workers. If it was for the purpose of levelling out the situation so that each college was on an equal basis it would be understandable, but the validity of the provision does not stand up because those matters are covered already.

At this late stage of the debate I indicate my opposition to the inclusion in the Bill of subparagraph (1) of paragraph (e) of subsection (2) of proposed new section 12. It is quite wrong for the provision to remain in the Bill.

My speech has been fairly quick and simple. It would have been considerably longer had I been here earlier, but that was my own fault. The provision as it now stands is a complete interference with the

basic right of people in colleges of advanced education. They should be able to find their own level of employment without being dictated to. The position will be similar to the Employers Federation advising a union that it should not apply for a \$20 increase, but only for a \$10 increase. I oppose the provision.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [9.50 p.m.]: I will be fairly brief. We have listened to a great deal of nonsense tonight. We have listened to statements which are completely and utterly devoid of truth.

Mr Davies: We did not hear the Premier speak.

Mr GRAYDEN: I want to tell the member for Ascot that his utterances have not been completely unconvincing. He has convinced me, and he would have convinced most members on this side of the House—and I believe a lot on the other side—of one thing; that is, without any question at all there are some members of the Opposition who have expressed the philosophy that the bigger the lie the more likely it is to be believed, and if one keeps on telling lies of that magnitude, and repeating them often enough, somewhere along the line they will be believed.

Mr Taylor: That is not appropriate. How does that fit? There is no place for that comment at all.

Mr GRAYDEN: We have listened to statement after statement tonight which has been precisely in that category. One lie has been heaped upon another.

Mr Davies: He cannot get away with that.

Mr GRAYDEN: In those circumstances I have been convinced of the philosophy of the member for Ascot.

Point of Order

Mr BRYCE: On a point of order, Mr Speaker, do I understand that in my very short absence from the Chamber the Minister was accusing me of being a liar?

The SPEAKER: Is the member for Ascot raising a point of order?

Mr BRYCE: I am raising a point of order if the Minister did say I was a liar.

The SPEAKER: Order! The member for Ascot has revealed it is difficult for him to take a point of order on something he has not heard properly. I must advise that a member must know exactly what he is protesting about when he raises a point of order. However, members must be very careful in the way they use the words "lie" or "liar" in this place.

In the main, the Minister for Labour and Industry spoke about the philosophy of a lie, and it was not pointed in any one particular direction. But I do ask members to be careful in the use of those

words because a point of order taken against the use of those words must be upheld.

Debate Resumed

Mr GRAYDEN: To enlarge on those thoughts, and for the benefit of the member for Ascot who was away while I was speaking—

Mr Bryce: For two minutes only.

Mr GRAYDEN: —I assure him I was simply saying it would appear that some members have embraced the philosophy that the bigger the lie the more likely it is to be believed.

Mr Bryce: I can assure the Minister that nobody on this side of the House has told a lie.

The SPEAKER: Order! I must ask the Minister not to pursue that line of argument.

Mr Davies: I will ask for a withdrawal if he says it again.

Mr GRAYDEN: The member for Ascot has made statement after statement which has been completely untrue—utterly devoid of truth. He has made allegations that the Liberal Party—the Government parties—

Mr Davies: You are getting addled.

Mr GRAYDEN: —are opposed to free education at tertiary level. He has made statements of that kind and, as I have said, there is no vestige of truth in them. How is it then that the member for Ascot continues to make allegations of that kind?

To get back to the original question, he asked whether it was the intention of the Government to introduce fees for classes or courses, academic awards, or the conferring of other university degrees or awards by any of the colleges of advanced education.

The reply to that question was that the Government has no plans to reintroduce fees in tertiary education institutions. That is the question and answer given in this place and, all members are aware—whether in Opposition or in Government—of the importance which Governments place on replies to questions asked in this place.

Mr Davies: You did not watch Mr Fraser on television last night.

Mr GRAYDEN: In spite of the information provided the member for Ascot continues to make his statements which do not contain any vestige of truth. He said he made the statements because an election was approaching and he and his colleagues would be able to go around the tertiary institutions and give the impression to naive students that as a consequence of the actions of this Government they would shortly have to pay fees.

Mr Davies: The Premier would not deny it.

Mr GRAYDEN: What an incredible admission from a member who occupies what should be a responsible position in the Opposition.

Mr Bryce: On a point of order, Mr Speaker, I feel it is necessary to make a point.

The SPEAKER: You cannot make a point. What is the point of order?

Mr Bryce: The point is the Minister has spoken of untruths. That was not said by me.

The SPEAKER: Order! The member for Ascot knows that is not a point of order. He may disagree, as apparently he does, but that is not a point of order.

Mr GRAYDEN: Earlier we had the spectacle of the member for Warren making a statement in respect of the Murdoch University Bill which was introduced into this Parliament by a Labor Government in 1973. He went out of his way to give the impression that when the Labor Government introduced that Bill it had no alternative because of the legacy of the Menzies Government. He completely overlooked that the Whitlam Government came into office in 1972.

Mr Bryce: In December, 1972.

Mr GRAYDEN: Certainly he had made it absolutely clear what his policy would be with regard to tertiary education fees prior to December, 1972.

Mr H. D. Evans: And honoured the promise.

Mr GRAYDEN: Yes, but what happened in the middle of 1973, over six-months later?

Mr H. D. Evans: That was before the Whitlam Government.

Mr GRAYDEN: The Labor Government introduced the Murdoch University Bill which did not come into operation until the following year. On that occasion the Labor Government included in its legislation the following provision—

(4) Without derogating from the generality of the power given by paragraph (e) of subsection (2) of section 17, Statutes not inconsistent with this Act may be made by the Senate in respect of—

Paragraph (s) of that subsection reads—

(s) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, examination, residence and the conferring of degrees and other academic distinctions;

Despite the fact that the Whitlam Government in December, 1972, made all sorts of statements, over six months later the Labor Government in this State introduced a Bill which provided for a tertiary institution to charge fees.

This Government simply proposes a new post-secondary education commission which shall retain the power to advise the governing bodies of the various tertiary education institutions in respect of fees which they are already empowered by Statute to impose.

Mr Bryce: We will test you out.

Mr GRAYDEN: So we have this classic example of arrant hypocrisy on the part of the Opposition; hypocrisy in the extreme. If anyone ever wants to refer to political hypocrisy he need only turn back to the record of this debate in *Hansard* and look at the speeches made by the member for Ascot, particularly. He will then have laid out before him, before his very eyes, the ingredients of political hypocrisy in its worst form.

I simply dismiss the charges made tonight as absolute nonsense and devoid of truth.

Mr H. D. Evans: Mr Speaker—

The SPEAKER: Order!

Question put and a division taken with the following result—

Ayes—22

Mr Blaikie	Mr O'Neil
Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Mr Grayden	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr McPharlin	Mr Tubby
Mr Mensaroc	Mr Watt
Mr Nanovich	Mr Young
Mr Old	Mr Clarko

(Teller)

Noes—16

Mr Bateman	Mr Farman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr E. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr McIver

(Teller)

Pairs

Ayes	Noes
Mr Coyne	Mr T. D. Evans
Dr Dadour	Mr E. T. Burke
Mr Sodeman	Mr May
Mr Laurance	Mr A. R. Tonkin
Mr O'Connor	Mr Moller
Mr Grewar	Mr Barnett

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (4): RETURNED

1. Financial Agreement (Amendment) Bill.
2. Road Maintenance (Contribution) Act Amendment Bill.
3. Transport Commission Act Amendment Bill.
4. Agriculture Protection Board Act Amendment Bill.

Bills returned from the Council without amendment.

BULK HANDLING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th May.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [10.03 p.m.]: There is a single purpose to this measure and it is one with which the Opposition is in agreement, so we will ensure it has a speedy passage.

The intention of the measure is to increase the maximum levy which may be imposed as a foundation toll from \$1.84 a tonne to \$2.94 a tonne, an increase of \$1 or just over 50 per cent. However, the total amount on the individual tonnage is not very great. At present the charge is \$1.10.

The levy gives Co-operative Bulk Handling revenue which it can apply to capital expenditure, the repayment of money which has been borrowed for capital expenditure, or to replace losses which have been incurred in transactions and dealings on the part of CBH. These are all perfectly legitimate operations and functions of CBH, and it is essential that the company has sufficient funds to allow it to carry them out.

It is fairly obvious that the grain-growing industries in Western Australia will expand. They are virtually the only industries which are viable at the present time—indeed, they are viable almost to the point of buoyancy, which is fortunate for the State's economy. To provide for the potential increase a building programme will need to be undertaken to ensure the facilities to deal with the State's total production are available at the time they are required. They cannot be constructed overnight; consequently, forward planning is necessary, and this is the responsibility of the directors.

I will not deal at length with the history of Co-operative Bulk Handling, the operations of which are well known to members of this Chamber. On other occasions the historical aspects of the organisation have been related and reference has been made to the manner in which it came into being in Western Australia and the level of efficiency it has achieved over a period of many years. It would be fair comment to say that CBH has a reputation for grain handling which is certainly comparable with that of any other State of Australia.

A number of problems confront the company, not the least of which is insect control which has been a cause for some concern for a few years now, particularly as grain weevils have in some instances become resistant to Malathion. Research into this problem will continue in an endeavour to overcome infestation because importing countries are sensitive to this matter, and it will require shipments to be downgraded only once or twice to bring

about a chaotic state. This is the kind of problem which CBH has to overcome by ensuring there are adequate facilities for the storage and segregation of grain for export and that adequate measures are taken for hygiene and control of grain weevil and other insects to meet world standards. So the problems confronting CBH are considerable.

I understand the overdraft limit is in the order of \$12 million, which gives CBH the working capital necessary for its operations. I believe the organisation is required to increase its level of underwriting to ensure there are no difficulties in regard to payment to farmers and meeting obligations and commitments on construction and various other charges. My inquiries reveal there has been general acceptance of the proposition throughout the industry. There has certainly not been any outcry or objection, and the directors have taken the matter back to the zones where a degree of unanimity has been achieved.

It is in the interests of the wheat growers of Western Australia to have an efficient, well functioning grain-handling authority. This they have at the present time and it is essential that it be maintained. In the light of the rising costs facing all sections of all industries, CBH cannot be expected to be any exception. It is true at the present time the returns for grain are quite viable but we cannot foresee whether or not they will be maintained.

Of course, the opportunity will exist to decrease the foundation levy if it is thought to be required. In this Bill we are fixing only the maximum which may be charged. Although it may appear on the surface to be a fairly sharp increase, the levy is \$1.10 at the moment and the maximum permitted under the existing legislation is \$1.84. The proposal in the Bill increases the maximum by \$1 a tonne.

The Opposition has no objection to the Bill. We record our appreciation of the work CBH has done and trust it will be maintained. The organisation can depend on whatever assistance we on this side of the House can render. We support the Bill.

MR MCPHARLIN (Mt. Marshall) [10.11 p.m.]: The Bill before the House has evolved from numerous meetings and discussions with the Directors of CBH. They have conducted meetings and made inquiries amongst grain growers who use their facilities, and the proposals before us are the result of those meetings and inquiries. As has been pointed out, the grain-growing industry has accepted the responsibility of paying increased financial contributions to meet the ever-increasing costs incurred by expanding and building programmes and other facets of the company's activity—one of those being, as mentioned by the Deputy Leader of the Opposition, the provision of insect control.

As mentioned in the second reading speech of the Minister, it is expected that grain production—not only wheat production, but production of all grains handled by CBH—will increase over the next few years, and the company has adopted a very progressive attitude in previous years and is continuing in that vein with a building programme which requires extra capital. This is reflected in the responsible attitude adopted by grain growers who contribute money by way of tolls paid on their deliveries. This money is handled by the company; it is interest-free money lent to CBH. This scheme has proved to be very effective and has given the grain growers of Western Australia a very efficient grain-handling organisation which I believe is equal not only to anything in Australia, but to anything in the world.

Escalation of costs has demanded that some arrangements be made to increase tolls to provide finance. The present toll is \$1.10 a tonne, which amounts to 3c a bushel; and that can be increased to 5c a bushel by way of regulation. I understand it has been requested that an Order-in-Council be made to increase the toll to 5c a bushel; and the provision in the Bill before us is to enable the toll to be increased to 8c a bushel, which will become the maximum the directors may apply.

A few years ago—in 1969 to 1971—when the grain situation was quite the reverse of what it is now, and the Australian Wheat Board was hawking grain throughout the world and selling it on terms, talk of increasing tolls would not have been tolerated at all. However, the situation has changed dramatically and talk of increasing tolls, as is proposed in this measure, is far more readily accepted. In fact, probably it is more readily accepted now than it has ever been. The growers are aware that there is a need to make provision for continuing funds to meet extra costs.

It can be said that once again the growers of Western Australia have adopted a very responsible attitude. They did so previously when after the 1968 record production we had an overproduction of wheat in Australia and throughout the world, and growers readily came forward with a system recommended by producer organisations to restrict grain growing on the farm; that is, that quotas be adopted. This reflects the responsible attitude adopted by wheat growers in particular throughout Australia. Once again we see a responsible attitude being adopted by these growers.

The directors of CBH to whom I have spoken have assured me that these proposals have received ready acceptance. I attended the annual general meeting of shareholders of CBH in March of this year, at which this matter was discussed. The shareholders present at that meeting readily accepted the proposals.

I believe all measures which impose an increased levy or toll should be proceeded with only after the people concerned have had adequate time to examine and discuss them.

Because of the advice I have received regarding this matter from the directors to whom I have spoken, and from other growers, the measure before the House has my support.

MR OLD (Katanning—Minister for Agriculture) [10.17 p.m.]: I thank the Deputy Leader of the Opposition and the member for Mt. Marshall for doing my work for me in respect of this Bill; I might add they have done it very ably. I am pleased that great support has been given to the measure. This leaves very little for me to say.

However, I would like to point out that the operations of CBH have increased dramatically over the past 16 years. In 1960 the throughput of CBH was 1.9 million tonnes, and in 1975-76 it had increased to 4.6 million tonnes, an increase of 125 per cent. That is quite a dramatic increase, as I am sure members would agree. It has, of course, necessitated a great deal of capital expenditure on the part of CBH in respect of both country and port terminal facilities.

The escalation in the price of the new port facility at Kwinana has been quite dramatic; and apart from this, as was mentioned by both speakers, the matter of insect control has become of serious consequence. It has become necessary for CBH to give consideration to, and to embark upon, a programme of building vertical cells in the country to enable integrated insect control. As the Deputy Leader of the Opposition mentioned, unless CBH can continue to export insect-free grain, Western Australian grain may not continue to be held in the high regard in which it is held at the moment by overseas countries.

The directors brought up this matter at the annual general meeting of shareholders, and I understand that of approximately 60 to 70 people present there was only one dissentient voice. In fact, several shareholders expressed the opinion that the increase should be much greater than that requested by the company directors. Directors from various zones have advised they have attended zone meetings at which this increase has been brought up and discussed, although the meetings were not called for that specific purpose; and they advise there is general agreement amongst growers that it is correct action to take.

The directors assure me that although they have not called special meetings, they are convinced the growers in general are well and truly behind their move.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from the 20th May.

MR TAYLOR (Cockburn) [10.22 p.m.]: This is a very short Bill which seeks to amend two sections of the Act. It is the sort of legislation one would expect each year from the Minister for Local Government, in which a number of minor amendments are proposed to the parent Act. Generally, there is a string of about half a dozen or more such amendments usually of little consequence, making slight amendments to the Act in the light of experience in the running of local authorities.

This Bill does exactly that. It seems to make two changes, to neither of which the Opposition has any objection. The first seeks to permit local authorities to place obstructions in streets to prohibit the flow of vehicular traffic.

As the Minister pointed out, local authorities felt they had this power already, but Crown Law opinion was to the effect that although councils certainly had the right so to do, it was only by way of experimentation, and that any permanent closing of roads was not possible.

Some local authorities, unaware of that interpretation, proceeded to close certain roads, and the Local Government Act now is being amended so that actions of those authorities and of other authorities which may seek to close thoroughfares are within the confines of the Act.

The second amendment relates to section 435 of the principal Act and seeks to increase the membership of the Building Advisory Committee from seven to eight, the eighth member to be a member nominated by the Fire Brigades Board.

Following some problems which arose over the construction of a building last year in one of the northern suburbs, when the member for Balga made some observations in this place as to the fire risk involved, and various comments and opinions were aired in this place, and in the light of experience in Adelaide and in Kings Cross, Sydney, where buildings were burnt to the ground with a loss of life, it would appear most desirable that a member of the Fire Brigades Board should serve on the Building Advisory Committee. The Opposition sees no objection to either of these clauses, and we support the Bill.

MR. RUSHTON (Dale—Minister for Local Government) [10.26 p.m.]: I thank the member for Cockburn for his contribution to the debate. As he said, the Bill contains two amendments, the first of which gives local authorities the power to create culs-de-sac, which we consider to be a very necessary step. The second amendment relates to the reconstitution of the membership of the Building Advisory Committee, a step which we believe to be well worth taking.

The honourable member referred to the issue raised by the member for Balga. I do not intend to develop that theme except to say it was most unfortunate that the member for Balga made allegations which were not substantiated by fact. This Government has been very close to the question of fire safety and we believe it to be most appropriate to make such a provision in this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BILLS (2): RETURNED

1. Rural Housing (Assistance) Bill.
2. Government Railway Act Amendment Bill.

Bills returned from the Council without amendment.

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th May.

MR. DAVIES (Victoria Park) [10.29 p.m.]: About six years ago I stood in the place directly behind where I now stand and made some complaints about some of the hostels to which patients were being discharged from what was then Claremont Hospital. I received the usual ridicule that I did not know what I was talking about, that there was nothing to worry about and that everything in the garden was lovely. This was fairly standard treatment from the Government, which was of the same political colour as the one we have today.

In the intervening period, I had three years in which to do something about the problem myself. It was always a matter of regret to me that I was not able to bring in legislation to my satisfaction or, indeed, to take any satisfying steps to deal with this problem, which has been one of great concern to me for those six years.

However, since that time other people have also taken it upon themselves to notice that some of the treatment meted out to the patients at hostels run particularly for them was not all that it could be. More recently there have been some revelations which have been described as scandalous. I think the newspaper might have been fairly rich with its language but I am thankful to the newspaper for so describing the conditions which existed because it meant that some firm and quick action has been taken by the Government to introduce the legislation. Otherwise I cannot help feeling that it might have drifted until the latter part of the next session and even then might not have got off the ground.

The Bill is a fairly simple piece of legislation. It does three things, and I think it does two of them necessarily and satisfactorily. It is an easy Bill to read because, apart from amending two of the interpretations in the parent Act, it merely puts into the Act as a whole a new part 3A and introduces new sections 26A to 26U. Within that area everything that we wanted done is done—and more. When I say “more” I mean that I do not think some were necessary.

At this point I do not think there is any value in covering again the reasons for the introduction of the legislation. I shall just express my thanks that the Government now has these means at its command. It is a matter of some regret that the Government had to bring in this legislation or that any Government even had to consider bringing in this sort of legislation. It points to greed and avarice on the part of some of the proprietors of hostels that are conducted for psychiatric patients. Of course, there are some avaricious and greedy proprietors who do not have any real concern for their patients. I think this has been adequately demonstrated by the revelations during the past few weeks. I am pleased to say that there are some who do an admirable job and do all that we would want them to do, and probably more.

Mr. Thompson: They would be in the majority.

MR. DAVIES: I do not know that they would be in the majority because there are only 24 altogether and I suppose there would have been complaints against most of them. I am in no position to assess whether they are in the majority. I am saying that they must all come under this one blanket because there are some who can only be described as disgraceful. However, I believe that those who are doing a proper job will have nothing to fear from the legislation. We do not really know how it will finish up because the bulk of the requirements will be detailed by regulation. I have been unhappy about this on many occasions. I am no happier now than I was when I introduced measures into this House which required that

the Minister, a board, a person or an authority was delegated with the power to write regulations because I believe there are occasions when they can pass through this Parliament without being noticed. Try as we all will to look at all the regulations that come through the House and deal with our particular interests, I do not think it is possible properly to assess them all. This is why I believe we should have a committee, as has been suggested here on many occasions, to deal with minor legislation, or subordinate legislation, as I believe it is more accurately termed. Such a committee could properly look at all the regulations and draw to our attention some of those that perhaps need redefining, rewording or rewriting entirely.

I mentioned that the Bill does three things. Apart from introducing some generalisations and interpretations, it provides for the registration of hostels that look after patients who have been discharged from psychiatric hospitals. It also provides for boards of visitors to be set up to look at these private psychiatric hostels and their functions.

The third thing it does is to require that approval be given and registration be sought for private hostels, day activity centres and sheltered workshops. This is an area in which we can find some disagreement. I have detailed in some small way the demonstrated need for legislation to control private psychiatric hospitals. I repeat that they will all be encompassed when some of them may not really require registration. We have had ample evidence of the need to bring in legislation of some kind to deal with this aspect of psychiatric patients but there has been no demonstrated requirement for the registration of approved private hostels, day activity centres and sheltered workshops.

I think the Minister must tell us why this proposal has been introduced in this piece of legislation, because on page 6 of his notes he said—

Provision is also made for the annual approval of premises which are conducted as private hostels, day activity centres, and sheltered workshops for the intellectually handicapped, and with similar provision in respect of standards of care and facilities relating to private psychiatric hostels.

He does not tell us why this was done and who asked for it to be done. I have always understood the Government's philosophy to be to institute controls only when they have been proved to be absolutely necessary. The Opposition agrees with that philosophy 100 per cent. We do not want to see unnecessary controls put onto any organisation or any body in the length and breadth of this State. There is a demonstrated need to control these psychiatric hospitals but as far as I am aware no mention was made

in the introductory notes of any demonstrated requirement or need to register those which are covered in the proposed new part of the Bill, which are approved private hospitals, day activity centres and sheltered workshops.

The next question is: Which are the organisations running the day activity centres and the sheltered workshops? They include the Mentally Incurable Children's Association, the Good Samaritan Industries, the Slow Learning Children's Group and other bodies, all of which enjoy some Government patronage. Indeed, most of them could not really operate if they did not receive some kind of Government subsidy. Most of them operate in a splendid manner. I know of no need for the approval of any of the sheltered workshops, hostels or day activity centres which are conducted by the Western Australian Slow Learning Children's Group. I know of no similar institutions which have been conducted by the Good Samaritan Industries. All I wish to know, if the Parliamentary Secretary of the Cabinet would listen to me, is the demonstrated need to have such groups registered. Does the member have it? I shall keep talking until he returns to the Chamber.

If the Minister can convince me there is a demonstrated need, I will support unequivocally the provisions in divisions 1 and 2 of the Bill.

Mr Ridge: What is your objection to it?

Mr DAVIES: Why legislate unnecessarily? I sent a copy of the Bill to the Slow Learning Children's Group, and several copies to other parties to ascertain what they thought about it. They were somewhat concerned to discover that they would be required to seek approval and registration in the manner prescribed.

It is true that an officer of the Mental Health Services spent some time with those people, and told them the Government was thinking of doing something along the lines indicated; but they were rather shocked when the form of approval became known. There is to be a board of visitors to inspect the private psychiatric hostels, but there is to be no board of visitors for the other institutions.

If there is a fear that the psychiatric hostels are not being conducted properly and there is a need for a board of visitors, the same fear must exist in requiring a board of visitors to look at the other groups mentioned in division 3, from time to time.

Mr O'Neill: Whilst nobody has complained about the organisations which we know are operating successfully, in future it could be that other people would set up workshops which are not acceptable.

Mr DAVIES: That is a good argument, but at this stage there is no demonstrated need. We are legislating unnecessarily, and

in so doing we could upset a number of charitable institutions in this area. There will be a need to obtain approval so as to get the money, because the Government has written into the Bill the right to subsidise these organisations. However, before they can obtain the money they have to obtain approval; and before they can obtain approval they have to meet the standards set down by the department.

Mr Thompson: That already applies to the hostels.

Mr DAVIES: I am not sure what the honourable member is getting at. There is a Government representative on the Slow Learning Children's Group, and I was able to organise such representation myself. I thought it was necessary as a form of liaison, to enable the position to be watched. I do not believe these people will be carried away, but when about \$250 000 of Government money is involved at the present time we have a duty to see that it is expended properly.

These organisations have to be registered and meet certain standards. Some of the standards are set out in clause 24 of the Bill dealing with regulations. This provides that the Governor may make regulations relating to standards of hygiene, and fittings and equipment which need to be provided. I am sure none of us would argue against such regulations. The provision then deals with the requirement to provide for the safety, health, and welfare of residents in premises approved under the Bill, and in particular—

- (i) ensuring proper supervision of the conduct of such premises;
- (ii) requiring persons supervising the conduct of such premises to be approved by the Director;
- (iii) requiring persons employed to supervise the conduct of such premises and the staff of such premises to undergo prescribed courses of training.

This means that the director or the Minister who does not like a particular set-up might not grant registration, and thus not provide any money.

This control of the staff organisation is similar to the form of control adopted by the Australian Government in refusing to issue permits for the building of "C"-class hospitals. By not granting permits it was not obliged to subsidise them. In this way it was able to control the number of "C"-class hospitals that were built throughout Australia. I have had many arguments with the Commonwealth Minister and the officers of the Health Department at Canberra over the way in which this control was exercised.

I can see the same thing happening in this State. If the Government wants to limit the amount of money it provides it need only say, "We will not approve any more organisations." If it does that it

will not have to provide any money. The Government need only say that a particular person does not meet the standard laid down and the whole organisation is excluded.

What is the reason for the Government at this stage seeking such control over the organisations mentioned in division 3 of the Bill? By that means the Government will be able to control, every minute of every day, the time of the members of the staff. It can set down the nutritional standard, and the training they are required to undergo. If the people concerned do not meet those standards they will be precluded.

Mr Ridge: You are suggesting that with the approval of premises these things will apply.

Mr DAVIES: To obtain approval of premises, the people concerned have to meet certain standards. The standards are those which the Governor may make under the provisions in proposed section 26U. There is a very real fear that by subterfuge—I do not use this word disparagingly against the Government—the Government can control effectively any organisation that cares for the mentally handicapped in this State; and there are many people in this category.

I would like to see the provisions in divisions 1, 2 and 4 agreed to, and those in division 3 deleted. I realise the Government is anxious to have this legislation passed so that the psychiatric hostels may be controlled. If subsequently the Minister can demonstrate a need to exercise control over the organisations in division 3 I will be prepared to agree to their inclusion during the next part of this session of Parliament.

I do not believe that at this point of time there is any need to establish any type of control other than that which has operated very effectively through liaison with these organisations. Apart from that I do not think there is any need for control. I am quite surprised that the Government should bring in this kind of legislation, because it is not a type which is in line with its philosophy or our philosophy. I am sure none of us wants to see unnecessary legislation on the Statute book.

Apart from that, I want to make a few comments on the Bill itself, and they are very simple comments. Anyone who has read the provisions will realise that most of them, particularly those relating to the establishment of boards of visitors, have been lifted from the provisions in the parent Mental Health Act which provides for the setting up of boards of visitors at Graylands, Swanbourne, and Heathcote.

These provisions are the same, word for word, so we cannot cavil at them because such boards of visitors have operated successfully over the years. I was delighted

to find out recently, by way of inquiry, that advertisements are appearing in the "Patients' News Letter" indicating when boards of visitors will be present at Graylands, Swanbourne, and other places.

This aspect has been of some concern to me. It is all very well for boards of visitors to walk around and inspect these institutions, but if the patients and other people do not know the boards of visitors they will miss the opportunity to speak to them. In the past when the patients and others were not able to speak to the boards of visitors, most of them approached me. Sometimes I felt totally unqualified to speak to them, and at other times I was unable to give them any proper advice, because usually they went off on a completely different tack from what I was talking about. Those people did not fill me with delight when they wasted my time at the office. However, I am pleased to see that visits of boards of visitors are again advertised.

There is no provision for any board of visitors to make itself known to the patients and I would only hope that the board will make itself known to the patients if the patients are able to appreciate the board. Indeed, the interpretation of "resident" reads—

"resident", in relation to a private psychiatric hostel, means a socially dependent person who is residing at the hostel and is—

- (a) not dangerous to himself or other persons;
- (b) not physically infirm or requiring general nursing care; and
- (c) capable of managing himself with minimal supervision and not requiring reception or detention in an approved hospital;

One wonders why such a person would be in one of these hostels if he must meet these standards to be described as a resident. Such a person could be back in the community at large. However, I suppose that only the doctors and psychiatrists could assess the position.

The Bill makes provision for five persons to be on the board of visitors, including the chairman who is to be appointed by the Minister, one member from the WA Mental Health Association, one a member of a voluntary community service organisation, and one shall represent the interests of local authorities. The other person has not been stipulated. It is usual that once some of the members are spelt out, they all are. The composition of the board of visitors is to be found on page 8, clause 12, in proposed new section 26H. Perhaps the Minister will be able to tell us from where the fifth member will be drawn. I think it should be a lay person if possible.

I know that there is a lawyer on the board of visitors of the Graylands and other institutions. However, I do not

really think that we want a lawyer. I would much rather a run-of-the-mill lay person with a genuine interest in patients were appointed.

The rest of the Bill is fairly straightforward because most of it has been drawn from the parent Act for inclusion in this new part. I will seek some information on certain clauses when they are dealt with in Committee.

The only other really important provision is the one concerning the regulations. We do not know what they will contain. I hope that regarding the registering of psychiatric hostels the regulations will be very comprehensive and fairly hard. We have a duty to the people who are placed in these hostels to ensure they are properly cared for, and this legislation will make some provisions in that regard.

I must also make a plea concerning a Government subsidy. Once these hostels reach an acceptable standard they should receive additional Government subsidy. There is not the slightest doubt that the Government saves money by taking patients out of Graylands and Swanbourne—those who are able to be discharged from those places—and placing them in these hostels. For the most part all the patient's pension is used plus \$1 a day subsidy from the Government. However, this is not really enough and so the Government could afford to be more generous.

I know it could be said that I did not do anything when I was the Minister. However, on a number of occasions I had the matter examined, but I was not prepared to grant any more money until I was certain that the institutions were all of a uniform and high standard. Now that this standard will be uniform and high, there is a necessity for a bigger subsidy to be granted. I do not think anyone should make enormous profits at the Government's expense, and I do not suggest that these institutions are doing that now.

One of the intentions and requirements is that regulations shall be made ensuring that some of a patient's pension is paid back to him so that he can buy necessary cigarettes, sweets, toilet facilities, and the like. This is a good provision and I hope the regulations will be no less generous in the amounts returned to the patients than is the case with the patients at Sunset and other Government hostels and homes for the aged.

When the Labor Party was in Government it increased the amount to be returned to the patient. At one time I took the matter to Cabinet for approval and I was told that I was miserly in my suggestion and should make an increase in the recommended amount. This I did and I am pleased to say the amount has remained at the same proportion ever since. I think it is probably as little as one could expect them to keep and I hope

that no less an amount will be given to the patients under the regulations proposed under the Bill. It was suggested that we should try to write the amount into the legislation, but I would be pleased to leave this matter to the good sense of the Government.

What it will mean is that if the hostel is losing some of the money, it will not be happy about it, and the Government will probably have to subsidise it a little more.

The board of visitors will have its work cut out particularly if it has 10 hostels to look after, and it could have up to 10. A hostel is described as being an institution with three inmates. That is the definition in the legislation. It must have three persons not being members of any family, but the number of inmates could be up to about 30. However, anyone who has three of these persons will be required to be registered. Whether three or 30 patients are involved, the board of visitors will be kept busy if it has to visit each hostel at least once every two months and at such other times as it deems necessary. The board must also thoroughly inspect the hostels at least once every four months. Depending on the area of work, the board will find itself extremely busy at times.

For meetings the chairman will receive \$40 and each other member \$30 which is not a great amount if they are highly paid people in the community and this I would expect. I would also expect them to be fairly responsible people.

First of all, I just want to repeat that this legislation has been a long time coming. Difficulties have been experienced with it. I am sad that it has been found necessary to introduce this type of legislation, but it has been proved to be absolutely necessary. I thank the newspapers for giving it that impetus which has resulted in the legislation coming before us. I think it is only because the Press got behind the whole matter that the legislation has been introduced, and I understand the Government wants it dealt with in this part of the session.

There is a demonstrated need for psychiatric hostels to be approved and registered. I agree that to provide some escape valve, if we like to call it that, for patients, we must have a board of visitors. As far as I know there is no need for approval and registration of private hostels, day activity centres, and sheltered workshops for the intellectually handicapped. I can see no need for that and I would like to know why provision has been made for it in the legislation. If it is necessary, then surely they would need a board of visitors, too.

I would like the Government to delete division 3 from the Bill. If the Government can prove that such a division is necessary, at a future time I will be only

too pleased to support its inclusion. In the meantime I could not support what I believe to be unnecessary legislation.

MR RIDGE (Kimberley—Minister for Lands) (11.00 p.m.): I thank the member for Victoria Park for what I believe is his support of the Bill. Perhaps with one exception I will be able to settle to his satisfaction the points which he raised. If I am not able to do so now, I will at a later stage.

The member for Victoria Park indicated that when he was the Minister for Health—and prior to becoming the Minister for Health—he had been ridiculed for making certain suggestions in connection with the services under discussion. He seemed to imply that the legislation that is before us now is here only as a result of the newspapers creating something of a controversy out of this matter.

Mr Davies: No, it was in the Governor's Speech, but I said it was herded on by the newspapers.

Mr RIDGE: That is fair enough; it is obvious that the member considers the matter to be important. It was indicated that the legislation would be coming forward when the Governor made his Speech.

Mr Davies: It has been introduced during the last few days of this part of the session.

Mr RIDGE: I do not think that is important.

Mr Davies: The Minister said he wanted the measure through before the end of this part of the session.

Mr RIDGE: The point is, this is very desirable legislation and it will make the operation of the services much more acceptable from the point of view of the Public Health Department and the Mental Health Services.

The honourable member referred to the number of hostels which the board of visitors would have to cover.

Mr Davies: Up to 10, depending on how many they get.

Mr RIDGE: At the present moment I think the numbers will be six, six, and eight. The hostels are divided into groups according to their geographical locations. That was the query raised; how big the localities were to be.

Mr Davies: I said they would have their work cut out if they had 10 hostels to cover.

Mr RIDGE: In connection with the payment of pensions, I understand that 12½ per cent will be returned to the pensioners and only in cases where a person is incapable of handling money himself will it be returned to the department and held in trust for the pensioner. It will then be spent as necessary by the superintendent, but 12½ per cent is the figure referred to.

The member for Victoria Park was not particularly happy about the approval and registration provision. Unfortunately, the Minister for Health is no longer in the building and I am not in a position to specifically answer the query. I suggest that this matter can be dealt with in another place, or if that is unacceptable to the member for Victoria Park, I would like the legislation to proceed through the second reading tonight and I will provide the answer to his query at the third reading stage tomorrow.

Quite frankly, I think there is an obvious answer to the query. I would like an opportunity to discuss it with the Minister under whose control the legislation comes.

Mr Davies: What about taking it as far as division 3?

Mr O'Neil: That would mean not taking the third reading until the next day.

Mr Davies: Standing Orders are suspended.

Mr RIDGE: Perhaps I could satisfy the member for Victoria Park by dealing with his query during the third reading stage.

Mr Davies: You have the numbers: I have registered my concern.

Sir Charles Court: We will be pleased to hold the third reading back until the Minister can make an explanation.

Mr RIDGE: I apologise for not having the information with me, but I am sure the member understands the situation.

Mr Davies: Yes, I understand.

Mr RIDGE: I have been armed with a great deal of information, but not that which the member requires.

Mr O'Neil: It was ever thus.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 6 put and passed.

Clause 7: Section 26C added—

Mr DAVIES: The Minister said it was not intended that accounts should be policed regularly, and that the hostels should be called on, on a regular basis, to supply full particulars of their operations. I point out that this is the type of provision which leaves a nasty taste in my mouth. Either we should have it or we should not have it. At any time the Government can use its sledge hammer approval, or disapproval, and have access to the full working papers of any of the hostels. I felt I must draw attention to this fact.

Mr RIDGE: It is not a matter of the Government demanding information. It is to be supplied only if required.

Mr Davies: That is what I said.

Mr RIDGE: Yes, but the member said the Government could demand the information. It is envisaged that the information will be needed only in the case of a request for a financial subsidy, or a complaint relating to financial matters. In those circumstances I think it is a logical requirement.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Section 26E added—

Mr DAVIES: If a hostel does not comply with the requirements of the Act, and there is an adverse report from the Mental Health Services, that report has to be sent to the hostel and stay with it for one month when the Minister will take action. I imagine in the absence of any outcry or reply from the hostel authority approval would be withdrawn.

The Minister will have fairly substantial power because there is no ground for appeal. I fully appreciate that a month is a reasonable period during which to put things right. It could be that the hostel may have some appeal at common law.

Mr RIDGE: The Minister has informed me that the intention of the amendment is to give the proprietor of such a hostel an opportunity to bring his premises to the standard required or, alternatively, give the proprietor an opportunity to appeal against the notice.

Clause put and passed.

Clause 10: Section 26F added—

Mr DAVIES: Proposed new subsection (4) states that if a licence holder does not do certain things he is guilty of an offence. I am wondering what the penalty will be. I think that in the regulations the Governor can agree to a fine of up to \$100. But as I read the regulations, the \$100 would not relate to that situation.

Possibly somewhere in the parent Act a scale of fees is laid down as fines, but just to say a person is guilty of an offence against the Act does not quite satisfy me because I am unable to find out what the penalty is likely to be—whether up to \$100 or \$200. Under the regulations the Governor can provide that any contravention of the regulations shall be an offence and impose a penalty of \$100 for such offence, but I do not think that relates to this particular situation.

Mr RIDGE: It is quite obviously an offence against this provision, so I imagine it would be the \$100. To clarify the situation, I will refer the matter to the Minister and advise the honourable member at a later stage.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 26H added—

Mr DAVIES: I raised the point about five members being on the board but only four members being detailed. Subsection (2) of proposed new section 26H says there shall be five members including a chairman—one from the Mental Health Association, one from a voluntary community organisation, and one representing local authorities—and the next clause says who the member shall not be but not who he shall be. Has the Minister any intentions in this regard?

Mr Ridge: The Minister has power to appoint, so it is up to the Minister to use his discretion. I understand they are looking for people from community organisations who have a particular interest in the care of the people concerned.

Mr DAVIES: The mental health organisation and community organisations are already mentioned. To my way of thinking, it should have been stated that the fourth member would be appointed by the Minister.

Mr Ridge: The Act gives the Minister power to appoint, so I can only assume the other one will be a ministerial appointment.

Mr DAVIES: One could argue that it is only the chairman who is appointed by the Minister, but we will not get into a pedantic argument like that. I would appreciate it if the Minister in charge of the Bill will find out whether there will be another member.

Clause put and passed.

Clauses 13 to 19 put and passed.

Clause 20: Heading and section 26Q added—

Mr DAVIES: This gets back to the crux of the whole argument as to why these people are included for registration. I acknowledge that a charitable organisation will not be charged a fee, whereas private organisations will be charged up to \$10 for registration. The Minister said in reply he was not able to give me the reason for this and I appreciate the position in which he finds himself. I merely want to register my opposition to the provision going in in this form but, realising the peculiar position in which we find ourselves and the need to advance to certain stages, I will not vote against the clause but let the Bill go through to the third reading so that we can clear the matter up tomorrow, I hope to my satisfaction.

In subsection (5), of proposed new section 26Q there is slightly different wording from that in the provision relating to private hostels. It says—

An approval and licence issued under this section shall, unless issued . . .

The similar provision relating to private hostels says—

A declaration of approval or a licence . . .

I am not sure of the difference between a declaration of approval and an approval or whether it has any significance at all. Perhaps the Minister could let us know about that tomorrow, rather than delay the Chamber tonight. I cannot see any reason for the difference in the wording of the two proposed sections.

Clause put and passed.

Clauses 21 to 23 put and passed.

Clause 24: Heading and section 26U added—

Mr DAVIES: I draw the attention of the Chamber to the fact that we are giving a tremendous amount of power to the Governor to make regulations here. If they are not watched very carefully, I believe some of them could be quite untenable. We could find the standards set were beyond what could be reasonably kept up by way of patient payment, and we might find ourselves in the position of having to take the patients back into Swanbourne, Claremont, or Heathcote Hospital. I will not read out all the matters about which the Governor can make regulations but unless they are made with a great degree of sagacity we could find the legislation is ineffective either because the standards cannot be met or because the standards are too low, and we will be in no better position than we are in at the present time.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRIAL LANDS (CSBP & FARMERS LTD.) AGREEMENT BILL

Second Reading

Debate resumed from the 19th May.

MR TAYLOR (Cockburn) [11.18 p.m.]: This piece of legislation is one of those items which are described as "An Act to ratify an agreement". It is a form of legislation which was first seen by this Parliament during the period that the Premier was Minister for Industrial Development, and we have seen a number of such Bills over the years.

It is a very compact way to present an agreement to the Parliament but, as members have said from time to time, it gives very little scope for the Opposition to vary or amend the agreement. In fact, it gives them no scope at all.

New members who may not be familiar with this type of legislation may see some value in looking briefly at the Bill. They will see it comprises just three clauses

and an agreement. The clauses have next to nothing in them, but the agreement itself—the schedule—is all-important. While members may debate the schedule, they can only agree to it in toto or reject it in toto.

We are unable to vary the agreement in any way at all. So although the agreement covers a multitude of items, and although we can discuss each of those items and criticise or support them, when it comes to the final analysis, this Parliament can only accept it or reject it. I have yet to see in this place the rejection of an agreement, and such will be the case with this measure tonight.

Members may also reflect on the fact that we have not seen many of these agreements in the last two years. We had a surfeit of them during the period of the Brand Government with the development in the north; certainly we had some during the period of the Tonkin Administration, but we have not had too many during the last two years. In fact, this is about the only one I can recall, and it is by no means a major piece of legislation. It seems that the wheels have stopped turning and we are not to have the same number of agreements that we had in the past.

This particular agreement is with CSBP & Farmers Ltd.—a very large industry in this State and one which has a very important part to play. It is an adjunct to the State's economy, and certainly the agricultural sector of the community could not continue without it.

The CSBP & Farmers Ltd. establishment is very modern and up to date. It is run efficiently, and it is a monopoly in its own way. Certainly it is a good neighbour to the people of Kwinana. The general propositions within the agreement evoke no major objections from the Opposition.

One might reflect on two points: CSBP & Farmers Ltd. is primarily concerned with the rural sector as it is our major producer of superphosphate. Secondly, this establishment is some 30 miles distant from Perth—roughly the same distance in mileage from Perth as is the junction of the Northam and York Roads. Members may reflect that the people who are employed at the works have just half the voting power of some people who live nearer to the metropolitan area.

Mr Bertram: They have what?

Mr TAYLOR: They have just half the voting power of people who live much nearer to the metropolitan area.

Mr Bertram: Goodness gracious!

Mr TAYLOR: These workers produce the superphosphate, and yet they have half the voting power of the people who

use it. This point has been made before, but it is worth commenting upon. This establishment, although involved with country pursuits, is classified electorally as metropolitan.

There are two points only that really warrant comment. Firstly, I will refer to the acquisition of private land, and secondly, to the environment. Certain sections of land owned by the Government are to be transferred to the company, and we see no objection to that. Most of the land has been under the control of Government departments, either as roads, railway reserves, or held ready for other development. However, there are a few houses to the south of the area which is to be taken over by CSBP & Farmers Ltd., and I wish to make some comments about them. One always worries about the resumption of houses, and it appears that we will once more see resumptions in the Kwinana area. Members who have been in this place a few years will recall quite animated debates during the discussion on the nickel refinery agreements. We had some heartburnings then, and since those days the problem has been mitigated by the judicious purchase of land. However, some owners desire to stay, and a few properties must be compulsorily resumed; I think the Minister referred to three or four houses. In this particular instance, I suggest that an attempt be made to negotiate for these properties rather than have the department proceed on straightout resumptions.

Unfortunately over the years a situation has developed in this area that property valuations have been kept lower than would otherwise be expected. Usually when a licensed property valuer undertakes a valuation, he has regard for prices obtained at previous sales. It has been mentioned quite often in this place that over the last half-dozen years one proprietor only has been prepared to purchase land; that is the Government itself, mainly through its instrumentality, the Industrial Lands Development Authority.

This has meant that landowners have had to request the Government to purchase their land. The Government of the day—and we are as culpable here as is the present Government—then offered a price, invariably lower than requested, and that price was either rejected or accepted. If the offer were accepted, it meant simply that the next owner who wished to sell had to accept the same relatively low price. The proximity of industry did not help the valuation either. The oil refinery and CSBP & Farmers Ltd. itself have not helped the situation one iota.

At this stage, with so few people now resident in the area, and a small number of homes to be resumed, I believe some alternative method can be used to acquire the properties. Our legislation is specific

about land required for resumption, but I hope in this case it may be possible to negotiate. The Minister may comment on this aspect when he replies.

The other point I would like to raise is a little disturbing, and I again ask the Minister to comment. I understand some people who own small properties in the immediate vicinity of the CSBP & Farmers Ltd. property have been attempting to sell their land for some years and from time to time they have made overtures to the Government. The Government set a price for these properties, but the people concerned were not prepared to accept it, or, in other instances, where the price was within acceptable limits, the Government had insufficient funds, with which to purchase.

Recently, in at least one instance—and there may be others—approaches were made by the department to some of the people who had desired to sell their properties over the last few years. A proposition was put forward to the effect that the department had a little money left from the last budget and that it may be prepared to purchase the land if the price were reasonable. In the one instance that came to my notice, the offer was accepted with reluctance, only for the landowner to find, on reading the Press a day or two later, that this legislation had been presented to Parliament. If this particular landowner had continued to adopt the stand he had adopted over the last four or five years, he may well have received an additional 10 per cent on the valuation for compulsory acquisition. I put it to the Minister that his department would have been aware of this legislation; it would have known what was taking place.

It appears that the department went through the files of people who had previously wished to sell their properties. In fact, these offers were put forward on a take-it-or-leave-it basis. The person of whom I speak felt that as he may have had to wait a very long time before his property was acquired he should accept the offer. However, he now feels he could have received a better price. I believe comment from the Minister is warranted, and irrespective of what he may say tonight, I hope he will look into this matter. If the circumstances as conveyed to me are correct, I do not believe the department went about acquiring this land in a proper manner.

The only other point I would make relates to the environment. CSBP & Farmers has indicated that it desires this extra land for future expansion. Certainly it spent some \$13 million to \$15 million recently on enlarging its works and this, of course, means increased production. One would hope that with agricultural production increasing, the need for this company's product would also increase; and with the expansion in the production there is an increase in the waste material. If

one looks at the first agreement—the Industrial Lands (Kwinana) Agreement Act of 1964—one finds under clause 27 that the company is allowed to discharge up to 350 tons of waste material, mainly gypsum, into Cockburn Sound each day.

That is a tremendous amount of material. In fact it has built up to such an extent that although the agreement says the waste shall be dumped in eight fathoms of water, the mound of gypsum in that eight fathoms has reached the stage where it is becoming a navigational hazard. This matter has been raised from time to time by members in this House and by others outside, and also in a number of reports. However, the cry has always been that the matter is contained in an agreement and, therefore, nothing can be done about it. I accept this in part; certainly I understand that while we were in Government we could do nothing.

However, I put it to the Minister that since this agreement is before us it presents an ideal opportunity to raise once again the matter of dumping waste material in the sound. Some arrangement could well have been made to the effect that, in exchange for additional land, the company would agree to withdraw the clause allowing it to continue to dispose of a figure of round about 250 tons—but which can be up to 350 tons—of gypsum into Cockburn Sound each day.

Mr Bertram: The Government could alter the agreement like it did in respect of the purchasers of State houses.

Mr TAYLOR: Perhaps. Certainly there is no way this clause can be removed from the agreement without the consent of the company. I put it to the Minister that this is an ideal opportunity to do something about the matter. The original agreement contains a variations clause which allows, with the consent of both parties, for certain rearrangements to be made. In this new agreement we see there are rearrangements—certainly in respect of the area of the land and in certain other material ways—but this matter of the disposal of gypsum is not covered. It would appear this is the only chance for the Government of the day to be in a position to negotiate this matter with the company.

It is not covered in the Bill and, therefore, perhaps I am moving away from the core of the agreement; but nevertheless the matter is germane to the agreement itself, and I think the Government should have done something about the disposal of waste in Cockburn Sound.

The agreement, generally, is acceptable. As I mentioned earlier, it seeks to allow CSBP & Farmers to enlarge its premises so that it may, in turn, enlarge its works. All the interests of the State seem to be covered in respect of costs, roads, rail,

and other such matters. With the exception of the matters of the adjacent privately-owned properties and the disposal of effluent, the agreement has our support.

MR MENSAROS (Floreat—Minister for Industrial Development) [11.34 p.m.]: I thank the honourable member for his comments in respect of this Bill. I do not think he could have said much more or much less than he said in connection with it. In respect of the principle of ratifying legislation, he was quite correct in saying that the main part of the Bill, being in the form of a schedule, is not subject to amendment. However, at the same time he did not express any desire to amend the agreement; nor did he say he would have made the agreement any different had he been the Minister.

In fact, I would not claim any kudos or otherwise for this agreement because it is well known to the member for Cockburn that this is not an exercise carried out in the last few minutes or the last few months, or even the last few years. The exercise was initiated by the previous Premier, who was then the leader of his party, and it is the result of a promise that CSBP & Farmers would receive sufficient land to cater for its future expansion.

Mr Taylor: But the basic agreement was prepared after we left office.

Mr MENSAROS: That might well be, but the agreement was the result of very lengthy and complicated interdepartmental negotiations and, of course, negotiations with the companies involved, which are CSBP & Farmers and the Kwinana Refinery of Western Mining Corporation.

I do not think I should comment on the remark made by the honourable member concerning whether the users and the manufacturers of the fertiliser have half a vote or a full vote.

The SPEAKER: That is without the scope of the Bill.

Mr MENSAROS: The honourable member attempted to bring up this matter, and I wondered why you allowed it, Sir.

The member for Cockburn said that in answers to questions I told him three or four houses were to be resumed. I have been through the series of four questions he asked and I can find no reference to this. The replies to two of his questions in particular were that an attempt will be made to purchase these homes or blocks if possible, and only as a last resort will resumption action be taken.

The member for Cockburn, having been the Minister for Development and Decentralisation—the name is different but the portfolio was the same as the one I hold—will well know that this has always been the procedure. To philosophise as he

did that it is always sad to resume land is fair enough, and I would not disagree at all; but he knows equally well that it is absolutely necessary for a Government to have power to resume land in the overwhelming interest of the public. I think he would agree that is so. I am sure neither he nor his party would violently oppose that. If they were opposed to it they would have attempted to repeal the relevant sections of the Public Works Act whilst they were in Government. Of course, they made no such attempt because they know very well it is necessary to have the power.

Mr Taylor: My point was that I hoped you would not use that Act.

Mr MENSAROS: I said in replies to questions, and I emphasise it again, that the Act will be used only in the case of ultimate necessity. It must be appreciated that if one owner holds out for some reason—not necessarily even for a capricious reason—then of course the whole scheme cannot be implemented. Therefore it is not equitable to expect that one person can cause this plan, which is the result of very lengthy and complicated negotiations, to fall in the water. I assure the member that, as under most Governments, the power of resumption will be used only if results cannot be achieved by negotiation.

The member made a comment regarding the last purchase, and I would like him to indicate by way of interjection whether he referred to the Blundell-Wignall case.

Mr Taylor: That is the one I referred to.

Mr MENSAROS: As I understand it, that is outside the area we are debating now. So the expressed possibility of the departmental officers being incorrect or using a circumstance which was known to them but not to the said person does not prevail; because, as I said, my understanding is that this is outside the area which will have to be resumed partly to provide direct access to CSBP, and partly for a road.

Mr Taylor: Could the Minister advise me whether there are any properties within the area covered by the Bill which have recently been purchased in the same way?

Mr MENSAROS: Being outside the area, that is the only one I know. As I said, these properties are subject to offers; certainly, there have been a greater but decreasing number of them over the last several years but the number the Government purchases in any one year is subject to budgetary conditions. Accordingly, the Government makes its offer using the same principle used by the honourable member's Government, and the previous Brand Government in that we try to purchase first the properties, the owners of which are considered to suffer the most hardships.

The final point raised by the honourable member was that while he appreciates that a provision exists in the 1964 agreement to enable CSBP to exercise its industrial function and discharge waste into Cockburn Sound, this condition should be renegotiated.

Here again, the environmental question must be balanced and measured against other very important considerations. Our agricultural industry is not on top of the world at present, and I believe the honourable member's colleagues would appreciate that we cannot willy-nilly take action on an unproved environmental ground which would increase the cost of superphosphate, with a consequent considerable impact on the farming community.

It is a matter for careful consideration which of the two interests should prevail. In any event, as I understand it, a study is being undertaken into Cockburn Sound, the result of which will indicate whether the controlled discharge of gypsum into Cockburn Sound has the detrimental effect upon the environment which has been claimed.

Mr Taylor: You should read the reports; it is smothering the seagrass.

Mr MENSAROS: In regard to the amount of gypsum being discharged affecting the depth of the water, the gypsum is going into a clearly defined area. The only alternative to this practice would be for the company to install very expensive equipment to take care of this waste, merely to avoid an unproven environmental effect.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 11.45 p.m.

Legislative Council

Wednesday, the 26th May, 1976

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

QUESTIONS (6): ON NOTICE

1. ENVIRONMENTAL PROTECTION

Cockburn Sound: Discharge of Gypsum

The Hon. I. G. PRATT, to the Minister for Education representing the Minister for Conservation and the Environment:

- (1) Is the Minister aware that concern has been caused in the Rockingham area following allegations made on Wednesday, the 14th April, that gypsum deposits in Cockburn Sound were radioactive?
- (2) Is there any factual foundation to these allegations?
- (3) Have tests been carried out on samples of these gypsum deposits?
- (4) If the answer to (3) is "Yes" will the Minister supply details of these tests and relate to them normal background levels of radiation?
- (5) What are the causes of normal background radiation?
- (6) Can the Minister give an assurance that gypsum in Cockburn Sound does not, through radiation, create a health risk to the people of Rockingham?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) No.
- (3) Yes.
- (4) Yes—seventeen samples were tested with a Berthold 1200 dosimeter. No radiation was detected over and above the level of normal background radiation.
- (5) Cosmic radiation and natural radioactivity.
- (6) Yes.

2. GOSNELLS RAILWAY STATION

Demolition

The Hon. CLIVE GRIFFITHS, to the Minister for Health representing the Minister for Transport:

- (1) Has a decision been made, or is consideration being given, to demolish the existing buildings at the Gosnells railway station?
- (2) If so, would the Minister advise—
 - (a) the extent of the proposed demolition;
 - (b) the reasons for the decision;
 - (c) when it is proposed to commence the demolition;
 - (d) whether the local authority has been consulted; and
 - (e) whether the patrons of the railway have been consulted?