The Hon. N. McNEILL: I would be prepared to subscribe to the point of view that the results of the study were inconclusive. They would have been inconclusive simply because of the motive forces which operate in conjunction and make it difficult to reach a conclusion. It is obviously a situation where it is impossible to divorce rationality from emotion. It would be virtually impossible to divorce rationality from politics—and that is what we see here. The Bill is before us because of the policy of a political party which believes the death penalty and whipping should be abolished. Although that policy has been advanced as sufficient to warrant the introduction of this Bill, I do not believe it is sufficient reason.

While the Statute remains, under no circumstances is it mandatory that either of the penalties shall, in fact, at any time be carried out. It is certainly a rightful function of an elected Executive to be able to exercise discretion.

The Minister, by way of interjection, made a quick reference to the Old Testament, but the New Testament certainly contains justification for carrying out the death penalty. By the same token, I am prepared to accept that the New Testament may also be interpreted as saying there is no case for the principle of "an eye for an eye, a tooth for a tooth". One can use arguments to suit one's purpose, according to how one feels in regard to the matter under debate.

Although I share the view that all killing is abhorrent, that is not necessarily a justification or argument for repealing the Statute, unless a case is made out for a more satisfactory alternative penalty. It appears we have a long way to go before we will have sufficient knowledge of the human mind to understand the motivation for killing or committing any offence for which whipping happens to be the penalty at the present time. Until we have a better comprehension of motivation, we will continue to be on very tender and delicate ground in thinking we must rid ourselves of the blot on our Statute book which prescribes these barbarous penalties.

I agree the penalties appear to be barbarous, and I would certainly not like to be directly involved in imposing them. But I go so far as to say that under no circumstance whatever should anyone in a responsible position be denied the discretion to impose the penalties if, in the circumstances and in the view of the law, the people, and the Executive, they are warranted. This is the important point. It is not a matter of whether we believe in hanging or whipping people, which is the basis upon which the Bill has been brought before us.

It must be obvious that I am opposed to the Bill, but in opposing it I do not necessarily wish to be regarded as being in favour of the death penalty. I just do not believe we yet have the answers. Mr. Claughton seems to regard those answers as being unimportant. I think it might be more correct to say he does not know the answers. If he does not know the answers, I do not hold that against him. However, until we know the answers, I do not believe these provisions should be repealed.

The persons in whom is vested all the power to exercise this discretion may feel that even at this point in our history these penalties are justified, in certain circumstances—although I hope this does not arise. I am opposed to the repeal of the provisions relating to the penalties of death and whipping.

Debate adjourned, on motion by The Hon. R. Thompson (Minister for Community Welfare).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [3.55 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 1st May.

Question put and passed.

House adjourned at 3.56 p.m.

Legislative Assembly

Thursday, the 19th April, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Closing Time

THE SPEAKER (Mr. Norton): I would advise members that the closing time for questions for Tuesday, the 1st May, will be noon on Friday, the 27th April.

GOVERNMENT EMPLOYEES' HOUSING ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. J. T. Tonkin (Premier), and transmitted to the Council.

PRE-SCHOOL EDUCATION BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [11.04 a.m.]: This Bill is for an Act to establish the pre-school education board of Western Australia, to provide for the dissolution of the Kindergarten Association of Western Australia, Incorporated, and for the discharge of the former functions of that association, to

make provision for the maintenance and extension of pre-school education facilities, to regulate the conduct of pre-school education centres, and for incidental and other purposes, and it is with equal conviction and pleasure that I move—

That the Bill be now read a second time.

In May, 1972, Mr. W. E. Nott, S.M. was commissioned to conduct an inquiry into pre-school education in Western Australia resulting in a report and recommendations being submitted to the Government in September of that year.

One of the terms of reference was to examine and report on the administration of the Kindergarten Association of Western Australia, Incorporated, and to recommend, if found desirable, how it could be more solidly constituted as a voluntary organisation providing effective pre-school education predominantly for five-year-old children.

Members will no doubt be aware that the recommendation of Mr. Nott in this regard was that the present board of management of the association be replaced by a statutory board.

The full text of Mr. Nott's recommendations in this particular instance were as follows—

1. That the Kindergarten Association of Western Australia, Inporated, continue to be the major agency for the administration of pre-school education in this State.
2. That the association cease to exercise control over the Kindergarten Teachers' College, the college council or other committees associated with the employment of teaching staff within the college, the recruitment and training of students, the payment of salaries to lecturers and allowances to students, and the planning of courses and curriculum and like matters associated with the administration of the college.

The SPEAKER: Order! I must ask members to be a little quieter.

Mr. T. D. EVANS: To continue—

3. That the present board of management of the association be replaced by a statutory board consisting of 12 members comprising—
   (a) The president of the association.
   (b) The treasurer of the association.
   (c) Five members — appointed for a period of three years subject to being eligible for reappointment — appointed by the Minister for Education, such members to be drawn from Government departments of the nature of the Treasury, Education, Crown Law, Community Welfare, and Mental Health Services.
   (d) Five members nominated and elected by affiliated committees, affiliated groups, and affiliated kindergartens.
4. The board to have the right to co-opt to its membership the chairman—or nominee—of any committee coming under its jurisdiction.
5. That members of the board of management to be part-time, but in addition to the present full-time executive officer a full-time suitably qualified treasurer should be appointed to handle the financial affairs of the association.

In order to examine these recommendations a committee comprising the then Director-General of Education (Mr. Dettman), the then executive officer of the Kindergarten Association (Mr. Stapleton), the Director of Kindergartens (Mrs. Jones), and an officer of the Treasury Department, met on two occasions and subsequently was joined by the president, vice-president and treasurer of the Kindergarten Association of W.A., Incorporated at further meetings. To those people I would like to pay tribute for the assistance and guidance I have received in the preparation of this Bill.

Arising from these meetings it was determined that a smaller board than that outlined by Mr. Nott should be established with the understanding the board itself would be expected to form expert committees, from persons not necessarily members of the board, to plan for further educational needs in the pre-school area.

In this regard, I would draw the attention of members to clause 22 of the Bill which provides that the statutory board may—and, if directed by the Minister, shall—constitute such committees.

It has been agreed that the functions of the board can be adequately administered by 11 persons comprising the following—

(a) Five persons to be known as "representative members" and described in this Bill, on the occasion of the first appointments to be made to the board, as being elected by and from amongst the persons who immediately prior to the coming into operation of this legislation, were members of the board of management of the Kindergarten Association of Western Australia, Incorporated.

> Provision is made for subsequent vacancies which occur and details the requirements a candidate must possess for qualification for election. This provision is to be found in clause 11 of the Bill.

I depart from the notes for a moment to say that the rationale is that, in the first instance, to enable the board to have an expeditious commencement, the representative members will be elected by and from members of the present board of management of the Kindergarten Association, but thereafter such members will be elected by the parents and others who have the right to vote from time to time. As indicated, clause 11 details the provisions relating to that aspect. To continue—

> When the representative members are elected regulations will provide for the interests of the metropolitan and country areas to be represented. In this regard, I refer members to clause 11 (2). It is intended that the regulations will provide for three metropolitan and two country representative members; that is, five in all.

Mr. E. H. M. Lewis: Could you not provide for that in the legislation instead of providing for it in the regulations?

Mr. T. D. EVANS: I would have no objection if the honourable member wishes to move an amendment along those lines. The draftsman has seen fit to make this power available by regulation which provides for flexibility, but I would have no objection to an amendment, as I have said. To continue—

> (b) Six persons, five of whom shall be nominated by the Minister for Education and comprising an officer of the Education Department with teacher qualifications and teaching experience; a graduate of an institution which provides teacher training in the field of pre-school education; a person who possesses academic qualifications in the field of early childhood education or guidance; a pediatrician or a person who has professional expertise in child health or child care, and a representative of the Under-Treasurer of the State. The eleventh and final member to be nominated will be nominated by the Minister for Local Government and it will be his duties to represent the interests of local authorities on the statutory board.

For a period not exceeding two years, the Bill provides that the chairman of the board shall be appointed by the Governor on the recommendation of the Minister. After that period, the board itself will elect one of its own members to be the chairman. To cover those changed circumstances, the Bill expressly provides that, in the first instance, the chairman will exercise a deliberative vote only and, in the second instance, where the chairman is elected from the board, he will exercise a casting vote only.

I appreciate the valuable assistance and suggestions from the board of management of the Kindergarten Association of Western Australia, Incorporated, executive members of the pre-school teachers' union, Professor MacDonald of the Western Australian University and many other groups and interested persons, far too numerous to mention.

I commend the Bill to the House as a sincere and genuine attempt to regularise pre-school education in this State in a manner largely consistent with the recommendations of the Nott report.

In the light of experience with the legislation, it may well be demonstrated that further amendments may be necessary. In my view it is only such experience that will tell.

Debate adjourned, on motion by Mr. Mensaros.

RESUMPTION VARIATION (BOULDER-KAMBALDA ROAD) BILL

Second Reading

MR. JAMIESON (Belmont — Minister for Works) [11.17 a.m.]: I move—

> That the Bill be now read a second time.

The purpose of the Bill now before members is to overcome a problem which is preventing the State reaching settlement of the compensation payable to owners of the land over which the Boulder-Kambalda Road is constructed.

Action was taken originally to resume part of the land required for this project on the 25th November, 1966, when the Main Roads Department published a notice of intention to resume approximately 200 acres of land. A further notice of intention to resume additional land for the project was issued in 1970.

The owner of the land affected by the 1966 notice, Hampton Gold Mining Areas Limited, objected to the proposed resumption on the grounds that the resumption would take away its right to mine minerals under the proposed road reserve. The grounds for objection were unusual and arose out of the fact that the land in question had been alienated before the turn of the century when the original grant of land included minerals.

Subsequently, the then Minister for Works dismissed the objection of the company, subject to the Main Roads Department arranging for all minerals within the road reserve below a depth of 100 feet from the surface being revested in the company.

At the time it was thought that section 15 (3) of the Public Works Act, which states *inter alia* that the Minister can return rights which have been taken by resumption, empowered the State to return to the company the land and contained minerals below 100 feet from the surface. However, further research disclosed that under the Land Act it is not possible to issue a Crown grant which includes minerals.

We then had a situation where the State, which was only seeking to obtain surface rights, was committed to the payment of substantial compensation for loss of mineral rights, unless mutually acceptable alternative arrangements could be made.

Crown Law Department officers were asked to study the legal position and advised that the simplest and best way to overcome the problem was to introduce a Bill which would have the effect of limiting the resumption of freehold land required for the road to 100 feet below the natural surface. The Bill incorporates this advice and in clause 3 it also limits a mining lease already granted over part of the road reserve in a similar manner.

For part of its length the road alignment travels over pastoral leases, the lessees of which do not have any right to the soil or minerals and are therefore not involved with this Bill. The three owners of the freehold land affected by the resumption have endorsed the action proposed. I commend the Bill to members.

Debate adjourned, on motion by Mr. Hutchinson.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [11.21 a.m.]: I move—

That the Bill be now read a second time.

The amendments included in this Bill have arisen from recommendations which followed meetings between all State weights and measures authorities concerning uniform alteration to laws on weights and measures and packaging. The formal conferences of those State authorities, which are attended also by Commonwealth officers, are complemented by meetings of the Standard Committee on Packaging whose main purpose is to set uniform standards in the packaging and marking of packaged goods, including the metric conversion aspects.

Following is a brief explanation of the amendments. Clause 3 will add to section 4 a definition of "instrument"—there is no such definition in the current Act—and will also add two subsections to explain the term "use for trade" and its implications. The ninth formal conference agreed to these definitions, so unanimity will obtain in the legislation of all States.

Clause 5 will provide in section 21 for a package containing an article, when the package is used for the purpose of transporting only the article, to be marked with the gross weight and for the regulations to prescribe the manner in which the package shall be so marked. Under this section at present, a person shall not sell an article by weight or measure otherwise than by the "net" weight or measure. The marking "gross" weight therefore will be permitted in the circumstances mentioned.

Clauses 6 to 10 refer to part IIIA of the Act which covers special requirements for articles. An article is deemed to be prepacked if it is packed in advance ready for sale.

Clause 6 amends section 27B (4) which exempts certain articles from the packaging requirements in part IIIA. This is particularly important and relevant in this State. One of the exempted articles was bread. This is because the Bread Act has controlled aspects concerning bread. The Bread Act prescribes weights at which doughs should be weighed in the bakehouse for making into bread loaves and rolls, and sets the standards of dry matter content in loaves. Throughout the Bread Act, reference is to loaves or rolls and no other form of bread in so far as control of weights and sizes is concerned, but the definition of "bread" means all classes of that item except Vienna bread which is separately defined.

However, once bread is sliced, it no longer comprises a loaf and it would not be practical to ascertain the dry matter content of a loaf once sliced. In effect, it becomes a package of slices of bread. The amendment will therefore seek to remove "pre-packed sliced bread" from the exemption so that it can be regarded as a packaged item of food to which prepackage requirements will apply. Bread, otherwise, will still be an exempted item.

Vast quantities of sliced bread are sold daily to consumers, and surveys by departmental officers have shown that, in the main, net weight is not being marked on packages of this bread. In addition, check weighings have disclosed weight variations quite different from purported weights. It has also been found that packages of different type bread, but of almost the same dimension, vary in weight to a marked degree. The requirements for packaged sliced bread by the Weights and Measures Branch will be in line with what is happening in other States of Australia.

Clause 7 amends section 27C, which states that no person shall pack an article for sale or sell a prepackaged article unless the package is marked with the packer's name and address. The amendment

will provide that such requirement does not apply in relation to articles packed outside the Commonwealth. The reason for this is that no State has jurisdiction over a packer outside the Commonwealth, and it is considered the source of packing is readily ascertained through the Department of Customs and Excise.

A further amendment in this clause will exempt an outer package used for the purpose of transporting only as long as the inner article is marked as required.

Clause 8 amends section 27G (5) (a) which allows a permissible deficiency in the contents of articles packed in bottles, the contents of which do not exceed eight ounces or eight fluid ounces. As both the imperial system and metric system may now be used, the amendment will make provision for the metric equivalents of 250 grams and 250 millilitres respectively to be included.

Clause 9 is another important clause which adds a new section 27HB to provide for the method of determining the true weight of certain frozen articles and the like. Articles such as prawns and scallops are commonly frozen in water before being packed in cartons which are marked in net weight, and difficulty is experienced in subsequently determining whether or not the weight statement is correct. It is intended that the regulations will prescribe the manner in which the weight of such an article is to be ascertained.

Clause 10 amends section 27J by adding a subsection (3a). Subsection (3) of this section allows for the limited use of "restricted expressions" on packages provided the net weight or measure of the contents of the package is in a size of print as specified, and further that the statement of content shall be marked on the package wherever the expression appears.

The amendment will ease the requirement so that the statement of quantity used will be shown only once on any panel of a package on which the restricted expression appears, even if such expression is used more than once on any panel of a package.

A new subsection (5) is proposed to be added to this section to provide that where an expression which comes within the definition of a "restricted expression" is marked on a package containing more than one article and the expression used relates to the size of each of the articles contained in the package, such expression shall not in these circumstances be "restricted" for the purpose of this section. An example is the use of such expressions as "family size biscuits", "king size cigarettes", or "giant size sardines", where the expression relates to each biscuit, cigarette, or sardine.

Clause 11 repeals section 28 (3). This is caused by the amendments in clause 3 which amend section 4 so as to define "instrument" and add a subsection to explain "use for trade".

Clause 12 repeals and re-enacts section 46 which is consequential upon earlier amendments in clause 3 defining "instrument" and "use for trade". The re-enactment explains the circumstances as to the possession by a person of a weight, measure, or weighing or measuring instrument which is evidence of possession for use for trade.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Thompson.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [11.29 a.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to fulfil an election promise of the Government which was to ask Parliament to approve amendments to the Arbitration Act so that the emphasis would be taken from compulsory arbitration and placed on mediation and conciliation in the settlement of industrial disputes.

In speaking to the Bill I would like to put my statements into proper perspective by drawing on two observations from the text by Kenneth F. Walker entitled *Australian Industrial Relations Systems*, 1968 edition.

The final chapter of this book is an assessment of the arbitration system and it includes a good deal on the current debate concerning the respective merits of compulsory arbitration and collective bargaining.

Falling back on the evidence of his work, Walker's synthesis is that the Australian industrial relations system has evolved into a mixture of collective bargaining, compulsory arbitration of disputes, and a semi-legislative process in which unions, employers, and Government tribunals all participate. In this context he says "the realistic upshot of the controversy over the relative merits of compulsory arbitration and collective bargaining can only be the modification of the present institutions and attitudes to cope more effectively with the various functions which the present machinery is called upon to perform".

Walker also makes a point so often overlooked and yet so vital to the very beginning of an understanding of the problems confronting the arbitration system. The point is that the compulsory arbitration system cannot be expected to resolve the basic issues of industrial conflict when these spring from factors which are beyond the reach of arbitration. This fact forms

an important part of this Government's reasoning in advancing its proposals to amend the Industrial Arbitration Act.

I would like to give an example of this particular point which may be of interest to the House. At the moment we have an industrial disputation between lift servicing personnel and lift servicing companies, and certain hotels and other businesses are disadvantaged. From what I have been able to determine of this matter—and I very quickly admit I do not have an entree to all the parties concerned—it appears that the matter will not be resolved in Western Australia at all. The disputation hinges on what is transpiring in the Eastern States.

The dispute was taken to a State industrial commissioner who has attempted to bring the parties together to resolve their difficulties. I understand he offered to arbitrate on the points of contention, but the employers' representatives are not prepared at this stage to take this course.

Mr. O'Connor: Is this because the employers want the men back at work?

Mr. TAYLOR: No. This is my understanding of the matter and I am informing the House of what I have been able to determine. Large numbers of men are involved in the other States. The same companies are involved, and it is believed that any concession in this State would prejudice the situation in the other States. Therefore, any major moves to bring the parties together seem to be frustrated by the requirement that moves must be made in another State before the dispute can be settled here. In other words, any pattern which may be set up here by the commissioner or the parties in consultation would be likely to affect conciliation in the other States. It is also felt that a settlement here would give more ammunition to parties in the other States.

The settlement of this dispute is beyond the reach of any State Government or any State tribunal.

One factor which has not been put forward in the Press so far, and which is worthy of comment, is that skilled personnel are available at a moment's notice 24 hours a day in the case of an emergency, for instance, where a lift is stuck between floors or something of that nature.

Mr. O'Neil: That is reported in this morning's paper.

Mr. TAYLOR: I am thankful to the Deputy Leader of the Opposition for this information. This particular disputation is an example of a situation which is beyond the control of the system as we know it.

Now to return to the Bill. At this stage it will be beneficial to examine the more recent developments in the field of industrial relations in Australia in the light of Walker's observations. These developments show that the desire to modify the existing institutions and attitudes is quite strong; thus we are left in no doubt about the direction the changes will take—only the degree. South Australia is taken as the first example.

In 1967 the South Australian Government introduced a Bill to amend the Industrial Code. Part of the purpose of the legislation was to delete all penal clauses for strikes and lockouts; but in this respect the Bill did not survive in the Council. Nevertheless, the strike provisions in the code were substantially amended. A motion was finally adopted in the Council to include in the code provisions relating to strikes and lockouts similar to those in the New South Wales arbitration Act. This, it was pointed out, would permit strikes to be legal in certain circumstances.

In other words, strike legislation, developed by the New South Wales Labor Government in the period 1959 to 1964, was acceptable to a hostile Council in South Australia.

This legislation can be divided into two parts. Firstly, there is the idea of a legal strike—subject to certain requirements including the giving of 14 days' notice, and certain exceptions depending on the nature of the industry.

Mr. O'Connor: Does this apply to lockouts?

Mr. TAYLOR: Yes. The honourable member makes a good point because this would allow both parties to do things they are not now able to do.

Secondly, there are provisions relating to proceedings for a penalty regarding an illegal strike. Proceedings cannot be commenced unless the employer has notified the registrar of the dispute, the circumstances of the dispute have been investigated by the commission or a committee, and leave of the court has been obtained. There are two positive obligations on an employer who wishes to proceed for a penalty: On the application for leave he has to show that he has not taken part in a lockout which has contributed to the strike; and that he has made, to the extent to which the circumstances permit, a *bona fide* effort to negotiate a settlement of the dispute.

More recent events in South Australia, including the return of the Government in the 1973 State election, provide the strongest possible reasons for suggesting that further significant changes will occur in the State's industrial legislation this year.

In 1972 an attempt by the Government to introduce legislation protecting unions and union officials from civil action was defeated in the Council. The matter became an issue in the 1973 election campaign, in which both parties sought mandates on industrial matters. A feature of

the South Australian Premier's policy speech was the clear and unequivocal statement on the subject of strike laws and civil actions. He said—

> We therefore seek a mandate to alter the Industrial Code, to abolish civil actions for damages in industrial disputes, and to ensure disputes are dealt with by industrial tribunals.
>
> Further, we seek a mandate to remove the penal provisions in the Industrial Code.

The result of the elections and the percentage improvement for the Government in the Council is well known.

Although it cannot be said for certain that the proposed legislation will become law, the fact that the civil law issue will again be debated in the Council, presumably less than a year after its rejection, augurs well for its adoption.

Two developments in Federal arbitration laws occurred in the relatively short span of time, 1970 to 1972. The first of these concerned the notorious sections 109 and 111 of the Commonwealth Conciliation and Arbitration Act relating to the sanctioning processes for breach of bans clauses in awards.

The second concerned the introduction of measures designed formally to separate the conciliation and arbitration functions of the tribunals operating under the Act.

When introducing the amending Bill of 1970, The Hon. B. M. Snedden, then Minister for Labour and National Service, had this to say—

> . . . the essential feature of the Bill is that before action can be taken to use the new sanctions process the Commission will attempt to resolve the issues that lie between the parties. I believe that the existing sanctioning process which involves the use of the Court's injunction-making powers under Section 109 and its power to punish for contempt under Section 111, are no longer appropriate or desirable. I believe they suffer from two main deficiencies. First, there is the immediacy of their availability. Second, they do not allow the Court to take hold of the dispute between the parties and endeavour to assist the parties to resolve the dispute. This is no reflection on the Court. It cannot concern itself with the underlying causes of matters which come before it under Sections 109 and 111.
>
> Therefore, there is a provision that before a sanction can be sought, the party seeking that sanction must notify the Commission. Furthermore, the Commission will be constituted by a Presidential Member and he will be required to make every effort to settle the dispute that exists between the parties. Not until he has issued a Certificate will it be possible to proceed in the Industrial Court.

On the 7th December, 1971, The Hon. Phillip Lynch, then Minister for Labour and National Service, issued a statement dealing with proposed amendments to the legislation to facilitate the solution of industrial disputes. The purpose of the statement was to inform all interested persons of the Government's reasoning on the subject. After lengthy references to the manner in which the Government had sought the opinions of all likely to be affected by its actions, the Minister said at paragraph 41 of the statement—

> In the views that have been expressed, there was a strong consensus of opinion that a greater emphasis should be given to conciliation and that steps should be taken to make conciliation more effective.

And at paragraphs 47 and 48 he said—

> In recent years, largely because of the prevailing economic circumstances, there has been a tendency for parties to attempt to settle their differences by agreeing outside the Commission. The Government considers it would be preferable for the Commission to be more involved in this process and for more effective facilities to be provided to assist the parties.
>
> The Government therefore proposes to re-structure the Conciliation and Arbitration Commission and completely separate the conciliation function from that of arbitration. Under this new arrangement members of the Commission will be divided into two groups, each with distinct responsibilities. The first will consist of presidential members and arbitration commissioners and will exercise only arbitral functions. The second will consist of conciliation commissioners and will exercise only conciliation functions. The conciliation commissioners and the arbitration commissioners will have the same status.

Short of abdicating its view that some sort of sanctions against strikes should remain in the Act, the Federal Government, in 1970, was taking the first steps to ensure they were used only as a last resort. The aim was an Act which, to use the Minister's words, put the "emphasis on negotiation, conciliation and where necessary arbitration to resolve industrial issues between management and labour". There was nothing original in these measures, however, because in all practical respects they mirrored the New South Wales laws of 1964.

The 1970 amendments in the Commonwealth Act should also be examined in the light of expressed union opposition to sanctions. In their many statements on

this issue Federal unions consistently made two points: that the employers often used the contempt proceedings without attempting to reach a settlement of the dispute in other ways, and in general abused the statutory provisions; and that the Industrial Court disregarded the merits of the situation when dealing with these cases. The passages quoted from the Minister's statements indicate substantial agreement with the basic arguments. By placing the onus on the party seeking the sanctions to notify the commission and requiring that a presidential member make every effort to settle the dispute before proceedings can be taken in the Industrial Court, resort to the sanctions were discouraged and negotiations encouraged. The issuance of a certificate from the president before a sanction is imposed is intended as a guarantee that negotiations will be conducted in realistic terms.

Finally, it is important to bear in mind that there is no prohibition on strikes and lockouts arising directly from the Commonwealth Act. A sanction applies only where there is a provision in the award which would make direct action an offence. Such a provision can be inserted in a Federal award by a presidential member only.

Mr. Lynch's 1971 statements reflected current thinking in Australia on the subjects of industrial relations and formal methods of industrial regulation. His Government recognised the need to change the emphasis on the various functions of the system, rather than the attitudes and philosophies of those who remain within, and therefore as part of, the system. His Government recognised also the fundamental reason for change in the attitudes of unions and employers: economic circumstances, which lead to less reliance on the formal process of arbitration in the settlement of industrial disputes. But, perhaps the most important of all, is that his Government was guided to a very large degree by informed opinion on the need for more conciliation rather than arbitration in settling industrial disputes.

Whilst there was an acceptance of the philosophies advanced by Mr. Lynch in so far as they relate to conciliation, the same cannot be said with respect to the overall question of sanctions. The extent to which there is a difference between what is now prescribed in the Commonwealth Act on this question, and the policies of the Federal Labor Government is fairly well known. These differences can be concisely summarised by reference to Federal Government proposals to amend the Act in this respect. It is intended that all provisions under which a penalty might be imposed upon a trade union, trade union official, or member because the union was involved or threatened to strike, ban, or limit work, will be removed.

Mr. O'Connor: According to that a union official may commit an offence against an individual or a company and be exempt from legal action.

Mr. TAYLOR: Do not put words into my mouth.

Mr. O'Connor: I am asking you because I want the position made clear.

Mr. TAYLOR: The honourable member may raise the question during debate. This provision is in respect of civil action regarding strikes.

Mr. O'Connor: In other words, he can do anything at all.

Mr. TAYLOR: In respect of a strike?

Mr. O'Connor: Yes, or in respect of an award.

Mr. TAYLOR: He cannot necessarily take action against an award. Civil action is available. The honourable member should not confuse this issue with the points raised in the House over the last few weeks.

Mr. O'Connor: I am trying to have the position made clear because it is not clear at the moment.

Mr. TAYLOR: I would say the interpretation of the Act at the moment would not preclude a person who is threatened with physical violence or blackmail from seeking redress in a number of ways. However, as far as the union member is concerned, if he says, for example, "I am going on strike" and the employer takes him to court, this provision will not allow action to be taken against the union member simply because he is on strike.

Mr. O'Connor: I take it employers will also receive the same protection from employees who lock out.

Sir Charles Court: What about matters of defamation and that sort of thing?

Mr. TAYLOR: This provision covers union members in relation to the action which may be taken against them if they go on strike, perhaps in disregard of a court order. This is an industrial matter and does not impinge in any way at all on areas which are under civil or criminal jurisdiction.

Mr. O'Connor: They can put people out of business, and no action can be taken against them. They can send companies broke.

Mr. TAYLOR: At the same time a company can send men broke at its discretion.

Mr. O'Connor: I think that is wrong.

Mr. TAYLOR: I will continue. Furthermore, unions and union officials are to be protected against actions in civil proceedings for breach of contract, or conspiracy, in connection with industrial disputes.

Sir Charles Court: Just a minute; that is the one. That is not only a question of a strike.

Mr. TAYLOR: Clearly we have in the Commonwealth sphere a transitory situation. Already there exists a completely new framework in which the emphasis is put on conciliation. There are also the strongest possible reasons for saying that further alterations to the Commonwealth Act are imminent.

Developments of the nature so far discussed may be of only indirect value when comparing developments in another State; however, they are of different value when comparing the Federal system. Here, we have an Act operating in all States, and concerning key unions which are State registered unions and also branches of Federal organisations registered under the Commonwealth Act. Therefore, we are not only concerned with new attitudes arising directly from validly made comparisons, but also with the trend for unions to close ranks with their Federal organisations and to adopt management and operational techniques designed from a national point of view. For these reasons what happens in the field of Federal industrial legislation is of great significance in this State and cannot be ignored.

This is not to say that the Government is concerned only with Federal unions and Federal developments. State unions representing large numbers of workers in industry are vitally concerned and are anxious to see changes take place in the laws governing their conduct, and the well-being of their membership. It should never be forgotten—as it was, and shamefully so, in 1963—that these State unions are the very foundation on which the State system is built; without them the system does not exist. In exchange for their registration, which the Act is intended to encourage, they are entitled to expect, and should be given, laws that are up to date, and designed to facilitate their development and to ensure that their ability to provide the strongest possible representation for their membership is in no way impaired.

If there is one thing that can be said with certainty about the arbitration system it is that to the extent the system relied on sanctions to achieve its purpose of settling and preventing industrial disputes, it has dismally failed. No longer can it be validly said that unions which seek registration under the arbitration Act surrender their right to strike. That is the cry of those who fail to see the changes taking place around them. Industrial laws, by their very nature, must always be in the vanguard of reform.

A society that recognises unions—positively, legally—must recognise them for what they are; organisations of workers combined, primarily, for the purpose of advancing the economic well-being of their members. How that purpose should be achieved cannot be determined by reference to standards and values acceptable to all concerned at the turn of the century—or for that matter in the economic and political climate of 20 years ago—when a central, formal system, effectively determined and governed industrial relationships. The determination must be made within, and having regard for, the whole context of today's industrial and economic conditions. Clearly our analysis of the Federal and South Australian developments establishes a right to strike, to say nothing of the *de facto* situation long established in Western Australia.

It is with regard for all of these facts that the Government brings forward its proposals for amendments to the Industrial Arbitration Act. The Government does not claim to sponsor a panacea for industrial relations. What the Government does propose is a framework in which direct negotiation between parties to industrial disputes is recognised and the refinement of negotiating techniques encouraged through a mediation service. As a necessary part of this process, and subject to a new section concerning strikes deemed contrary to the public interest, the legal right of unions to strike, and employers to lock out, will be reinstituted. Thus all parties to disputes enter negotiations possessing a convertible economic power, or sanction, as their primary bargaining strength. Conciliation will be via the conciliation or compulsory conference procedures and arbitration will be "voluntary". An outline of the essential features of the system is as follows:

Mediation: A mediator will be an *ad hoc* appointment made by the Minister upon written request from all parties to a dispute in which they will name the person whom they wish to be appointed.

If agreement on all matters in dispute is reached before the mediator he will draw up a memorandum of agreed terms and sign it. The parties may then register the whole of the memorandum as an industrial agreement if it is otherwise capable of being so registered; or, register part of the memorandum as an industrial agreement and have the remainder as a private agreement; or, request the mediator to refer the whole of the part of the memorandum to the commission for issuance as a consent award.

If agreement is reached before the mediator on some only of the matters in dispute, or on none of them, the mediator shall, if so requested by all the parties, refer the whole dispute or so much of it as the parties wish to the commission for hearing and determination; or, any party may request the Chief Industrial Commissioner to appoint a commissioner as mediator in the dispute.

Conciliation: The conciliation process will be used when parties cannot agree on a mediator or when one or more parties are reluctant to negotiate. Accordingly,

the conciliator will have power to require persons to attend conferences. He will have power to decide any matters in dispute if all parties so agree. If all matters in dispute, except for any matters of retrospectivity are settled before him, he will have power to decide the question of retrospectivity whether all parties agree or not. If he is satified that a matter in dispute cannot be settled by conciliation he will have power to refer the matter to the commission for hearing and determination. Having acted as conciliator in the dispute, he will be precluded from arbitrating on any matter which he has referred to the commission unless all parties to the dispute agree to his appointment as arbitrator.

Arbitration: It is proposed that no industrial dispute can be referred to the commission except by a mediator or conciliator, or unless all parties to the dispute consent to the matter being the subject of a direct reference. In other words, no union or employer will be able to escape the obligation to confer unless all parties are agreeable to proceed direct to arbitration.

Public Interest: A situation may arise in which neither side in a dispute is prepared to move for mediation, conciliation, or arbitration; in some cases that may not be in the public interest. Therefore, it is intended that the Attorney-General, acting in the public interest, may apply to have the parties together at a compulsory conference for the purpose of preventing or settling the dispute.

Strikes and Lockouts: Section 132 of the Act which currently makes it an offence for a person to take part in a lockout or strike is to be repealed and re-enacted. The new section will empower the Commission in Court Session to declare a lockout or strike to be contrary to the public interest; but only on an application by an industrial union or association, an employer, or the Attorney-General.

A declaration may be made by the commission in respect of a lockout, or a strike where the subject of the strike is a matter contained in an industrial agreement or award—either one in force by virtue of its term.

Protection of Unions from Civil Actions: It is proposed that the Act include a new section whereby acts done in furtherance of industrial disputes do not constitute torts, except where an act or omission directly causes death or physical injury to a person; physical damage to property; or constitutes a defamation.

A number of public statements have been made in recent months by various people in Australia on the subject of laws intended to protect unions and union officials from civil proceedings for acts or omissions committed in contemplation or furtherance of industrial disputes. In some quarters the opportunity is being taken to create a scare campaign by suggesting that unions and union officials will be placed above the law, and then leaving audiences to draw their own conclusions as to what that will mean. Those who do the suggesting really know better, but the potential for political mileage arising from the emotive appeal of the subject is strong enough to ensure the whole story is never told.

Not surprisingly, no such statements are heard in Queensland—for the excellent reason that laws of this nature have been on the Statute book in that State for over 30 years.

Mr. O'Connor: Will you tell us the story of that?

Mr. TAYLOR: Does the honourable member mean the Queensland situation?

Mr. O'Connor: No. You mentioned that the whole story was never told.

Mr. TAYLOR: If the honourable member speaks in the second reading debate and mentions it, possibly I will refer to it in my reply.

In the United Kingdom, unions have enjoyed immunity from civil actions since the passage of the Trade Disputes Act, 1906, and anyone who cares to consult the record will find that these laws were not passed to put unions above the law. The 1875 Conspiracy and Protection of Property Act had provided unions with immunity from criminal law in connection with strikes. The reasoning had been that where it was not a criminal act for a single worker to withhold his labour, it should not also be a criminal act for a number of workers withholding their labour in combination.

The conservative English judges of the day then invented the present-day common law situation that striking unions could be sued for damages caused by strikes. The 1906 Trade Disputes Act merely reversed these biased decisions by extending the reasoning behind the 1875 legislation to civil law.

Registered unions are now protected from civil action by the 1971 Industrial Relations Act which repealed the Trade Disputes Act.

With the intention of this Government to remove the prohibition on strikes and lockouts from the Act in order that coercive power may be used, it follows, on the reasoning already stated, that protection of unions from civil actions in the circumstances contemplated is a valid proposal for inclusion in the Act.

Whether or not the 1906 Trade Disputes Act would have been adopted here also, had the unions not opted for the arbitration system, must remain conjecture. However, it must be conceded that the Industrial Relations Act, 1971, of the

United Kingdom, has significance for industrial law development in Australia; it is a law that formalises a collective bargaining system through positive legal promotion of registered unions; it confers benefits of registration on unions, including the right to strike and protection from civil actions; and it requires employers to provide to unions all information relating to their undertakings as would be necessary for the proper conduct of collective bargaining. As a system existing within the body of English Statute law, it puts the lie to the arguments of the local anti-union zealots who insist that the right to strike and protection of unions from civil actions is inconsistent in a system of legal promotion of unions.

Having dealt in some detail with the central feature of the Government's proposals, attention will now be given to other issues forming part of the Government's election policy speech with respect to the Industrial Arbitration Act.

The point was made earlier that the arbitration system cannot be expected to resolve the basic issues of industrial conflict when these spring from factors that are beyond the reach of arbitration. That, it may be argued, is so self evident as to require no comment at all. However, it is plain that the Act in its existing form does not confer a power on the commission to settle disputes in relation to certain matters that are undoubtedly industrial matters, and having obvious potential for causing industrial dislocation. These shortcomings arise from the amendments of 1963 and are intended to consolidate the doctrine of employers' prerogatives.

Specifically, the matters are a lack of power in the commission to order reinstatement of a worker wrongfully dismissed from his employment; a lack of power to determine what days in the week or on how many days in the week an industry may carry on operations; and restrictions on power to prohibit shift work.

A further matter, not coming within the bracket just mentioned, is that the commission cannot make an order or award retrospective in operation. This arises from restrictions found in section 92. It falls into the same category as the other matters because it has potential for causing industrial disputes.

These restrictions and shortcomings are peculiar to the Western Australian arbitration Act and on that score alone can be roundly criticised as being unfair and discriminatory. But the real cause for change in these areas is much stronger than that.

It will be convenient to begin by saying that all restrictions on the commission's jurisdiction and powers in relation to industrial matters will be removed. That is essential if arbitration is to have any meaning at all as the tribunal of last resort in the determination of disputes. But it will also be obvious to those who care to think about it, that the removal of restrictions on the commission's power in connection with reinstatement may well obviate the need for further legislation in the areas of workers' redundancy and related questions which, as recent events have proved, are becoming more and more important on the local scene.

As things stand, a worker's protection against unfair dismissal is extremely limited—short of direct action on his behalf by his union. Awards provide for periods of notice to be given by either side in the event of terminating service, and for payment or forfeiture in lieu of prescribed notice. However, they codify rather than alter the common law position which remains the last resort for an aggrieved party. The Industrial Arbitration Act expressly provides that the commission "shall not by order or award"—unless in certain circumstances relating to lockouts, union membership, and claiming benefits under an award or industrial agreement—"require any employer to employ or continue to employ or re-employ any worker".

From the point of view of the common law, both parties are free and equal parties to the contract and are entitled to bring it to an end in accordance with its terms at any time.

This is a long speech, but I must outline the circumstances relating to the dismissal of a worker. If I am permitted I will table the papers concerning an industrial stoppage at Port Hedland some months ago during which, at one stage, some 600 workers were on strike. This came about as a result of the dismissal of an engine driver who, it was alleged, was responsible for an explosion in a machine which cost the company some thousands of dollars to repair.

In looking through the papers and the reasons for the dismissal, there appeared to be ample reason to justify the statement that this worker had been wrongfully dismissed. Ultimately it was reported by the commissioner that the company was unjust or unreasonable in taking this course of action, but I am not sure of the exact wording he used.

An examination by members of the Machinery Branch of the Department of Labour who certify engine drivers was made, and although they were not prepared to recommend that his license be removed from him, they indicated there was some laxity on his part. He had been working an extended shift at the time.

The key point is that the commissioner, while saying he did not feel that the action of the worker warranted his dismissal, did

say he had no power to reinstate him. Before the commissioner made his determination 600 men were on strike.

Mr. O'Connor: What about an inefficient worker or one who will just not work?

Mr. TAYLOR: That is a completely different situation.

Mr. O'Connor: In what way?

Mr. TAYLOR: The honourable member should check the Bill. That would be the best way for him to get the information.

Neither party is required to give reasons for terminating the contract nor to justify his reasons for doing so. Perhaps the best way to answer the question would be to say that the point raised should be taken into consideration for determination as to whether the worker is satisfactory.

Mr. O'Connor: But supposing he would not work at all. Would you want to do that?

Mr. TAYLOR: No. I would dismiss him. I wish to make one more point: a reason for another dispute was that the engine driver on a locomotive had not taken certain precautions. The men felt that disciplinary action should be the same as in the State railway system for the same offence. The company imposed a stronger penalty than would have been the case if exactly the same offence had been committed in the W.A.G.R. I believe that had the matter gone to arbitration, whatever the decision had been, it would have been accepted; but because of the difference in the two systems the union thought the man was being victimised, and disputes over such differences of opinion do not help anyone.

To continue: If a worker is "wrongfully" dismissed he is entitled to claim the wages he would have been paid for the period of notice, less any amount he earned during that period. Beyond this the worker has no legal claim at common law, whatever hardship he suffers as a result of his dismissal.

Mr. May: Does that mean that if he was on overtime and was working 60 hours a week he would be paid on 60 hours, or only the award rate?

Mr. TAYLOR: The amount he would have earned during that period.

Mr. O'Connor: Therefore it is based on overtime as well?

Mr. TAYLOR: Yes, if it would normally be included. I suggest this is only right if a man were stood down and it was subsequently proved that he had been wrongfully dismissed.

Mr. O'Connor: If he were correctly dismissed and the workers were on strike, would he get it then?

Mr. TAYLOR: No.

The SPEAKER: Members must keep quiet.

Mr. TAYLOR: At present, even if the way in which he is dismissed constitutes an imputation concerning his honesty and his ability to get another job is correspondingly reduced, he cannot, except through an action for defamation, obtain any redress.

Since the law relating to the contract of service in Western Australia is purely English common law it will be beneficial to refer again to changes that have recently taken place in the United Kingdom. These changes have had the effect of substantially altering the position to the workers' benefit and they follow practices in Europe where developments have been going on for some considerable time. On the reasoning behind these measures in the United Kingdom and elsewhere, which is wholly applicable locally, there would need to be compelling reasons for not acting to change the situation existing here.

However, before looking to the United Kingdom we should first consider recommendation 119 of the International Labour Organisation because it can be taken as being in the nature of a codification of an international consensus on the subject; this obviates the need to examine separately the practices in countries other than the United Kingdom.

I.L.O. recommendation 119 is concerned with termination of employment at the initiative of the employer and requires that "termination of employment should not take place unless there is a valid reason for such termination connected with the capacity or conduct of the worker, based on the operational requirements of the undertaking, establishment, or service".

Mr. O'Neil: What about the economics of the service?

Mr. TAYLOR: Furthermore, the definition or interpretation of "valid reasons" should be determined through "national laws or regulations, collective agreements, works rules, arbitration awards, or court decision or in such other manner consistent with national practice as may be appropriate under national conditions". In other words, an employer cannot, on a whim, dismiss a worker.

The recommendation goes on to provide that workers who feel their employment has been unjustly terminated should be entitled to appeal within reasonable time against the termination, and, where the worker so requests, he shall be represented by a person before a body established under a collective agreement or a neutral body such as a court, an arbitrator, or arbitration committee. These bodies should be empowered to examine the reasons given for

termination of employment and the circumstances relating to the case and to render a decision on the justification of the termination. Bodies hearing workers' appeals against termination "should be empowered, if they find that the termination of employment was unjustified, to order that the worker concerned, unless re-instated, where appropriate with payment of unpaid wages, should be paid adequate compensation, ... or granted such . . . . . other relief as may be so determined".

The scope of recommendation 119 is by no means confined to questions involving terminations of employment through reason of a worker's capacity or performance, but covers also terminations arising from redundancy. In this respect minimum recommended requirements include early consultation with workers' representatives on all appropriate questions, which include as examples: restriction of overtime, training and retraining, transfers between departments, spreading termination of employment over a certain period, measures for minimising the effects of the reduction on the workers concerned, and the selection of the workers to be affected by the reduction. In other words, no notice can be given precipitately to, say, 100 men that they are to finish up the following Friday.

Precise criteria established in advance is considered desirable in the case of workers to be affected by reductions. With due consideration for employer and worker interests these criteria are enumerated as follows with the recommendation that their order and relative weight be left to national customs and practice—

(1) need for efficient operation of the undertaking, establishment or service—which answers the honourable member's question regarding economics;
(2) ability, experience, skill, and occupational qualifications of individual workers;
(3) length of service;
(4) age;
(5) family situation; or
(6) such other criteria as may be appropriate under national conditions.

In the United Kingdom the Contracts of Employment Act fixing minimum statutory periods of notice came into effect in 1963. Employees became entitled to at least one week's notice after 26 weeks' continuous employment, increasing to two weeks after two years and four weeks after five years.

Next, according to the report of the Royal Commission on Trade Unions and Employers' Association, the Government of the United Kingdom announced in 1964 its acceptance of recommendation 119 of the I.L.O.

There followed the Redundancy Payments Act, 1965, under which an employee in the United Kingdom is entitled to payment from an employer when dismissed through redundancy. The payments vary according to the employee's length of service, the maximum amount payable to a man over the age of 61 with 20 years' service being the equivalent of 30 weeks' pay.

Mr. O'Neil: Up go prices again.

Mr. TAYLOR: It also helps those close to poverty. It does not make the worker a tool like a machine to be put down and picked up when wanted, which is the situation now.

Mr. O'Neil: It will increase the prices of all commodities.

Mr. TAYLOR: The community already picks up the bill for unemployment relief and it will be in the interests of all to have certain requirements to phase out the present situation. That is all that is suggested; that is, a phasing out and not precipitous action.

Continuing: An important feature of this measure is that whilst it does not deal with dismissal for other reasons—for example, alleged incapacity or misconduct—it does nevertheless put indirect pressure on an employer to say why he has dismissed an employee because under the relevant section "an employee who has been dismissed by his employer shall, unless the contrary is proved, be presumed to have been dismissed by reason of redundancy".

Mr. O'Connor: What about wrongful dismissal?

Mr. TAYLOR: Read what I have said. The point has been covered.

Finally, the Industrial Relations Act, 1971, changes the employees position even more to his advantage by including subjects previously found in the Contracts of Service and Redundancy Payments Acts. Although an employer cannot be made to reinstate a worker unfairly dismissed, if he is not reinstated he is entitled to compensation. This Act provides a right of appeal for employees against unfair dismissal. The reasons given by the *Employment and Productivity Gazette*, October 1970, for the inclusion of this provision in the Bill, being "because Britain unlike other countries, provides no redress in these circumstances", and because here—again contrary to the experience of other countries—dismissals are a frequent cause of strikes.

Whereas the Contracts of Employment Act, 1963, required an employer to give an employee four weeks' notice after five years' service, the Industrial Relations Act increases the period to six weeks' notice after 10 years' service, and to eight weeks' after 15 years' service—by the way, that is "notice" and not "bonus". The Act also

reduces from 26 weeks to 13 weeks the period of employment after which both sides are required to give a week's notice.

Clearly, the old common law notions surrounding employment contracts in Britain have been laid to rest. Furthermore, conservative Governments have recognised the need to legislate directly in this regard for the protection of workers, and by their actions they have said that it is not the employer's prerogative, and his alone, to decide policy on matters of this nature. By adopting I.L.O. recommendation 119 the Government of the United Kingdom adopted a minimum standard acceptable throughout the world, and capable of being varied where necessary and appropriate for local conditions.

The question is: What valid reason exists for the position to remain unchanged in Western Australia? This Government endorses the recommendation of I.L.O. and, further, asserts that it is the obvious foundational policy for an industrial tribunal to develop for application to situations as they may arise in Western Australia, requiring settlement by arbitration. The alternative, already alluded to, is to continue the restrictions on the commission's power to reinstate under the Industrial Arbitration Act and then bring down specific legislation which, in all probability, will require a tribunal anyway.

Viewed in a similar light the Government's intentions to lift restrictions on other matters concerning the commission's powers will be readily understood. For example: Can a union be expected not to take industrial action on issues of vital importance to the interests of its members, when the same issues cannot be dealt with, and settled, at arbitration? Obviously not. And since the only justification for preventing such issues from so being dealt with is the quaint notion of employers' prerogatives, elsewhere in the world buried forever, there is every reason for restoring all of the powers of the commission in order that arbitration becomes a true alternative available when deep-seated differences can be determined only by a third party.

I would now comment on the proposed alteration to the definition of "worker" which did not appear as a specific proposal in the policy speech. Under the current definition of "worker" persons are excluded because their employment is held to be under contracts for service and not contracts of service. This is a situation which can lead to some fine distinctions where industrial fairness is in danger of being forgotten for the sake of legal principle.

I thought that remark might bring an interjection. It is a matter of whether or not a man should be a member of a union, and it has been mentioned by way of questions. To continue: Therefore the wording in the definition proposed for inclusion in the Industrial Arbitration Act follows that written into the Workers' Compensation Act by the amending Bill of 1970. On that occasion the legal distinction was held to be unreal. There was a recognition of the advantages of a subcontract system of employment for various groups in the community, and a recognition that the system was practised widely in the building trades. The following passages from the second reading speech of the then Minister for Lands (Mr. Bovell) are important because they clearly reveal the nature of the reasoning behind the recommendations adopted by the Government which led to the amendment—

> The uncertainty can only be removed by legislating that such workers either are or are not, within the Act. In view of the fact that, as I mentioned almost all such men are really workers anyway, and in view of the fact that they are all within the socio-economic group which most usually is unable to accumulate reserves to last through unproductive periods—and is the very type and description of which it has always been the object of this Act to protect—it is hardly surprising that the Committee recommended that they be brought in.
>
> Similar difficulty was experienced in the other States and action was taken to remove that difficulty . . .

It will be observed that with all technicalities put to one side the deciding factors are the worker's status, decided not according to contract but by reference to his socio-economic position, and the nature and purpose of the Act under consideration. Also, some weight is given to the fact that other States have overcome the problem by similar action.

Now the question is: If these are the proper criteria on which an amendment to the definition in one important piece of labour legislation is based, why then should they not be the criteria in the case of another piece of labour legislation? Quite obviously the status of the worker remains unchanged, so the question depends for an answer on the nature and the purpose of the legislation. The Government's reasoning is that since the nature of the Act is industrial, relating amongst other things to the rights and duties of employers and workers, and its purpose is the prevention and settlement of industrial disputes, there is at least just as compelling a reason for including the proposed definition in the Industrial Arbitration Act.

The Government's reasoning is supported by the current position in other States. For example, in Queensland and New South Wales the definition of "employee" in the respective arbitration Acts

provides that employment under contract for labour or substantially for labour shall not in itself prevent a person from being held to be an employee. The New South Wales Act in another section specifically includes building workers in these circumstances but excludes owner lorry drivers.

Notwithstanding the current exclusion of owner lorry drivers as employees from the New South Wales Arbitration Act further support for our reasoning is found in the recommendations for their inclusion made by the New South Wales Industrial Commission following an inquiry commissioned by the Minister for Labour on the desirability, or otherwise, of alterations to certain sections of the Act in the public interest. The recommendations have not yet been acted upon but nevertheless the conclusions are based on evidence and submissions by all interested parties and the principles expressed therein have equal application to other classes of workers beside owner lorry drivers. The final conclusions are far too lengthy to be fully dealt with here; however, the main theme can be demonstrated with a few passages taken therefrom—

> Owning a truck soon fades as a badge of independence where an industry uses it only to the extent necessary to meet its fluctuating needs and at the same time requires the owner to drive and obey instructions like an employee.
>
> In law they may be independent contractors but for all industrial purposes they are akin to employees.
>
> It is illogical in every practical sense that within one section of industry and often within the one establishment work which is virtually identical should be done by employees subject to industrial regulation and owner drivers outside its scope.

Mr. O'Connor: That could apply to everyone, including members of Parliament.

Mr. TAYLOR: I do not see the relevance. I am quoting from a report concerning two groups of workers.

Mr. O'Connor: I am aware of that, but what you have said could apply to employees in all categories.

Mr. TAYLOR: Does the member for Mt. Lawley mean that because a member on this side of the House might not have an additional income whereas a member on the other side might have an additional income they should be treated differently? Is that the situation which applies to owner-drivers? To continue the recommendations—

> The evidence in the inquiry has established that in a number of sections owner drivers have been in the past exploited as to rates and subjected to oppressive and unreasonable working conditions.
>
> The truth is that an owner driver with one vehicle (on which there is a heavy debt load) and no certainty of work is in a weak bargaining position and the transport industry is not lacking in operators prepared to take the fullest advantage of his vulnerability. The main purpose rendered by Section 88F of the Industrial Arbitration Act has been not in affording compensation in odd cases but in lifting the veil from a real social evil.

Of course, I am referring to New South Wales. To continue—

> . . . and there is no difference in the public dislocation caused by these disputes compared with employer-employee disputes. There is no justification for provision of dispute solving machinery in one case but not in the other.
>
> In a storm any port is better than none.
>
> Attempting to solve industrial disputes involving owner drivers through the ordinary processes of law would be cumbersome and futile. These processes are too prolonged and technical to bring about speedy resumptions of work.

In summarising the position of lorry owner-drivers the commission said—

> In essence he has proved to be, in section after section, in the industry more closely akin for industrial purposes to an employee than to an employer, entrepreneur, or independent businessman.

This is in a State with a Liberal-Country Party Government. To continue—

> We base this conclusion on our observation of a large number of owner drivers who gave evidence, but much more importantly on the nature of their work, the controls to which they are subject, the frequency with which they face problems indistinguishable from those occurring in employment situations and their inability, as individuals, to bargain on equal terms with prime contractors.

The theme, whether in these passages or in the passage from the speech supporting amendments to the State's Workers' Compensation Act in 1970, is based on the simple fact of recognising that changing industrial circumstances demand a changed attitude to contractual arrangements between workers and employers. "All such men", again to quote The Hon. W. S. Bovell, "are really workers anyway".

Another feature of the proposed definition is the deletion of the words in the current definition contained in the arbitration Act excluding persons engaged as domestics in private homes.

One of the great advantages correctly claimed for the Australian arbitration system by its proponents is the protection it has afforded the weak. The necessary implication is that, in the absence of instruments given the force of law under the Act, there are those who will exploit the lower status labour. In the light of that it would be difficult to justify continuing a definition which excludes a relatively unskilled occupation from the protection of an award or industrial agreement. There has, in fact, been an exclusion of domestic employees from the definition of "worker" since 1912. The exclusion was not contained in the original Bill but was added during the process of the Bill becoming law. The current wording comes from the amending Act of 1925 and arose from negotiations between Assembly and Council House managers following lengthy and emotional debates in both Houses when amending legislation was introduced in 1924 and reintroduced in 1925.

Mr. Hartrey: In 1912 a domestic servant received only 10s. a week.

Mr. O'Connor: The member for Boulder-Dundas is too young to remember that.

Mr. TAYLOR: Under the existing definition a home receiving six or more paying boarders as lodgers is deemed not to be a private home. Therefore, if employed in such a home a domestic employee comes within the definition of "worker" and can expect the protection of an appropriate award; if, however, there are five paying boarders or lodgers the home is a private home and the domestic employee is no longer a "worker" within the meaning of the Act.

The employee has protection at common law only. Such an arbitrary distinction is justifiably open to criticism on the grounds that it provides obvious avenues for exploitation.

It should also be mentioned that the exclusion of domestic workers in private homes is peculiar to the Western Australian Act. Other proposals in the Bill arise as a consequence of those already mentioned, or as proposals put forward by the commission, the Trades and Labor Council, and the Employers Federation.

Clause 5: Section 4A was inserted in the 1963 Act to provide for hearings of applications and appeals which had already been lodged and had not been either commenced or completed before the amending Act came into effect. The cases have now been satisfied.

The section will have to be re-enacted in different form to provide for applications and appeals now before the commission.

Clause 7: In this clause several amendments are proposed to section 6 of the Act dealing with interpretations.

The interpretation of "certifying solicitor" will be deleted as the concept of certifying solicitor is to be removed from the Act altogether.

It is proposed that the term "office" in relation to an industrial union be extended to include the office of shop steward whether the person holding the office is elected or appointed thereto. The object of the proposal is to confer responsibilities, obligations, and authority on shop stewards under the provisions of the Act.

The term "mediator" is to be included. The term "strike", as it is currently interpreted, was designed as part of the overall amendments to the penal provisions of the Act in 1952. With the proposed deletion of the anti-strike provisions of the Act such a definition is no longer necessary or desirable; therefore, it will be sufficient to define the term as it was defined prior to 1952.

Proposed amendments to the interpretation of "worker" have already been dealt with and require no further comment.

Clauses 8 and 9: These clauses deal with amendments to section 9—conditions to be fulfilled before making application for registration—and to section 9A—certifying solicitor and certification that rules comply with the Act.

At present before an application for registration as a union is made, the union must submit its rules for certification to the certifying solicitor who is required to satisfy himself that the rules comply with the Act, and that the purposes of the society are lawful. If satisfied, the certifying solicitor then issues a certificate to this effect to the registrar. This has been a time-wasting procedure and has caused much criticism.

It is proposed in clause 9 that section 9A be repealed thus removing the requirement of submitting rules to the certifying solicitor.

Under clause 8 the registrar will be authorised to accept the rules. He will have recourse to the Crown Law Department for legal opinion when required.

On written request from the president and secretary of the society, the registrar will be empowered to waive requirements for publication of notice of meeting in a newspaper, if he is satisfied that all reasonable steps have been taken or will be taken in order to ensure that all members of the society will receive due notice of the meeting.

Clause 10: Section 9B of the Act which specifies matters to be provided in union rules is to be amended to remove some meaningless provisions such as the inclusion as members or personal representatives of members who may be entitled to

some financial benefit, or honorary members. Unions do not wish to have these persons included as members. Where such person may be entitled to some financial benefit or assistance under the rules of the society the amendments will cover this situation without causing the union expressly to provide for their membership.

Section 9B (2) (b), preventing the funds of a union being used to assist any person engaged in a strike or lockout in this State is to be repealed.

An amendment is also proposed to section 9B (3) dealing with the rules of a society relating to elections and making provision for secret ballots, the manner of becoming a candidate for election, absent voting, returning officers etc. These requirements will not apply in relation to an election for the office of shop steward.

Clause 11: Section 10 of the Act will be amended to ensure that any two unions seeking amalgamation shall be entitled to retain intact the existing constitutions of the respective organisations, and that such registration of the new union shall not be subject to challenge by any union which may believe it has the right to object to registration.

Clause 14: Section 23 of the Act deals with amendment of rules of a union. The great majority of applications to amend affect domestic rules only and are no concern of other unions or employers. The amendment to section 23 subsection (10) to refer relevant amendments to a single commissioner instead of the Commission in Court Session will remove a source of irritation to the unions and will also facilitate the work of the commission.

Clause 15: This amendment adds a new section 23A to allow the governing body or executive of a union, instead of a general meeting, to correct errors in rules which become apparent to the commission in the course of dealing with applications relating to rules, but only where those errors do not affect the substance of the rules.

Clause 17: Section 25 of the Act details the records to be kept by the union and also the records to be filed with the registrar. These are onerous requirements, some of which are unnecessary, and streamlining will assist administration in all places. The amendments will achieve this.

Clause 18: Section 26 of the Act provides for the registrar to be satisfied that a union maintains its register of members in such a form and manner to provide, for the purposes of the conduct of a ballot or election, accurate particulars of membership. Then follows onerous proceedings for the issue of certificates, exemption from filing of certain returns, etc.

This section will be repealed and reenacted to reverse the process now required so that the registrar, if not satisfied that the register of members is an adequate record, may require an organisation to make such changes as are necessary.

Clause 19: Section 36A provides a course of action for a member of a union who claims that there has been an irregularity in an election for an office in the union. The member is entitled to lodge an application for a court inquiry into the matter. In order to establish the principle that the majority of members should be given the opportunity to establish the need for a court-conducted ballot if an irregularity can be shown, the proposal provides that the application shall be accompanied by a declaration of the president or secretary of the union to show that a resolution to this effect was adopted by the majority of members present and voting at a meeting called for that purpose.

Clauses 20 to 29: The penalties provided for in sections 36B to 36U by way of fine are to be retained but the alternative of imprisonment for six months is to be deleted. The nature of the offence is not deserving of imprisonment in the first instance.

Clause 23 proposes an amendment to section 36M. The principle is similar to that already proposed in clause 19, relating to the right of a majority of members in attendance at a meeting called for the purpose to consider the question of an irregularity.

In clause 19 an application made in proper form in accordance with section 36A will be automatically granted by the registrar and referred to the court for inquiry.

In clauses 25 to 28, and in clause 30, amendments are made to several sections of the Act to substitute for the word "Court"—that is, the W.A. Industrial Appeal Court—the word "Commission". In 1965 the president of the court recommended to the Minister for Justice that "jurisdiction to order submission to a secret ballot was an arbitral function which the Court should not have to perform". The powers are therefore to be transferred to the commission.

Also, in clause 28 an amendment to section 36S is proposed to provide that the expenses of a ballot under this section, conducted by the registrar, be borne by the Government except where the ballot is requested by the union concerned.

Clause 31: In this clause an amendment is proposed to section 37 in order to make it clear that an industrial agreement does continue in force, notwithstanding the expiry of its term, until a new agreement or an award in substitution for the agreement has been made.

Clause 32: This clause proposes the addition of a new subsection (2) to section 39, the intention being: where a union satisfies the commission that there is an industrial agreement in force to which that union is not a party, but the agreement has application to that union's members, the commission, on application being made by that union, shall order that that union shall be a party to the industrial agreement.

Clause 33: A new subsection (3) is to be added to section 40, so as to protect the rights of an industrial union whose members are bound by an industrial agreement pursuant to subsection (2) of this section.

Clause 35: This proposal concerns section 44 of the Act—the constitution of the commission. It is considered more appropriate that the commission be constituted by a chief commissioner and such number of other commissioners as may, from time to time, be necessary for the purpose of the Act. This is mainly because of the possible need to appoint conciliators and mediators, as well as arbitrators.

Clause 37: The authority to appoint a certifying solicitor for the purposes of section 60 of the Act will be deleted. The function of ensuring that union rules are in accordance with requirements will devolve on the Industrial Registrar who can enlist the assistance of the Crown Law Department, if necessary.

Clause 38: These additional words will put beyond doubt the commission's jurisdiction to deal with matters referred to it by a mediator under the new part IVB. Reasons for deleting parts of subsection (2) of this section have already been dealt with at some length; therefore no further comment is required.

Clause 39: It is intended that in the case of an application for exemption from union membership under section 61B the union concerned should be notified and afforded the opportunity to be heard in opposition to the application before the matter is determined.

Clause 40: Section 65 of the Act is to be amended as a consequence of the proposed new part IVB. Where a mediator refers an agreement to the commission for issuance as an award, or an order amending an award, the commission is to have jurisdiction to add to or otherwise vary the memorandum when it is inconsistent with, or contrary to, any provision of the Act; or for reasons of equity in the interests of persons not parties to the memorandum; provided that the rights or obligations of the parties to the memorandum, with respect to one another, will not be affected unless the parties consent thereto.

Clause 41: This provision is necessitated by the proposed new part IVB and is part of the arrangement to ensure that matters going on to arbitration for settlement do so via the conciliation process.

Clause 42: Two important changes are intended in section 69. Firstly, whereas now the commission is required to act according to equity, good conscience, and the substantial merits of the case, without regard for technicalities, and not bound by the rules of evidence when exercising its jurisdiction under this Act, the proposal means the commission will so act only when hearing and determining an industrial matter or dispute.

Secondly, whereas currently the commission may take into account matter or information not raised before it in a hearing, provided the parties are notified and given the opportunity to be heard in relation thereto, the proposal means that parties will be notified before any reasons for decision or minutes are issued to the parties.

Clause 43: Minor amendments are to be made to section 70 so that notice of time and place for sittings of the commission may be given to interested parties by officers of the commission other than the registrar; for example, the clerk to the commission.

Clause 44: Section 71 is to be amended in order that the commission will have discretion to join persons in dispute or other matters before it. In the past persons have had no such rights.

Clause 45: Section 74, dealing with demarcation of callings, is to be substantially amended. Currently, the section provides that half the members of special boards shall be representatives of the employers and the other half representatives of unions. It is found under this arrangement that the applicant union is often at a disadvantage. Therefore, it is proposed that in constituting a special board, the commission should fix the representation on a basis which, in its opinion, will be conducive to equitable investigation and determination of the question.

Clause 46: Two amendments are proposed to section 77 which is the section of the Act dealing with evidence.

Reference to the clerk of the court administering an oath in subsection (5) is to be deleted. In practice the clerk of the court does not attend hearings before the Industrial Appeal Court; oaths are administered by the judges' associates.

Subsection (8) is to be amended so that any books or documents produced in evidence, and relating to the profits or financial position of any witness or party in proceedings before the Industrial Appeal Court, can be inspected by any party with

permission of the court. At present these books cannot be inspected by a party without the consent of the person concerned.

Clauses 49 and 50: These two proposals should be taken together.

Section 86 is to be repealed. This section allows an employer on whom an award is binding and who, prior to the hearing of the application, was not served with a copy of the application or given notice of the hearing, to apply to the commission for a variation of the provisions of the award. The commission may, in respect of that employer, order that the award be varied or added to.

The rights of employers under section 86 will be catered for in new provisions to be added to section 92, necessitated by part IVB. This will allow the commission, at any time, to review any provision of an award, subject to subsection (5). An application to vary an award shall be made by a union or an employer who is bound by the award.

It is in these proposals to amend section 92 that the power of the commission to make an order or award retrospective in operation will also be found.

Clause 51: This is a proposal to include in the Act an entirely new section 92B. The proposed new section provides that where there is an award in force having application to the members of a union when that union is not a party to the award, the commission shall, on application of that union, order that the union be made a party to the award. Furthermore, the union, having been made a party to the award, may at any time thereafter apply for a new award to cover such of its members to whom the award to which the union has been joined applies.

Clause 52: Under this proposal section 98A, conferring power on the commission to cancel or suspend the terms of an award, is to be repealed.

Clause 53: Section 99 is to be amended to allow an industrial magistrate, before whom proceedings are brought to enforce an award or agreement in respect of underpayment of a worker, to make an order against an employer for an amount covering a period longer than 12 months from the commencement of proceedings. It is the Government's view that workers should not suffer an injustice in this regard, and that limitations should not be imposed by this Act for recovery of wages owing.

A new subsection it to be added to this section to provide that the term "award" includes an order of the commission not being an order for which a penalty is prescribed by any other provision of the Act. There are many orders the commission may make which should be capable of enforcement under this section. This amendment will overcome the problem.

Clause 54: In section 102 the current figure for property liable to execution under the Act is $60. The amendment is intended to bring the Act into line with provisions under the Local Courts Act.

Clause 55: Certain subsections of section 107 will become redundant as a consequence of part IVB, and are to be repealed.

Clause 56: Certain parts of section 108B are to be repealed or deleted as a consequence of the intended repeal of strike prohibition measures, and alterations to sections dealing with rules.

Clause 57: The amendment to section 108C will permit the Commission in Court Session, when dealing with appeals from decisions of single commissioners, to remit matters to the commissioner whose decision is appealed against, or substitute its own decision. This has been deemed a necessary measure because of problems experienced in these respects.

Clauses 59 to 63: These clauses deal with the proposed new part IVB which has already been dealt with in some detail.

Clause 64: It is proposed that section 127A of the Act be amended so that the minimum wage determined by the commission under section 127E, and the male and female basic wages in force pursuant to part VII of the Act, will be varied quarterly by an amount of money calculated by applying Consumer Price Index numbers to the minimum wage.

Clause 65: Section 128 deals with the Apprenticeship Board and requires that the member appointed chairman shall be a member of the commission. It has been considered more appropriate that the chairman of the board should be a person appointed by the Minister.

Clause 66: Subsection (6) of section 130 is to be amended to provide that the transfer of an apprentice from one employer to another may be by order of the commission as well as by written agreement.

Clause 67 repeals and re-enacts section 132. This has already been dealt with.

Clauses 68 and 69: These clauses are to repeal sections 133 and 137.

Clause 70: This amendment is consequential to clause 67.

Clause 71: Section 142A, dealing with continuing offences, is to be repealed.

Clause 72 provides for the deletion of subsection (2) of section 144. This subsection limits the areas in which equal pay can be granted and places too heavy a burden of proof on the applicants. In subsection (3) words now redundant referring to certain dates are to be deleted.

Clause 73: Currently, under section 166, the registrar is obliged to acquaint Crown Law officers of total or partial cessation of work. In practice the registrar does not

acquaint the Crown Law officers of a dispute. Accordingly, the section is to be amended to delete certain words.

Clause 74 amends section 167 of the Act, concerning publication of the *Government Gazette* and the *W.A. Industrial Gazette*.

As a corollary to the mediation and conciliation processes proposed in part IVB, a need is seen for advice or notification to be given to unions and employers that a mediation or conciliation process has affected an industrial agreement or consent award in an industry.

It is desirable that the registrar publish early advice of the fact so that other parties can proceed towards arranging similar or modified agreements or awards to have their own situations determined. This will be done weekly in the *Government Gazette* and further information can be published in the *W.A. Industrial Gazette* every fourth week.

Clause 75 provides for the deletion of paragraph (c) of subsection (1) of section 170, giving the commission power to direct the registrar or Industrial Inspector to institute proceedings for an offence against the enforcements of awards or agreements.

The Act still provides, in section 99, for enforcement proceedings to be instituted by the Industrial Registrar or the Industrial Inspector at his own instigation.

Under clauses 76 and 77 the compulsory conference procedures under sections 171 and 173 are to be repealed.

Clause 79 provides for a new section, 179A, concerning unions' immunity from certain civil actions.

Clause 80 amends section 180 in order to delete the 12 months' limitation on recovery of wages, etc.

I commend the Bill to the House.

Adjournment of Debate

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [12.42 p.m.]: I move—

> That the debate be adjourned until Thursday, the 3rd May.

If I may comment at this stage, I would like to say that I will not be on holidays but the people with whom I wish to discuss this legislation will be.

Motion put and passed.

PRE-SCHOOL EDUCATION BILL

Message: Appropriations

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

Sitting suspended from 12.43 to 2.15 p.m.

DISTRESSED PERSONS RELIEF TRUST BILL

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. J. T. Tonkin (Premier) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Distressed Persons Relief Trust constituted—

Mr. R. L. YOUNG: During the second reading debate I made it quite clear that I believed the legislation should be sufficiently flexible so that the Minister or the trust is not tied down to such an extent that, to all intents and purposes, the trust might just as well not have been created. I also made it fairly clear that because of certain things which had occurred in regard to other bodies under various Acts, the Minister should not have the complete responsibility to determine who should constitute the trust. I indicated I would move an amendment to provide that the Public Trustee be a member of the trust and its chairman, and that the other three members would be appointed by the Governor from time to time and would be persons of considerable experience in the administration of public or benevolent funds. If my amendment is accepted, consequential amendments will be necessary to clause 7.

During my second reading speech—and I have had no reason to change my mind since—I stated that boards and committees under some other Acts have, unfortunately, been appointed on a politically biased basis, and I instanced the indecent publications legislation. However, I do not want to cover that ground again.

I move an amendment—

> Page 2—Delete subclause (2) with a view to substituting the following—
>
> (2) The Trust shall consist of four Trustees of whom—
>
> (a) one shall be the Public Trustee for the time being or his nominee, who shall be Chairman;
>
> (b) three shall be persons of considerable personal experience in the administration of public or benevolent charities and appointed by the Governor from time to time.

Mr. J. T. TONKIN: Whilst I am not opposed to the idea that the Public Trustee or his nominee should be a member of the trust, I think the Minister must be the one to determine from time to time who comprises the trust.

The amendment proposed by the member for Wembley is, in my view, restrictive and in the case under consideration there

is no need for restriction. It could well be that people eminently suitable for appointment to this trust would not be people who, beforehand, had had an opportunity to serve on some charitable organisation and to gain the experience which the honourable member wants to make as a condition precedent to their appointment.

I can see no value at all in limiting the Minister in his choice of whom the trustees should be. In a trust of this nature, which is purely a charitable trust, the emphasis should necessarily be on the type of person and his general attitude towards helping people in distress rather than ensuring that he is somebody who has already served in some administrative capacity with some charitable organisation.

Of course there is an aspect which I hope will not intrude itself but one cannot discard the possibility; namely, if we appoint somebody who is already associated with an existing charitable trust, the tendency could well be that such a trustee would be more inclined to make this trust carry the financial obligation rather than the organisation to which he is already attached. I do not want that. I do not want in any way to relieve existing charitable organisations of what is their true function.

I want the distressed persons relief trust to operate completely independently and to come into that area where existing charitable organisations do not now function and give assistance. I am afraid that if we bring onto the trust people associated with existing charitable organisations, we shall not see the results which I am aiming for.

No harm at all can result from allowing the Minister—whoever he may be—to determine from time to time who shall be the persons who will act as trustees. Naturally enough, the Minister will endeavour to find those persons whom he feels could fit the position most suitably.

Supposing we write into the Bill the amendment suggested by the honourable member and, within those restrictions, persons are not available. What do we do? Consequently, it should be left to the Minister to make up his mind as to the most suitable people to comprise the trust.

Although I can see what the honourable member is seeking to achieve, I do not think there is sufficient justification for taking from the Minister an unfettered discretion.

Mr. R. L. YOUNG: I can understand that the Premier does not want discretion to be taken from the Minister. I am sure he would readily understand that members on this side of the Chamber have some grave misgivings in regard to appointments which have been made under other pieces of legislation which have been left open. Despite the criticism we hear so often of the monstrous "other place" the provisions have been left intact to allow the Minister to make the appointments he thinks fit. On the very last occasion this discretion was given to the Minister we had instances of obvious political bias.

I believe that the Minister administering this legislation—and I assume it would be the Premier—would honestly appoint the people best suited for that job. I say that sincerely because I really believe it to be so.

However, in view of past performances and the fact that the Premier will not be Premier forever—quite apart from the statements I have made in this Chamber time and time again—it is our job to make sure that a Minister is not in the situation of being able to be so selective, even in legislation of this kind. There must be some sort of guarantee to Parliament that the type of political bias I have mentioned cannot creep in, particularly in regard to a trust such as this.

If the Premier is not prepared to accept the amendment it would be reasonable for him to give an assurance and a guarantee that the type of political bias which ocurred in the appointment of people under the Indecent Publications Act will not be shown in regard to this trust. The Premier has accepted the principle that the Public Trustee could well be the type of person to be appointed to the trust. Perhaps, therefore, the Premier would be prepared to accept proposed subclause (2) (a) of the amendment. In this case, the Public Trustee for the time being, or his nominee, would be the chairman.

Mr. Graham: Do you think that perhaps you are being a little biased? I can think of the Governor-General of the Commonwealth, the Administrator of the Northern Territory, and the Australian Ambassador to Japan. There is nothing unusual about a Government having confidence in people whose political outlook is similar to its own. This applies to both sides of the Parliament.

Mr. R. L. YOUNG: To some extent I agree with the Deputy Premier. I can think of other cases and, naturally, I would not quote the same ones as he has. I think immediately of the Licensing Court, for example.

It is not our job to leave legislation as open as we possibly can and allow that sort of political bias to creep in. I have not been a member of Parliament as long as the Deputy Premier and I have certainly not been responsible for the many pieces of legislation which have allowed this to happen. As long as I am a member I do not intend to accept this basis. If Parliament can direct by legislation that something shall not be done, it should do so.

I will continue to do everything I can to discourage this sort of political bias as long as I am a member. I hope that will be for a very long time.

Mr. Graham: We have different views on that.

Mr. R. L. YOUNG: Will the Premier give a guarantee that this sort of political bias will not be shown in the appointment of members to the trust? Will he also indicate whether he is prepared to accept subclause (2) (a) whereby the Public Trustee would be both a member of the trust and the chairman? If the Premier is not prepared to accept that, will he tell the Committee why he is not? If the Premier has an alternative suggestion in regard to the other appointees—and that alternative is simply to leave it entirely to the discretion of the Minister—will he guarantee the Committee that there will be no political bias shown in the appointments?

Mr. J. T. TONKIN: The position is that I am asked to accept the proposed new subclause (2) (a). However, I cannot do this because of the way the honourable member has moved it.

Mr. O'Neil: He has moved only to delete.

Mr. R. L. Young: I could move to delete paragraph (b).

Mr. J. T. TONKIN: I may be prepared to accept that. However, at the moment if we agree to the deletion I must accept something in its place and I am not prepared to do that.

Mr. R. L. YOUNG: I will try to work out a way that will be acceptable to the Premier.

The CHAIRMAN: First of all the honourable member will have to seek the leave of the Committee to withdraw that part of the amendment.

Mr. R. L. YOUNG: At the moment I am asking the Committee to vote against paragraph (b). I suggest after the word "be" in line 13, we insert the words, "the Public Trustee for the time being or his nominee, who shall be Chairman". The subclause will then read as follows—

> (2) The Trust shall consist of four Trustees to be appointed from time to time by the Governor, one of whom shall be the Public Trustee for the time being or his nominee, who shall be Chairman;

I believe this would conform with the wishes of the Premier.

The CHAIRMAN: The honourable member will still need to withdraw the amendment before the Chair.

Mr. R. L. YOUNG: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. R. L. YOUNG: I will now seek to withdraw the words and substitute others as I foreshadowed.

Mr. J. T. Tonkin: You do not need to delete any words. It is merely a matter of inserting some words.

Mr. R. L. YOUNG: The Premier is quite correct. I move an amendment—

> Page 2, lines 13 and 14—Delete all words after the word "be" and substitute the following passage—"the Public Trustee for the time being or his nominee, who shall be Chairman".

Mr. J. T. TONKIN: I am not opposed to what the honourable member seeks to achieve, but I am not prepared to do it this way. I suggest we could insert after the word "whom" in line 13 the words, "shall be the Public Trustee for the time being or his nominee who shall be appointed by the Governor to be Chairman".

Mr. R. L. YOUNG: It would probably be simpler to report progress and seek leave to sit again.

Mr. J. T. Tonkin: We are not going to report any progress.

Mr. May: We have not made any progress.

Mr. R. L. YOUNG: I cannot see any improvement in the method used by the Premier. The words "shall be" are already included, so in this respect at least his amendment is incorrect. I believe my amendment will achieve the desired effect.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Eligibility of Trustees—

Mr. R. L. YOUNG: I move an amendment—

> Page 2, line 31—Insert after the word "bankrupt" the words "or has been bankrupt within the preceding six years".

I give notice that I may have to move some consequential amendments as a result of the amendment to clause 6. This can be done when we come to clause 7. In my second reading speech I pointed out that the word "bankrupt" was probably used correctly in the first instance, but the words "bankrupt debtor" were not correctly used in paragraph (b).

I also pointed out that a debtor who under the terms of this paragraph had taken relief under any law for the protection of bankrupt debtors was not necessarily a bankrupt debtor, but simply a debtor who had taken advantage of laws relating to bankruptcy; because the whole concept of the word "bankrupt" means

that a person has in effect become bankrupt by virtue of the Bankruptcy Act. Under the Commonwealth Act it means a person against whose estate a sequestration order has been made or who has become bankrupt by virtue of the registration of a debtor's petition.

A person does not become a bankrupt debtor. There is no such definition in the Act. So we must read those words as meaning a bankrupt who is a debtor. If he is a bankrupt under part A he cannot be a bankruptcy debtor under subclause (3). To clear that up I intend to move certain amendments. The words in line 23 state that any trustee who goes bankrupt is left hanging at that point. This is where the Governor has power to take away from the trustee his intention as a trustee. Clause 6 states before a person can be appointed he must not be a bankrupt or have taken advantage of the laws relating to bankruptcy in the last six years. My amendment to clause 7 will apply to that clause the same philosophy as applies to clause 6.

Amendment put and passed.

Mr. R. L. YOUNG: I move an amendment—

Page 2—Delete paragraph (b) and substitute the following—

(b) if within the preceding six years he has as a debtor taken advantage of protection or relief under the laws relating to bankruptcy; .

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Tenure of office of Trustees—

Mr. R. L. YOUNG: I move an amendment—

Page 3, line 23—Insert after the word "bankrupt" the following words—

or as a debtor takes advantage of protection or relief under the laws relating to bankruptcy. .

This is consequential to the bankruptcy provision.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Clause 10: How moneys of the Trust to be dealt with—

Dr. DADOUR: In my second reading speech I said that in my view this legislation was very loose and there were no definitions of the terms "distress", "hardship", and "personal hardship". I gave one or two illustrations.

I wish to have the word "distress", or the circumstances under which a person may be considered to be in distress, defined. The provision in clause 10 merely refers to persons who are in need of relief from personal hardship or distress, and who are unable to obtain or are unlikely to be able to obtain such relief from any other source. I therefore move an amendment—

Page 4, lines 17 and 18—Delete paragraph (a) and substitute the following—

(a) by reason of youth age infirmity or disablement, poverty or social or economic circumstances in need of financial relief; and. .

Mr. J. T. TONKIN: I definitely cannot go along with this amendment. The honourable member seeks to insert a provision to provide that a person who, because of economic circumstances, is in need of financial relief shall be given this relief. That means any person who has gambled his money away or any bankrupt will be put in the position of being able to receive relief. Are those persons worthy of being granted relief, as a result of economic circumstances? If relief is granted under these circumstances the fund would not last any length of time.

This is a fund to be established for the express purpose of helping persons who are in need of some form of charitable relief which is unobtainable from the existing charitable organisations, either to the full extent of the need for relief, or partial relief.

There are many charitable organisations in existence which assist various kinds of need, but certainly not need due to economic circumstances. It is intended that this trust shall be a special trust. No doubt, the member for Greenough will recall a case which arose many years ago. A request was put to him by the R.S.L. of Melville for the granting of special assistance to the child of a truck driver who had been born with some malformation; and this malformation required the attendance every day of a doctor and a nurse. In order to meet the cost involved, the truck driver in question had to mortgage practically everything he had. At the time the Treasurer was unable to give any special assistance in that case.

I cannot help thinking there ought to be a fund established from which assistance of this special type could be obtained. That was what put the idea into my head, and it has remained there ever since.

I am not concerned with people who, because of economic circumstances at the time, feel that they are in need of financial relief; there are thousands of such people. This is intended to be a fund to meet the rare cases which crop up from time to time, and which do not qualify under the ordinary rules of the charitable organisations to be granted assistance. These are the cases in respect of which it is felt assistance ought to be granted but the particular kind of organisation, under its charter, is not in a position to grant relief.

This is an extra fund, so that nobody in real need shall go without. Let us see what the provision in the Bill states. It provides—

> . . . for the relief or assistance of persons—

Not necessarily full relief. To continue—

> —who, in the opinion of the Trust, are—
>
> (a) in need of relief from personal hardship or distress;

I suggest that gives the required flexibility, and it is up to the trustees to determine whether an applicant is able to obtain assistance from an existing organisation; and if he cannot, whether under the circumstances obtaining he ought to receive assistance from this special fund.

It was my intention to appoint to this trust someone with a very full knowledge of the existing charitable organisations, who will be able to say straightaway, "This applicant can go to such-and-such a society, and he should not be applying here." However, if the applicant is a person who cannot obtain relief from hardship or distress from the existing charitable organisations, then it is for the trust to consider the particular case. The case I mentioned a few minutes ago is one type I have in mind; that is where special assistance ought to be forthcoming.

From time to time instances occur where, because of some distressing action which might result from a fire through no fault of the owner of the property, his house and belongings are destroyed. What usually happens in such cases is that the person concerned does not go to some charitable organisation to obtain relief, because the people in the same locality often donate money and provide clothing to assist him. In a case like that the person ought to be able to have recourse to this special fund, instead of having to depend upon his neighbours in the immediate vicinity.

A person deprived of his belongings would be an example of a case of real hardship and distress, and the trust would decide whether, in all the circumstances, some relief ought to be given, and the extent of that relief. I see no virtue in the amendment proposed by the member for Subiaco. If the amendment is incorporated we will open the way for assistance to be given in a direction never intended.

Dr. DADOUR: I appreciate what the Premier has said, but my proposed amendment covers every single case cited by the Premier. I do not know why he is so obstinate about accepting my amendment.

Mr. J. T. Tonkin: What would you regard as an economic situation justifying assistance?

Dr. DADOUR: It could mean financial assistance.

Mr. J. T. Tonkin: It has to be financial assistance.

Dr. DADOUR: Other tangible assistance may be required, such as the case of the child with a heart lesion who had to go overseas. The assistance could be in the way of contributing to the fares in such a case. My amendment will not prevent such assistance. I am trying to stop the money going to striking unionists.

Mr. May: Ulterior motives! Is there a doctor in the House?

Mr. J. T. Tonkin: Whatever chance there was to my agreeing to your proposition has been ruined by that remark.

Dr. DADOUR: That comment shows how the Premier works.

Mr. May: He has done well for 40 years.

Dr. DADOUR: The principle behind the provisions of the Bill is excellent, and we go along with it. However, that does not mean we should accept poor legislation. We should include a few definitions or provisos. The present Premier may decide to retire, or may not be returned to office next year.

Mr. Graham: That is wishful thinking.

Dr. DADOUR: I could be charitable and say we may have the present Deputy Premier in charge of the House, God help us.

Mr. Graham: It may be the member for Subiaco, perish the thought.

Dr. DADOUR: I see people in distress and pain, every day.

Mr. Brown: Do you cure them?

Dr. DADOUR: The definition of "distress" covers a whole multitude of things and I think my amendment would provide for better wording.

Mr. Brown: Well, leave it at that.

Dr. DADOUR: My amendment will not affect what the Premier intends to do, but will simply tighten up the looseness which exists, and will provide for better legislation. I commend the amendment.

Mr. R. L. YOUNG: I have had a look at subclause (2) of clause 10. We are talking about money for the relief or assistance of persons who, in the opinion of the trust, are in need of relief from personal hardship or distress. As the member for Subiaco has pointed out, people can be in need of relief from personal hardship or distress without necessarily facing financial hardship. There is a need to build in some reference to financial assistance.

If that premise is accepted, and we include the word "financial", the trustees will receive some guidance from Parliament, and will not be able to apply the funds to persons not in financial distress.

The amendment is not an unreasonable request. It is an accepted principle in regard to investment money that the trustees can invest certain funds only.

We cannot allow a trustee to be unfettered in regard to the way he applies money. It has been accepted that this trust must be as flexible as we can make it, having regard for the fact that it will be dealing with money for which we, as members of Parliament, are principally responsible. We cannot allow the trustee to make allocations of money willy nilly, without some direction from us. That applies to any law regarding trustees.

The Bill proposes that the trustees be absolutely unfettered. I say the amendment moved by the member for Subiaco is not unreasonable. It applies to trustees the same principles as are contained in any other law relating to trustees, and imposes a limitation on how far the trustees may go. Anyone who has ever administered a trust will realise it is necessary to have some brake. I think it is essential to stipulate "financial" relief; otherwise we will be providing for money to be given to people without stressing that they must be in financial distress. The matter is not as simple as some Government members make it appear by laughing at the amendment proposed by the member for Subiaco.

Mr. J. T. TONKIN: The weakness in the amendment moved by the member for Subiaco is that it overlooks the fact that the Bill intends that the hardship and distress shall be personal to the applicant. Under the amendment, a person could claim assistance because of the economic circumstances of somebody in the family. I point out to the member for Wembley that his remarks amount to a vote of no confidence in the Public Trustee.

Mr. R. L. Young: Not at all.

Mr. J. T. TONKIN: His remarks were directed to the fact that the trustees would be irresponsible in the way they allocated money from the fund.

Mr. R. L. Young: I did not suggest they would be irresponsible. I said they had to have some brake put on them, as every trustee must.

Mr. J. T. TONKIN: I suggest there is no need to put a brake on the Public Trustee or any other trustee who is appointed for the purpose of assisting people who are in personal distress or experiencing personal hardship and who are unable to obtain assistance from any other source. That is all there is to the Bill.

If any Minister happens to appoint to the trust people who are so irresponsible that they cannot determine the type of applicant who should be assisted by the trust, then God help us. I suggest there is absolutely no need to go beyond what is already in the Bill.

The two basic requirements are (1) that the person who is seeking relief is unable to get it anywhere else; and (2) that relief is sought on the grounds of personal hardship or distress to himself.

Dr. Dadour: I see a dozen of those a week.

Mr. J. T. TONKIN: Under what I propose, it is no good an applicant saying he is personally short of money. That would not entitle him to assistance from this fund or any other existing fund. Imagine anyone going along to the Braille Society or the Deaf Society and asking for help because he is short of money! He would not get any. According to the member for Subiaco, he must be unable to get assistance from anywhere else but his economic circumstances must be such that he can be regarded as an applicant for assistance from this fund. Never! That is not why this fund has been set up. Imagine my saying to the people who have so generously donated money to this fund that it would be used to help people who apply for financial assistance because they are short of money! That is ridiculous.

Mr. R. L. YOUNG: I accept that the Premier has some case in regard to the first point he made about the personal aspect of the matter. But I say it is totally irresponsible for a Premier to suggest I have no confidence in the Public Trustee because I say there should be a brake put on the way in which this money is disbursed.

Clause 9 is a typical clause in any Bill dealing with trustees. It reads—

> 9. Where any money belonging to the Trust is not immediately required by the Trust for distribution in accordance with section 10 of this Act, the Trust may, with the approval of the Treasurer of the State, invest it in any investments authorized by law as those in which trust funds may be invested.

Is that a vote of no confidence in the Public Trustee by saying he can only invest moneys where the law says he can? Of course it is not. It is not irresponsible of me to suggest he can only disburse moneys in certain areas. I do not know whether it is unparliamentary in Western Australia but I think the Premier should be ashamed of himself for saying that, because there is no intention on my part to cast aspersions on the Public Trustee.

Mr. J. T. Tonkin: By your actions you are doing so.

Mr. R. L. YOUNG: Not at all. A brake has to be applied to every person who accepts a position as trustee. The law recognises that, and I do not see why this Bill should be any different. I have emphasised again and again that there must be flexibility, but it is impossible to have total flexibility with a trustee or

anything like that when, as the Premier knows, the Public Trustee will be only one of a trust of four, following an amendment I moved to the Bill. The Public Trustee has one vote out of four.

I do not think the Premier has made out a case against the amendment moved by the member for Subiaco, and I continue to support it.

Amendment put and negatived.

Dr. DADOUR: My next amendment may be accepted. It also refers to clause 10 (2) (b). The first requirement is that a person must be in need of relief from personal hardship or distress, and the second requirement is that he should be unable to obtain, or unlikely to be able to obtain, such relief from any other source.

A person might sustain injuries in a motor vehicle accident, and he might have to wait for perhaps two years for money to come from the Motor Vehicle Insurance Trust. I seek to have the word "immediately" inserted in order that such a person may receive relief immediately in the form of an interest-free loan until the money comes through from the Motor Vehicle Insurance Trust in two or three years' time. There is no other source from which such people can obtain relief, and perhaps the money will be of assistance in these circumstances.

It is possible such a person could have no other income. In those cases I think an interest-free loan could be provided. I move an amendment—

Page 4, line 19—Insert after the word "obtain" the word "immediately".

Mr. J. T. TONKIN: I cannot agree to the amendment because it proposes to extend the purpose of the fund much further than was originally intended. A person who falls out of work and applies for social services relief does not immediately receive payment. The word "immediately" means "forthwith". Under the amendment such a person could go to the trustees and say that he cannot get immediate assistance from social services, so he is entitled to assistance under the measure.

Sir Charles Court: That is not the meaning of it; it is only if the trustees agree.

Mr. J. T. TONKIN: I never intended —and I hope the Parliament does not intend—that a person who in due course will receive assistance from some charitable organisation should be able to apply to the trustees because he cannot obtain relief immediately but has to wait a week or two. The applicant must establish to the satisfaction of the trustees that no charitable organisation is in existence from which he can obtain assistance, and therefore he is suffering hardship. But if in due course he will receive assistance from some other avenue—perhaps he is awaiting probate to be granted on a will—he might finish up being affluent, even though at the moment he has an immediate need.

Members have not a full appreciation of the need to conserve funds so that they will be available for those distressing cases which occur from time to time. The fund is intended for those cases where there is no chance at all of obtaining assistance from existing organisations. I oppose the amendment.

Dr. DADOUR: I refer to an example given by the Premier; that of a child who needed surgery overseas, and the people of the town raised the money. The money might be raised by the people of the town and some of it might come from various charitable organisations in the town; but it might take six months to raise it. Surely the child is in need of immediate surgery, and if an interest-free loan could be granted by the trust he could receive it.

Another example is that of a motor vehicle accident in which both parents are injured and their children might be in need of immediate assistance. Social services may or may not be available, but in the meantime those children would be in need of immediate relief. I am trying to open up the provision and not to close it down.

Amendment put and negatived.

Clause put and passed.

Clauses 11 and 12 put and passed.

Title put and passed.

Bill reported, with amendments.

QUESTIONS (36): ON NOTICE

1. ST. GEORGE'S TERRACE-VICTORIA AVENUE INTERSECTION

Traffic Lights

Mr. BERTRAM, to the Minister for Works:

When will the traffic lights erected at the intersection St. George's Terrace and Victoria Avenue be in operation?

Mr. JAMIESON replied:

Traffic signals will be commissioned early next month.

2. GOVERNMENT EMPLOYEES

Number and Remuneration

Mr. GAYFER, to the Treasurer:

(1) What was the total number of Government employees as at 31st March, 1970, 1971, 1972 and 1973?

(2) What was the total amount paid weekly in wages and salaries as at 31st March, 1970, 1971, 1972 and 1973 covering employees as in (1)?

Mr. J. T. TONKIN replied:

(1) As at 30/6/70—62,824.
As at 31/3/71—68,375.
As at 31/3/72—71,124.
As at 31/3/73—Final figure not yet available.

(2) This information is not readily available and would take months to prepare.

3. SWAN RIVER

Dredging: Rowing Course

Mr. HUTCHINSON, to the Minister for Works:

(1) Is consideration being given to dredging a channel in the upper reaches of the Swan River which would provide for a 2000-metre rowing course?

(2) If so, will he give the necessary details including an estimate when a decision is likely to be made?

Mr. JAMIESON replied:

(1) Consideration was given prior to 1971 of providing a 2,000 metre rowing course in the upper reaches of the Swan River, opposite Beverley Terrace, South Guildford. Owing to the difficulties in obtaining free title to land on the west bank of the river, the scheme was modified in 1971 to provide a 1,000 metre training course.

The modified scheme would have involved the removal of trees from the east bank of the river and for environmental reasons the scheme did not proceed.

A further scheme is to be considered whereby a channel would be dredged through low lying ground between the Swan and the Helena Rivers upstream of Beverley Terrace.

(2) The third proposal to be considered will require extensive investigation and no decision is likely to be made within two years.

4. STAMP DUTY ON RECEIPTS

Refunds

Mr. O'NEIL, to the Treasurer:

(1) Of receipt duty to be refunded—
(a) how many claims were for $50 or less and what was the total sum;
(b) how many claims were for more than $50 and what was the total sum;
(c) how much is to be repaid under (1) (a);
(d) how much is to be repaid under (1) (b)?

(2) How much has been refunded already in respect of—
(a) claims amounting to $50 or less;
(b) claims amounting to over $50?

(3) In each of the two categories of refunds referred to how many claims were refused, how many were withdrawn and what was the total amount in each case?

(4) Generally what were the reasons for rejecting claims for refunds?

Mr. J. T. TONKIN replied:

(1) (a) 3,558 for $102,744.
(b) 6,054 for $5,069,931.
(c) $104,752.
(d) $4,764,060.
Note—The amounts given in answers to parts (c) and (d) include $291,765 to be paid into the Distressed Persons Relief Trust.

(2) (a) and (b) Nil.

(3) This information requires detailed analysis of all claims for repayments. This is proceeding and when completed the information will be supplied to the Member.

(4) Repayments were approved only for duty paid on receipts given for proceeds received from sales of new goods produced or manufactured in Australia. Generally rejections of claims were because the duty concerned was paid on other types of receipts.

5. MOTOR VEHICLE SEAT BELTS

Prosecutions

Mr. RUNCIMAN, to the Minister representing the Minister for Police:

(1) How many prosecutions have been made by the police under the law relating to seatbelts?

(2) How many prosecutions were made against passengers?

(3) Were any of these prosecutions defended, and, if so, with what result?

(4) (a) Have any prosecutions been made in country districts formerly controlled by traffic officers of the local authority;
(b) if so, how many;
(c) were any charges preferred against passengers;
(d) if so, with what result?

Mr. BICKERTON replied:

(1) Separate records are not maintained but between 1st July, 1972 and 31st March, 1973, 214 persons have been convicted for offences relating to seat belts in the Perth Police Traffic Court.

(2) Records do not differentiate between drivers and passengers.

(3) No record is maintained.

(4) (a) Yes.

(b) to (d) Separate records not maintained.

6. MOTOR VEHICLE SEAT BELTS

Wearing by Passengers

Mr. RUNCIMAN, to the Minister representing the Minister for Police:

(1) In view of the recent decision at Mandurah regarding the dismissal of the charge against a passenger for not wearing a seatbelt, does this mean that it is no longer obligatory for passengers to wear seatbelts?

(2) Will the police take action against passengers not wearing seatbelts?

(3) Does not his action over the Mandurah affair mean that while he is prepared to uphold the police in their traffic duties he is not prepared to give the same consideration to country traffic inspectors?

Mr. BICKERTON replied:

(1) The case at Mandurah was brought by a traffic inspector at Mandurah. It was withdrawn at the request of the prosecution, not dismissed. Unless specifically exempted by regulations, passengers are obliged to wear seat belts.

(2) Yes.

(3) No. No request was received and no action was taken by the Police Department or Minister for Police, prior to withdrawal of the charge referred to.

7. SOUTH WESTERN HIGHWAY: CARCOOLA

Reduction of Speed Limit

Mr. RUNCIMAN, to the Minister for Works:

Will he give consideration to a request from the Murray Shire Council and the Carcoola ratepayers' association that the limit of 60 miles per hour be further reduced in the road junction areas of Carcoola Avenue and Alcoa Drive on the South Western Highway?

Mr. JAMIESON replied:

Consideration was recently given to a council request for a reduction in the speed limit from 65 m.p.h. to 60 m.p.h. On the recommendation of the Main Roads Department the Minister for Police and Traffic approved of the reduction in the speed limit on 26th March. The amended speed limit sign will be erected shortly. No further reduction in the speed limit is contemplated at this date.

8. HINES ROAD

Maintenance

Mr. RUNCIMAN, to the Minister for Works:

As the main access from the South Western Highway to the North Dandalup dam site is via Hines Road which is a school bus route, and as the main traffic on this road has been associated with the activities of the Metropolitan Water Board, will he make funds available to the Murray shire from either the Metropolitan Water Board or the Main Roads Department for suitable maintenance of this road?

Mr. JAMIESON replied:

No. The responsibility for maintenance of this road rests with the local authority, the Murray Shire Council. The Main Roads Department assists local authorities by providing an annual allocation for maintenance of this class of road. The expenditure of these funds is at the discretion of the local authority. As far as the Metropolitan Water Board is concerned, it now has only one officer employed in the area.

9. POLICE

Dwellingup: Stationing of Officer

Mr. RUNCIMAN, to the Minister representing the Minister for Police:

Having in mind the urgent request of residents at Dwellingup and in view of the fact that there are excellent police quarters in the town, will the Minister give consideration to relocating a police officer in the town?

Mr. BICKERTON replied:

Consideration has been given to enforcement at Dwellingup and it is considered that the stationing of a policeman at Dwellingup is not warranted at present.

10. POLICE

Waroona: Additional Constable

Mr. RUNCIMAN, to the Minister representing the Minister for Police:

Will the Minister give further consideration to the request of the Waroona Shire Council and residents of the district to have an additional constable located in the town?

Mr. BICKERTON replied:

Yes. The staffing of Waroona police station has recently been examined and an additional man will be posted when found necessary and priorities of man power permit.

11. ABORIGINES

Community Centre: Pinjarra

Mr. RUNCIMAN, to the Minister representing the Minister for Community Welfare:

(1) Can the Minister give details of the progress and planning for an Aboriginal community centre at Pinjarra?

(2) Will this centre be entirely a Commonwealth venture?

Mr. T. D. EVANS replied:

(1) Part of the Pinjarra Aboriginal reserve has been offered as a site for an Aboriginal community centre and plans for a suitable building are being prepared. Aboriginal support for the venture is being canvassed.

(2) It seems probable that the Commonwealth Department of Aboriginal Affairs will make the necessary funds available for the project, provided the Aboriginal community exhibits a concerted and responsible approach.

12. ABORIGINAL AFFAIRS

Commonwealth Takeover

Mr. RUNCIMAN, to the Minister representing the Minister for Community Welfare:

(1) In view of the Commonwealth's "take over" of Aboriginal welfare in Western Australia, will this mean that the State Government will have no further interest in Aboriginal welfare in Western Australia?

(2) If not, to what extent will the State be involved?

Mr. T. D. EVANS replied:

(1) and (2) It has been agreed in principle that the Commonwealth will take over the planning and policy functions in relation to Aborigines, currently carried out by the State Aboriginal Affairs Planning Authority.

The Planning Authority does not have a functional welfare role and this will continue to be the responsibility of the State Department for Community Welfare. Similarly, Aboriginal health and housing will remain the responsibility of the appropriate State departments.

13. WATER SUPPLIES

Mandurah

Mr. RUNCIMAN, to the Minister for Water Supplies:

(1) What progress is being made in the Mandurah reticulated water scheme?

(2) What is the planning for—
(a) 1973-74;
(b) 1974-75?

(3) What is the capacity of the Ravenswood bores?

Mr. JAMIESON replied:

(1) By 30th June this year 75% of that portion of the Mandurah township, east of the estuary, will have been reticulated.

(2) It is planned to continue the construction of the Mandurah water supply in 1973-74 and 1974-75 with works to the value of $500,000 and $600,000 respectively, provided that this finance is available.

(3) The Ravenswood headworks has an output capacity of 2 million gallons per day.

14. WATER SUPPLIES

Dwellingup

Mr. RUNCIMAN, to the Minister for Water Supplies:

(1) What progress has been made regarding an increased water supply for Dwellingup?

(2) When is it expected that the scheme will be implemented?

(3) What has been the cause of the long delay?

Mr. JAMIESON replied:

(1) An additional source is being established on Dwellingerup Brook. The works are 85% complete.

(2) Estimated completion date of above works is 30th June, 1973.

(3) Work commenced on the new source as soon as the site on private property became available.

15. COURTHOUSE
Armadale

Mr. RUSHTON, to the Attorney-General:

(1) Will he establish full court facilities at Armadale?

(2) If "Yes" to (1), when will the Clerk of Courts be appointed?

(3) If "No" to (1), what is the reason for this rejection?

(4) Is adequate land at present held at Armadale for this purpose?

(5) If "No" to (4), will early initiatives be taken to purchase a suitable site at Armadale?

(6) What is his department's early and long term plans for providing full court facilities to serve this large fast-growing region centred on Armadale?

Mr. T. D. EVANS replied:

(1) No.

(2) Answered by (1).

(3) The situation has been kept under review. The volume of court work at Armadale at present does not justify the appointment of a full time Clerk of Courts.

(4) The Public Works Department has been asked to examine the feasibility of extending the present premises to provide a court office and magistrates chambers.

16. *This question was postponed.*

17. HIGH OCTANE FUEL
Cartage: Mines Department Approval

Mr. O'CONNOR, to the Minister for Labour:

(1) In view of his answer to question 18 on 17th instant regarding the cartage of high octane fuel at Bunbury, does he agree that in this further case some action should be taken?

(2) Will he see that the matter is taken into account when the investigation is taking place?

Mr. TAYLOR replied:

(1) As suggested in my answer to question 18 on the 17th April, Mr. Woods might first discuss the matter with his suppliers who should be able to give him reasons for their refusal to provide fuel.

Mr. O'Connor: Two members were there at the time.

Mr. TAYLOR: If Mr. Woods subsequently feels that the company's employees wrongly advised him and that he can obtain no satisfaction from the company, he may lodge a written complaint giving details. It will be considered by myself as Minister for Labour, or referred to the Minister for Mines, whichever is appropriate.

(2) Answered by (1).

Mr. O'Connor: I will go before your inquiry. I was there.

The SPEAKER: Order!

18. ARMADALE-KELMSCOTT RAILWAY LINE
Station and Crossing

Mr. RUSHTON, to the Minister representing the Minister for Transport:

(1) At what stage of implementation and planning is the proposed railway station/stop-over between Armadale and Kelmscott?

(2) When can this service be expected to materialise?

(3) Is it intended to provide a railway crossing between Armadale and Kelmscott now that a large number of houses have been built either side of the South Western Railway in this area?

Mr. JAMIESON replied:

(1) Plans are complete, except for the type of shelter to be provided.

(2) This has not yet been determined but it is hoped that an early commencement will be made on this work.

(3) It is not intended to provide a railway level crossing. However, pedestrians will be able to cross the railway line at the stopping place.

19. ARMADALE-KELMSCOTT RAILWAY LINE
Station and Highway Crossovers

Mr. RUSHTON, to the Minister for Town Planning:

(1) Is it planned to have any highway crossovers of the South Western Railway between Armadale and Kelmscott?

(2) If "Yes", what is to be the route and destination of this highway?

(3) Has it been definitely planned to continue Striech Avenue along the South Western Railway from Kelmscott to Armadale?

(4) Is it planned to provide a railway crossing between Armadale and Kelmscott to service the large communities either side of the line?

Mr. DAVIES replied:

(1) A definite route for a highway crossover has not been formally considered or agreed.

(2) Answered by (1).

(3) Yes.

(4) No.

20. STRIECH AVENUE

Extension

Mr. RUSHTON, to the Minister for Works:

Is the Main Roads Department prepared to provide a grant towards the extension of Striech Avenue into Armadale to provide an alternative route to the Albany Highway?

Mr. JAMIESON replied:

A grant of $12,000 was provided in 1972-73 to the Armadale-Kelmscott Shire Council for expenditure on Streich Avenue. Additional amounts in subsequent years will be dependent on priorities and available funds.

21. RURAL LAND

Syndicated Ownership

Mr. RUSHTON, to the Minister for Town Planning:

(1) Does he intend to introduce legislation—

(a) to prevent syndicated ownership of rural land; or

(b) to require clear conditions to be made known before syndication takes place?

(2) If neither 1 (a) nor (b) covers his proposals will he please inform the House of his intentions?

Mr. DAVIES replied:

(1) (a) and (b) Yes; suitable amendments to legislation are currently the subject of discussions between the Law Reform Commission and the Town Planning Department.

(2) Answered by (1).

22. ALBANY HIGHWAY

Link Road to Jarrahdale

Mr. RUNCIMAN, to the Minister for Works:

What progress is being made regarding the Serpentine-Jarrahdale shire's request that a sealed road be constructed from Jarrahdale to the Albany Highway?

Mr. JAMIESON replied:

The Main Roads Department is proceeding with planning of a connecting road between Jarrahdale and Albany Highway. This is a long term proposal which requires considerable investigation and does involve co-operation with several other organisations.

23. PUBLIC RELATIONS OFFICERS AND PROMOTION OFFICERS

Number

Mr. O'CONNOR, to the Premier:

(1) Has he the information available to question 55 I asked on Wednesday, 21st March, 1973, regarding public relations officers employed by Government departments?

(2) If so, will he provide the detail?

(3) If not, when is it expected this information will be available?

Mr. J. T. TONKIN replied:

This detailed information has taken some time to compile. Question 55 for Wednesday, 21st March will be answered in the House on the next sitting day, Tuesday, 1st May.

24. DEVELOPMENT

Wanneroo-Gingin Industrial Area: Feasibility Study

Mr. RUSHTON, to the Minister for Development and Decentralisation:

(1) When is the feasibility study for the proposed 80,000 acre northern development (Joondalup to Moore River) expected to be completed?

(2) Has an Air Pollution Scientific Advisory Committee study been made of part or all the area, and if so, will he please table it?

(3) Is it intended to establish heavy industry, similar to Kwinana, in this project?

(4) If "Yes" to (3), are there any industries—

(a) committed;

(b) proposed,

for this project at the present time?

(5) Will he name the industries or quote the number coming into categories (4) (a) and (b) and whether or not they are Australian or overseas controlled?

Mr. GRAHAM replied:

(1) The consultants commissioned by the Australian Government to carry out the study were required to complete it by 31st March, 1973. This was achieved and the study is in the hands of the Australian Government.

(2) No.

(3) Yes.

(4) The area is available for planning purposes only and only one specific industry is being discussed at this time for this area.

(5) The industry concerned is reviewing the area as one of several possible sites in Western Australia.

25. PUBLICATION "PROGRESS 1971-1973"

Contents

Mr. MENSAROS, to the Premier:

(1) Is the booklet *Progress 1971-1973* a Government or Labor Party publication?

(2) If it is a Government publication, was it intended to retain a certain amount of objectivity, as against partisan political views?

(3) If (2) is "Yes" why does it not mention in the first paragraph of the second column on page 112 that clause 2 in the Aluminium Refinery Act, stipulating an Environmental Protection Authority report before authorisation of the agreement, was written in as a result of an amendment in the Legislative Council against strong opposition of the Government?

Mr. J. T. TONKIN replied:

In view of the honourable member's insatiable appetite for detail, I propose to reply at some length.

(1) The booklet *Progress 1971-73* is a Government publication. For the information of the Member, who should know it anyway, it is the latest in a series which was initiated in 1953, and which has been produced periodically, ever since.

(2) It was intended generally, although, of course, subject to changes in emphasis or policy, to achieve the maximum objectivity in informing all who wish to be informed, what is afoot in all areas of Government responsibility. I believe it did achieve this goal.

The "partisan political views" which seems so traumatically to disturb the Member are inescapably inherent in the mere fact that a Labor administration is reporting on the activities of a Labor Party Government. If the Member imagines that editions of *Progress* produced by our predecessors were completely free of chest-slapping and drum-beating, let me refresh his memory with a very few instances culled from about five minutes' random opening of the pages of two or three of the editions of *Progress* produced by the Liberal/Country Party Coalition.

In the 1959-68 edition, the very first words of the then Premier were a clarion call to the L.C.P. faithful. Said he: "The past nine years have seen foundations laid for a new future in Western Australia . . .

Sir Charles Court: Fine stuff!

Mr. Graham: What sort of future?

Mr. J. T. TONKIN: To continue—

—this book gives the essence of the Government's contribution to the foundation years". This was hardly the most objective statement, but I will remind the House that no Member of the then Opposition thought fit to squeal about the lack of objectivity in those statements. It has been left to the present obstruction—hiding under the guise of an Opposition—so flagrantly to waste the time of Members.

Mr. Rushton: What about last year?

Sir Charles Court: Who wrote this?

Mr. J. T. TONKIN: To continue—

On page 5 of the same volume, there was some waffling about the "immense significance" of the 9-million acres of agricultural land brought into use since 1959, and the "further 10-million acres yet to be put under the plough". Would the Member suggest that this statement of fact, and of forecast for the future, holds no accolade for the administration which achieved the one and intended the other? Of course, he might well wish to disown all reference to it in the realisation of the real significance of the previous Government's haste to put the State under the plough . . . that actually, it put vast areas of our agricultural land in danger of becoming a dust-bowl.

Sir David Brand: Nonsense!

Mr. J. T. TONKIN: To continue—

He might well wish to put the whole recollection, not under the plough, but under the carpet.

On page 8 of the same volume, the Treasurer trumpets—

Mr. Hutchinson: Journalese!

Mr. J. T. TONKIN: To continue—

—that "sound financial administration has been the vital factor in strengthening the State's support for rapid economic development". Would the Member suggest that this is purely objective . . . or that it holds no hint of self-praise . . . or that it did not cast a glow of reflected glory on the Liberal Party?

Sir Charles Court: Give us some poetry!

Mr. J. T. TONKIN: To continue—

It was, however, a little premature in the light of the fact that the end result of the Liberal/Country Party's "sound financial administration" was that my Government walked slap-bang into a $10 million deficit.

Mr. O'Neil: Staggering ever since!

Mr. J. T. TONKIN: To continue—

Let me give just one instance from the 1968-71 edition of *Progress*. In his quite purely objective report on his stewardship of the North-West the Minister then

responsible somehow slipped in a couple of dollops of his well-known purple prose. The North-West had come alive, said he, in a bustle of activity . . . new towns springing up overnight, and so on —and strangely enough, he includes among those new towns springing up overnight—

Sir Charles Court: True!

Mr. J. T. TONKIN: To continue—

—that famous non-existent overnight creation on the Mitchell Plateau.

Sir Charles Court: You read it in perspective and it is all right.

Mr. Graham: The Pilbara plan!

Sir Charles Court: There are some mean-minded people in this world who will not see merit in others.

Mr. J. T. TONKIN: To continue—

Progress 1971-73, on the other hand—that monument to Labor Party inobjectivity—begins the same section with a calm statistical record of population, production and development generally.

I hope these few references will serve to impress upon the Member, finally—and on the Opposition generally—the fact that no administration can possibly report on what it has done, without advertising what it has done.

If the Member continues to regard that as a "lack of objectivity" he is welcome to do so.

(3) I would remind the Member that a publication of this nature is, in effect, the end result of a mass of legislation. It records the activities of a Government, and Governments operate by legislation.

I suspect that the Member will agree that it is not possible—that it is not necessary, generally—to relate any course of action to the particular legislation by which it proceeds.

However, if the Member will get in touch with me when the next edition of *Progress* is in preparation, and if he will present me with a list of specific legislation which he would like to see mentioned, I will see about having it included. Of course, we would have to watch costs, which at all times during the intermittent attacks on this and others of my Government's publication, have been a matter of considerable agitation among Opposition Members.

Mr. I. W. Manning: Cut out the picture!

Mr. J. T. TONKIN: To continue—

This anxiety is curious in the extreme, since it is a matter of record that the previous Government used public money to pay for the preparation of the Liberal Party policy speech in 1971 . . .

Mr. Graham: Scandal!

Mr. J. T. TONKIN: To continue—

and that it also laid out nearly $5,000—almost the cost of the entire edition of *Progress* now under attack—for those printed records of the lucubrations of the then Minister for Industrial Development which now gather dust on many a shelf or—probably—still in the boxes in which they were delivered to the author's department.

If the Member is still so hell-bent on objectivity, etc., he might well take a look at the records of his own Party to learn how not to achieve it.

It is curious also, that the Press, which so anxiously pounces on any nail with which to hammer my Government to the wall—

Mr. Hutchinson: Is that purple prose?

Mr. O'Connor: The Press has given you a wonderful run.

Sir Charles Court: A Government on the defensive!

The SPEAKER: Order!

Mr. Hutchinson: You would make a splendid Opposition.

Sir Charles Court: They are practising.

Mr. J. T. TONKIN: This line is too good to miss and I will not have it drowned by the interjections of the Opposition. I propose to read it again.

Sir Charles Court: In future the Speaker will not be able to rule out our questions on the ground of length.

Mr. J. T. TONKIN: I ask the Leader of the Opposition to show me the Standing Order which limits the length of a question or a reply.

Sir Charles Court: Mr. Speaker can rule a question or answer out of order on the ground of its length.

The SPEAKER: Order!

Mr. Graham: But he has not.

The SPEAKER: Order!

Mr. J. T. TONKIN: Everything I have said in this answer has direct relevance to the question.

Sir Charles Court: You are rambling on.

Mr. J. T. TONKIN: I will repeat the last sentence because it is most important. It is curious also, that the Press, which so anxiously pounces on any nail with which to hammer the Government to the wall should have maintained such

a startling silence in the face of previous disclosures of this sort of profligacy with which our predecessors treated public funds.

If the Opposition gains any satisfaction from that kind of collaboration, it is welcome to do so.

Government members. Hear hear!

Sir Charles Court: What a reflection on a Premier that he will waste so much time.

Mr. Jamieson: What an answer!

Sir Charles Court: What a waste of time!

26. POLICE

Croatian Terrorist Activities

Mr. MENSAROS, to the Minister representing the Minister for Police:

(1) Were there any police raids or any action by the police which could come under the connotation of the word raid (such as, visits, interviews, searches, etc.) made in the State in connection with alleged Croatian terrorist activities?

(2) If so, could he please detail these actions regarding persons involved, addresses, and times?

(3) If (1) is "Yes", were these actions or any of them taken on request, recommendation or warrant by any Commonwealth authority?

(4) Have there been any charges laid?

Mr. BICKERTON replied:

(1) Yes.

(2) Charges have been laid in one case which is *sub judice*. It is not considered appropriate to release details and persons involved in other cases, as investigations are proceeding.

(3) No.

(4) Yes.

27. BUILDING TRADES

Award Rates

Mr. MENSAROS, to the Minister for Labour:

What is the present highest weekly award rates of pay including allowances in the building trade for—

(a) bricklayers;

(b) carpenters;

(c) plumbers;

(d) electricians;

(e) painters;

(f) plasterboard fixers?

Mr. TAYLOR replied:

The total ordinary award rates of pay for building tradesmen excluding electricians are as follows:—

	$ per week
Bricklayers	89.32
Plasterers	89.43
Carpenters	89.96
Plumbers	93.23
Painters	88.73

Plumbers receive a registration allowance of $3.50 per week which accounts for the higher rate paid to this class of tradesman. Otherwise, differences arise from varying tool allowances.

Under awards electricians are not classed as building tradesmen. Electricians receive an ordinary wage of $70.90 per week which is increased by amounts varying from $3.45 to $4.75 per week depending on the type of building site.

The substantial difference in pay rates between building tradesmen and electricians is accounted for in loadings of 10% per week and sick and lost time allowances paid to building tradesmen and not to electricians.

In addition to ordinary award rates a travelling allowance of 93 cents per day is paid whilst performing work in the metropolitan area.

28. LAND

Herdsman Lake Area: Removal of Ashes

Mr. MENSAROS, to the Minister for Lands:

Further to his reply to question 4 on 28th March, 1973 regarding the removal of ashes from the Herdsman Lake area, can he give information—

(a) whether the City of Stirling replied to his inquiry; and

(b) if so, what decision has he made?

Mr. H. D. EVANS replied:

(a) No.

(b) Answered by (a).

29. YUNDURUP CANALS DEVELOPMENT

Closure of Waterways

Mr. MENSAROS, to the Premier:

As it was stated by him in reply to a question during this Parliament that the Yundurup canals are public waterways, why and under whose authority are these public waterways closed to the public?

Mr. J. T. TONKIN replied:

Action is proceeding for the developers to surrender the canals to the Crown under section 20A of

the Town Planning and Development Act to have the canals reserved for the purpose of recreation and for the canals to be ultimately vested in the Murray Shire.

The canals will then come under the control of the Murray Shire. In the meantime the developer is not denying access by the public. However, at the channel entrance there is a net across at present for the purpose of trapping weed which was entering the canal system.

30. ABORIGINES

Forrest River Mission

Mr. RIDGE, to the Minister representing the Minister for Community Welfare:

(1) Is he aware of any State or Commonwealth Government plans for re-establishing the Forrest River mission Aborigines at the old mission site or at any other property?

(2) If "Yes" will he give details?

(3) How many Aborigines are presently living at the old Forrest River mission?

(4) What assistance do they receive from the Department of Community Welfare?

(5) What form of conveyance is used for travelling between Wyndham and the mission, and by whom is it owned?

(6) Do the people have access to a radio transceiver for use in an emergency, and if so, by whom is it owned?

(7) Is the Forrest River airstrip serviceable for use by a light aircraft?

Mr. T. D. EVANS replied:

(1) and (2) No plan exists for the re-establishment of the Forrest River Mission. However, a group of Aborigines (members of the Oombulgurrie Association) is located on the old Forrest River Mission site. Future development in the area with State and Commonwealth support is a possibility.

(3) Nine.

(4) They are an independent, self-supporting body. However, a departmental officer from Wyndham is in weekly contact.

(5) A launch owned by Mr. Joe Weir —cost of hiring is borne by the association.

(6) The Oombulgurrie Association has arranged for its own radio to be installed within 3 to 4 weeks.

(7) Yes.

31. SCHOOLS IN FAR NORTH

Air-conditioning

Mr. RIDGE, to the Minister for Education:

In the event of private schools in the far north of Western Australia installing air-conditioning for the benefit of pupils and staff, would the Government be prepared to contribute towards the scheme by assisting with the payment of electricity charges?

Mr. T. D. EVANS replied:

Provision does not exist in the Education Act and the Regulations for assistance of this nature to be granted.

32. HARBOUR AND LIGHT DEPARTMENT

Broome and Derby Offices: Air-conditioning

Mr. RIDGE, to the Minister for Works:

What plans does his department have for air-conditioning the Harbour and Lights Department offices at Broome and Derby?

Mr. JAMIESON replied:

An estimate of cost of air-conditioning Harbour and Light offices at Broome and Derby is presently being prepared and these facilities will be provided subject to availability of funds.

33. GREAT NORTHERN HIGHWAY

Port Hedland Section: Completion

Mr. RIDGE, to the Minister for Works:

(1) What is the anticipated date for the completion of the sealing of the Great Northern Highway to Port Hedland?

(2) At the completion of the work to this point, is it intended to proceed with road sealing and associated works between Port Hedland and Broome?

(3) If "No" when is it anticipated that a major upgrading of this section of highway will be started and completed?

Mr. JAMIESON replied:

(1) It is hoped to complete the seal to Port Hedland on the North West Coastal Highway about the end of 1974 provided the same level of funds is available in the next Commonwealth Aid Roads Act.

(2) After completion of the North West Coastal Highway it should be possible to allocate larger sums to the upgrading and sealing of sections of the Great Northern Highway between Port Hedland and Broome.

(3) Answered by (2).

34. *This question was postponed.*

35. PORT OF ALBANY
Extension: Report

Mr. STEPHENS, to the Minister for Works:

(1) Has a Mr. Gillespie or anyone else reported on the potential for further development of harbour facilities at Albany?

(2) If so, will he table the report?

Mr. JAMIESON replied:

(1) Mr. J. D. Gillespie retired from the position of Engineer Harbours and Rivers of the Public Works Department in October 1972. In order that the benefit of his extensive experience was not lost, he was asked to submit a report which reviewed work already undertaken at Albany port and made suggestions for possible future development. However, it is pointed out that Mr. Gillespie's suggestions will not necessarily be adopted as policy for development of the port.

(2) Report is, with permission, hereby tabled.

The paper was tabled (see paper No. 123).

36. JOINT HOUSE COMMITTEE
Powers

Mr. McPHARLIN, to the Minister for Works:

(1) With reference to the Parliamentary Committees Bill now on the Notice Paper, what powers is it intended to confer on the Joint House Committee which it does not now have at present?

(2) If the Bill becomes an Act and is placed on the Statute books to whom will the committee be responsible?

Mr. JAMIESON replied:

(1) and (2) This information should be obtained from perusal of the Bill.

QUESTIONS (8): WITHOUT NOTICE

1. PERTH-LEIGHTON RAILWAY LINE
Urgency Motion: Press Report

Sir CHARLES COURT, to the Premier:

(1) With reference to the report of the urgency motion debate in today's issue of *The West Australian*, and in particular the comments reported as having been made by the Premier "outside the House", can he please advise why he did not avail himself of the opportunity to give this information to the Legislative Assembly during the debate?

(2) Will he table his correspondence with unions and the State Executive of the A.L.P. so that Parliament and the public can better understand the nature of the undertaking given to the unions?

Mr. J. T. TONKIN replied:

(1) In my judgment the debate did not justify my intervention.

Sir Charles Court: You are insulting the Parliament again.

Mr. J. T. TONKIN: Is the Leader of the Opposition warbling about something?

Sir Charles Court: I am saying you are insulting the Parliament again. You were prepared to make a statement outside the House.

The SPEAKER: Order!

Mr. J. T. TONKIN: The Leader of the Opposition is jumping to conclusions.

Sir Charles Court: I am commenting on what you said.

The SPEAKER: Order!

Mr. J. T. TONKIN: The Leader of the Opposition should have the courtesy to listen to my comments before he rushes in. I repeat: In my judgment the debate did not require my intervention.

Mr. O'Connor: You could not answer.

Mr. J. T. TONKIN: If I had not been approached, no more would have been said. However, I received a specific request from representatives of the Press to talk to them. As it is my practice to answer questions put to me and not to tell lies, I answered their questions. The report in the Press is based on my answers. I repeat that I did not seek an interview with the Press. I would not have approached them, and had they not approached me, the report would not have appeared.

Sir Charles Court: Why did you not do us the courtesy of answering our questions?

The SPEAKER: Order!

Mr. J. T. TONKIN: To continue—

(2) My answer is "Yes", at the next sitting of the House.

2. STAMP DUTY ON RECEIPTS
Refunds

Mr. O'NEIL, to the Treasurer:

I wish to comment on the answer given to question 4 today. I realise the Treasurer will not be able to answer my question, but I would like him to check the figures. The answer to question (1) (a) indicated that claims for $102,744 had been lodged, and yet the answer to (1) (c) indicated that it is proposed to refund $104,752. In

other words, the amount to be repaid is greater than the amount claimed. I feel there must be an error in these figures, and I would ask him to give me this information at a later date.

Mr. J. T. TONKIN replied:

There must be an obvious explanation, because the figures were supplied by the Commissioner of Taxation. I shall have the figures checked and give the honourable member an answer in due course.

3. EGGS

Marketing: Inquiry

Mr. MOILER, to the Minister for Agriculture:

(1) Has the Minister received the report of the inquiry into egg marketing conducted by Mr. McDonald?

(2) If so, will he table a copy of the report?

Mr. H. D. EVANS replied:

(1) Yes.

(2) A limited number of copies of the report is available, one of which I will table. A sufficient number for all requirements is currently being produced.

The report was tabled for two weeks (See paper No. 124).

4. KANGAROO MEAT

Export Ban

Sir CHARLES COURT, to the Minister for Fisheries and Fauna:

(1) Has he read the report in *The West Australian* today, "Grazier criticises roo export ban", which indicates considerable concern on the part of pastoralists in respect of the current policy of the Commonwealth on this issue?

(2) As I thought he had been successful in his representations to the Commonwealth in respect of the ban—in view of the well established cropping arrangements in Western Australia — does the pastoralists' concern mean that there has been a change of policy since the Minister negotiated with the Commonwealth?

Mr. BICKERTON replied:

(1) and (2) I seem to recall giving the Leader of the Opposition an undertaking per medium of correspondence that I would keep him informed regarding the latest developments in this matter, as he seems to be terribly interested in it. However, I have not done so and I apologise. I will rectify my omission at the earliest opportunity.

I have seen the newspaper article. I do not know where the Leader of the Opposition got the idea that I had been completely successful in my representations. A working committee was set up and it has held meetings. The last information I received was a telegram from Canberra yesterday saying that a draft of the working committee's findings is in circulation. As the Commonwealth has agreed to the draft I take it that provided the States agree to it a further ministerial meeting will not be necessary.

Apparently the idea of the Commonwealth is to have a Commonwealth-wide cropping and managing system for the taking of kangaroos. As I understand it, that is more or less the basis of the draft. However, I will not be in a position to comment on it until I receive it.

I am not happy about the ban being imposed in the first place. I have made no bones about that in the past. I consider the Western Australian system of managing kangaroos is probably one of the most successful in Australia.

I hope it will become the basis of the Commonwealth system. I think perhaps the Commonwealth decision was made without a study of the systems operating in the individual States. The Commonwealth was a little hasty. In the interests of Western Australia the sooner the export ban is lifted under controlled circumstances the better it will be.

5. PUBLICATION "PROGRESS 1971-1973"

Availability to Members

Mr. E. H. M. LEWIS, to the Premier:

Will the Premier ensure that a copy of the publication *Progress 1971-1973* is made available to all members of Parliament; or if that is not possible, will he ensure that one or more copies are made available to the Parliamentary Library?

Mr. J. T. TONKIN replied:

The request flatters me, and I shall be delighted to accede to it.

6. PUBLICATION "PROGRESS 1971-1973"

Contents

Mr. GAYFER, to the Premier:

I listened, rather as a student listening to his master, to the reply of the Premier to question 25. I

was interested in and understood fully the references to "hallucination", "hell-bent", and "hammer to the wall"; but because of my shortcomings—being of an agricultural background—I wonder whether the Premier would define the word "dollops" in the context in which he used it?

Mr. J. T. TONKIN replied:

For the sake of greater accuracy, I propose to send a dictionary to the honourable member.

Sir Charles Court: That is contempt of the question.

Mr. Jamieson: You are contemptible.

7. PUBLICATION "PROGRESS 1971-1973"

Contents

Mr. GRAYDEN, to the Premier:

Is the Premier aware that much of the information contained in the publication *Progress 1971-1973* is already out of date? For instance, I refer to page 67 where the following is stated—

> The field, discovered by the Woodside-Burmah Exploration Group, is known to contain in one well (North Rankin), more than 10 trillion cubic feet of recoverable natural gas—slightly more than the total estimated reserves of the Bass Strait fields, and equivalent to about 40% of the North Sea gas field which supplies Britain's needs.

In actual fact that well has been downgraded to 7.9 trillion cubic feet. Is it the intention of the Premier, therefore, to advise the recipients of the publication of this and similar errors?

Mr. J. T. TONKIN replied:

It would be foolish of me to attempt to answer the question. I suggest that it be placed on the notice paper.

8. TRAFFIC ACCIDENTS

Police Reports

Mr. MOILER, to the Minister representing the Minister for Police:

(1) Are police reports of traffic accidents available to parties involved?

(2) If "Yes" to (1), under what conditions are they made available?

(3) If "No" to (1), why not?

(4) Are police reports of traffic accidents available to insurance companies covering parties involved?

(5) If "Yes" to (4), under what conditions are they made available?

Mr. BICKERTON replied:

(1) Yes.

(2) (a) Prior to court proceedings; the name and address of the driver of the vehicle and the plate number of the vehicle involved in the accident.

(b) When police activity and court proceedings have been completed and on payment of a fee of $4, the following information is supplied to law firms, insurance companies, and other legitimately interested parties—

(i) a copy of the attending constable's report containing permissible information only; personal opinions and contentious matter are deleted from such report;

(ii) a copy of their own client's statement;

(iii) names and addresses of witnesses and advices that copies of these statements may only be supplied upon receipt of a signed authority from the person making the statement;

(iv) advice as to whether a police plan has been prepared and if so, permission is granted for a tracing to be made by a member of the firm, upon personal application;

(v) a copy of the vehicle examiner's report;

(vi) copies of photographs at a cost of 50c per print.

The medical officer's report and forensic science reports are not supplied unless a signed authority is received from the person to whom the report refers or, in the case of a deceased person, from the next of kin.

(3) Answered by (1).

(4) and (5) Answered by (2).

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [4.09 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 1st May, at 4.30 p.m.

Question put and passed.

House adjourned at 4.10 p.m.