# Legislative Assembly

Tuesday, the 28th August, 1979

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

## THE LATE LORD LOUIS MOUNTBATTEN

*Condolence: Motion*

**SIR CHARLES COURT** (Nedlands—Premier) [4.31 p.m.]: I seek leave to move, without notice, a motion of condolence regarding the death of Lord Louis Mountbatten.

Leave granted.

**Sir CHARLES COURT:** It is with much sadness I move, without notice—

> This Parliament views with horror the circumstances which resulted in the death of Lord Louis Mountbatten.
>
> We express to the British people—and particularly to The Royal Family and members of his immediate family—our deepest sympathy on their tragic loss.
>
> We honour the memory of a truly great leader, especially his role as Supreme Allied Commander in South-East Asia during the Second World War. In this, and through his many other important tasks in times of peace and war, he helped to shape the course of history.
>
> The British Commonwealth of Nations has much to thank him for.

In moving the motion I think I reflect the feeling of grief that beset the nation when we heard Lord Louis Mountbatten had met his death in such a tragic way.

It has been the privilege of some of us to know him personally. He was a remarkable man. There are few men like him. He was the sort of person who looked and acted as one would want a great serviceman to be, a great statesman to be, and a great citizen to be. He had the common touch, to a remarkable degree, throughout the whole of his life.

Perhaps the greatest testimony to his morale building capacity, and his contact with his fellow man, came from the fact that whenever it was announced he was coming to Western Australia there would always be a great number of requests to meet him from people who served with him either in his early days in the First World War, or who saw service with him in various areas during the Second World War, or who were involved with him in other ways. Those people included seamen, commissioned officers, and others who had, often in very lowly ranks, served under him. They had a tremendous wealth of affection for him, and he would always devote quite a lot of his time to those people so that they could talk about old times. He would often talk about their present position in life, and even their problems.

It was part of his greatness that he was one who walked among kings without losing the common touch. There was no part of the world that did not make him welcome. To have dealings with the man was a privilege. He was a man who made history.

The heroic experiences of Lord Louis Mountbatten are well known, and are part of history. They are legendary. We knew him in peace as a leader and as a man of great moral principles. He exercised a wonderful influence for good throughout the world. He was very involved in and very successful at sport; also he was heavily involved in the general affairs of the community.

Lord Louis Mountbatten was, without doubt, very influential in many circles, and the world is richer for his life and his work. His period as the Viceroy of India, of course, is now something of an epic. Very few men in this world could have held that position with such dignity and with such effectiveness during a critical time in the relations between Britain and India, and the rest of the Commonwealth, and achieved so much. I think the fact that India is publicly mourning the great loss of an old friend is again testimony to his greatness.

His work in Burma during World War II turned the tide so far as the allies were concerned. Again, he wrote his name into the history books. Earlier in the war the HMS *Kelly* was sunk in the Battle for Crete, and on a host of other occasions he was always in the forefront as a great leader.

I would also refer to his late wife, Edwina. Some of us had the pleasure of meeting her when she visited the Pacific Islands area during the war. She came out on a mission for the British Government and was absolutely indefatiguable in her contact with troops in some of the most difficult and trying places of the actual campaign. Those who met her realised she was part of a great team which made its mark; they did much for the British community in particular, the British Commonwealth in a general way, and also for the rest of the world.

I think it is appropriate, Mr Speaker, that we should pass this motion and have it conveyed, through you, to the immediate family of Lord Louis Mountbatten and to the Royal Family to express our deep appreciation for what he did,

and also our great sadness at the passing of a truly great man.

Several members: Hear, hear!

**MR DAVIES** (Victoria Park—Leader of the Opposition) [4.38 p.m.]: The Opposition supports this motion although we very much regret that it is necessary for it to be moved. If Lord Louis Mountbatten had died of natural causes it would have been a matter of great regret. If he had died alone at the hands of the terrorists, we would have been shocked. The fact that he and members of his family have been killed, and other members of his family seriously injured, appals each and every one of us. We cannot condone bombing by terrorists; we cannot condone that method of getting things done because exactly the opposite will happen. The position is worse now than it was 24 hours ago.

I do not know whether any good will come out of this action. Whilst we remember Lord Louis Mountbatten, we should also remember the other 17 soldiers who lost their lives in another incident within a very short time of the death of Lord Louis. We should have them in our thoughts when we pass this motion today.

Lord Louis Mountbatten was a distinguished naval officer, and this statement is borne out time and time again in the pages of history. He was a statesman, as the Premier has pointed out. He undertook a most difficult task when he negotiated independence for Pakistan and India. The fact that he succeeded so well is emphasised, as the Premier said, by the response from the people of India and Pakistan who regret his passing as much as we do.

So we have lost a statesman, a diplomat, and a sailor; a man for whom Australia has a great deal to be thankful. As Supreme Allied Commander of South-East Asia he was instrumental in turning the tide of the Japanese advances in Burma. Had he not been successful in that campaign, goodness knows what the pages of history would show today.

If any good at all can come from his death, we hope that it may shake up those people who are responsible for bringing peace to that part of the world. We hope that such actions as resulted in his death will soon be a thing of the past, although we seem to be experiencing them more and more.

This motion deals with our sadness at the passing of a man of particularly great stature. Nothing I can say can express adequately my personal feelings and the feelings of those on this side of the House at the manner in which this man's life was taken and the great tragedy that has been brought to his family. We support the motion, and we will be glad to join in the passing of it and the conveying of it to the Royal Family and to members of his family through you, Mr Speaker.

**MR COWAN** (Merredin): [4.42 p.m.]: We of the National Party support this motion. Without doubt Lord Louis Mountbatten will hold a high place in the history of the world.

**THE SPEAKER** (Mr Thompson): I call upon honourable members to signify their support of this motion by rising in their places.

Question passed, members standing.

## PORNOGRAPHY

*Exploitation of Children: Petition*

**MR WATT** (Albany) [4.44 p.m.]: I wish to present a petition couched in similar terms to many others which have been presented to this Chamber. The petition urges the Government to take legislative action to prevent child exploitation by pornography. The petition bears 111 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

*See petition No. 90.*

## PORNOGRAPHY

*Exploitation of Children: Petition*

**MR McPHARLIN** (Mt. Marshall) [4.45 p.m.]: I present a petition on similar lines to that just presented by the member for Albany regarding the sexual exploitation of children. The petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

*See petition No. 91.*

## QUESTIONS

Questions were taken at this stage.

## MEMBER FOR COTTESLOE: CENSURE

*Standing Orders Suspension*

**MR B. T. BURKE** (Balcatta) [5.25 p.m.]: I move, without notice—

> That so much of the Standing Orders be suspended as is necessary to enable me to move to censure the member for Cottesloe.

I move this motion because of the disgusting behaviour of the member for Cottesloe in his

question without notice. It is not a usual sort of motion, but then the gutter-type politics of a member who would move in this way after having had the opportunity during the currency of the condolence to say what he wanted to say and take exception as he wanted to, but not then to proceed to do this, is to be deplored by all members of the House.

This has never previously been done in the history of this Parliament because this Parliament has never previously been treated to the type of behaviour by the member for Cottesloe, which we witnessed tonight.

This disgraceful and disgusting member who takes legal action against other members and who preys upon other members in a fashion which has not previously been witnessed by members of this Chamber, can say about another member of this Chamber, that because he walks about the Chamber, he is acting in a disgusting manner. What sort of nonsense is that?

If it is not nonsense, it is propelled by the most evil of designs. All members of this House should take umbrage at and exception to the action that has been taken by the member for Cottesloe because he is willing to judge other members not by whether they rise as the Speaker requested to denote their assent to the motion but by what he considers to be their mode of dress or mode of behaviour. Everything about this man reeks of gutter politics as instanced by the way in which he rang the ABC and questioned the balance of a news report and subsequently was reported as to his own views and attempts to deny—

*Point of Order*

Sir CHARLES COURT: On a point of order, I gather the member is seeking to move the suspension of Standing Orders. If my hearing of the speech is correct he is actually debating the motion and not the question of suspension of Standing Orders. If he wants to take advantage of the Standing Orders and delay the proceedings of the House, that is one matter.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: The member should be referring to the motion which is before the House which refers to the suspension of Standing Orders.

Several members interjected.

The SPEAKER: Order! I should like the member for Balcatta to confine his remarks to the motion which he has moved without notice to suspend Standing Orders for the purpose of debating another motion.

*Debate Resumed*

Mr B. T. BURKE: I am quite happy to do so. I ask the House to understand the context in which I am making my contribution and that is the context in which we have seen a member rise to make an unprovoked and deliberate attack upon another member based on the flimsiest of grounds.

Can the member for Cottesloe outline to the House those parts of the Standing Orders which indicate it is disorderly for a member to walk about the Chamber during the course of any debate? Can the member for Cottesloe point to the Standing Order which indicates that it is disgusting for a member to walk about the Chamber?

Mr Hassell: You do not understand common decency.

Several members interjected.

Mr B. T. BURKE: Can the member for Cottesloe—

The SPEAKER: Order! The member will resume his seat. The member is not addressing himself to the question before the Chair and I would ask him to do so.

Mr B. T. BURKE: To repeat, I would ask the House to determine the context in which my contribution is made and that is the context of a deliberate and unprovoked attack being made upon one member by another member of the House. I do not believe any member of this place in fairness would deny me the right to answer those assumptions which were implicit in the question of the member for Cottesloe who knew, as well as you, Mr Speaker, and I that he would be ruled out of order. That is the sort of member he is; that is, the hit-and-run type. He knows the implicit assumptions will be unanswered but they are recorded.

If the member for Cottesloe is honest and believes his question was in order, why did he not move to disagree with the Speaker's ruling? How honest is a man who will say that, knowing his question will not be answered and will be ruled out of order, and then in the most dishonest, scurrilous, and disgraceful way will not challenge the Speaker's ruling? That is what needs to be answered now and that is what is urgent about this motion. We have seen the member for Cottesloe stand in his place and say he disagreed with your ruling, Mr Speaker, yet he was not prepared to move that way. Of course, he is not prepared to move that way and open up to debate

the subject he is content to touch upon by a slighting, disgraceful, scurrilous reference in his question to the Leader of the Opposition.

I do not expect the House will agree to suspend Standing Orders but I believe if it is left to the member for Cottesloe to judge for himself what is disgusting behaviour, to leave aside the fact that when other members rose I rose too, and to downgrade that expression of opinion as support for a motion, it is a sad and sorry day to which this Parliament has progressed. If we are to be judged by the sort of shabby morality which the member for Cottesloe constantly displays and to open ourselves to the criticism that our morality is his morality, it is time Standing Orders were suspended and this member was told that he is not the judge of the morality of other members and that his divine-right-to-rule syndrome, displayed so frequently in this place, is objectionable to other members.

I personally am not very worried by that which the member for Cottesloe has said. Other people can judge his morality. Other people can judge whether or not—

Several members interjected.

The SPEAKER: Order!

Mr B. T. BURKE: Other people can judge whether or not it is fair for one member to stand in his place and imply in a question to the Leader of the Opposition certain things about the behaviour of an Opposition member, knowing that member might not or would not have the right to reply. That is for this House to decide.

Let me make my position unequivocally clear. You, Mr Speaker, asked members on this side of the House and on the other side to rise in their places as a means of expressing their support of the condolence motion. I rose in my place, as did other members. The Premier, who moved the condolence motion, did not see fit to question the sincerity of the vote I cast on that occasion. The Ministers of the Crown did not see fit to question the sincerity of the vote I cast in support of that motion of condolence. Not one member in the House saw fit to judge my actions and my manner as disgraceful or disgusting. Not one other member in the House decided to say that because I walked about the Chamber—in fact, on one occasion, to answer a phone call—my actions were disgusting and disgraceful. But the member for Cottesloe did.

As I said previously, I do not believe or expect the House will support the motion to suspend Standing Orders, but I do expect that the House will make up its mind about the actions of the member for Cottesloe and the unconsidered, hasty, and scurrilous way in which he moved, by implicit questioning of the Leader of the Opposition about a matter which was clearly out of order, to cast a slur upon another member of the House. That is on his head and I ask the House to support the motion.

**SIR CHARLES COURT** (Nedlands—Premier) [5.33 p.m.]: I think I should make it clear at the outset and very briefly that the Government rejects this motion and asks the House to vote against it.

Mr B. T. Burke: Do you agree with what the member for Cottesloe said?

Sir CHARLES COURT: I think the member for Balcatta finds himself in a jam—

Mr B. T. Burke: Rubbish!

Sir CHARLES COURT: —and is adopting this offensive type of tactic.

*Point of Order*

Mr H. D. EVANS: On a point of order, Mr Speaker, I wish to question whether the motion moved by the member for Balcatta is in fact proper and in place in view of the circumstances leading up to his moving in the manner he did. In the first instance, the member for Cottesloe more than tacitly implied a criticism of you, Sir, as Speaker of this Chamber, in the fact that it is you to whom we look to accept responsibility for conduct in this place. If he alleges there was disgusting behaviour, how does he reconcile it with the fact that you allowed it to be possible for the member for Balcatta to proceed in such a way?

In view of that circumstance, would it not be a proper course to have the member for Cottesloe withdraw his original remarks which were the subject of the member for Balcatta's motion—the only recourse which was left open to him? Because of the rather unprecedented manner in which the member for Cottesloe has implied—and certainly more than tacitly implied—that your control of this place has been in question, I feel it is a matter of some concern here that the member for Cottesloe should be requested to withdraw those remarks against you.

The SPEAKER: I thank the member for Warren for his point of order. The motion moved by the member for Balcatta is one which the Speaker of the House must accept. With respect to that part of the member's comments relating to the question asked by the member for Cottesloe, I indicated when I ruled the question out of order that it is for me to decide what is and is not proper conduct of members in the Chamber. I

pointed out that I did not witness the acts to which the member for Cottesloe referred in his question.

I point out that it is the practice of this House, and it is a requirement of members who see something which escapes the notice of the Speaker, to take a point of order or to draw the Speaker's attention to it at the time it actually takes place. The member for Cottesloe said it was not possible for him to draw my attention to it at the particular time because it was a very delicate stage of the proceedings. However, I submit to the member for Cottesloe and to other members of the House that the appropriate time was immediately after the delicate part of the proceedings had been concluded.

The time has now passed for me to deal with the matter to which the member for Cottesloe has alluded, and we are now debating the motion which has been moved by the member for Balcatta.

*Debate Resumed*

Sir CHARLES COURT: I come back to the point—and I will be brief—that the member for Balcatta finds himself in a very sticky position and he is trying to use the forms of this House to extricate himself. I think that in itself is despicable.

Mr B. T. Burke: What is despicable about that?

Sir CHARLES COURT: He alone will have to be the judge of his conduct during the time complained of by the member for Cottesloe. I do not intend to go into that question at all. I do not believe the matter raised by the honourable member is one in which we should set an example or a precedent for delaying the proceedings of this House. It is a matter of a very personal nature which the honourable member is seeking to intrude into this Chamber because he has got himself into a problem, and he is trying by an offensive attack on a member of this House to use the forms to get himself out of his predicament with a motion to suspend Standing Orders.

Mr SHALDERS: I move—

That the House do now divide.

Motion put and a division called for.

Bells rung and the House divided.

*Remarks during Division*

Mr Jamieson: You can't take it. You have brought a sincere motion into disrepute.

Mr Davies: What a nice mob you are!

Mr Jamieson: What a nice thing to do to Mountbatten! You have brought it into complete disrepute and you supported the disrepute.

Sir Charles Court: We were talking about a suspension of Standing Orders.

Mr B. T. Burke: How else was I to answer him?

Sir Charles Court: Behave yourself in the first place.

Mr B. T. Burke: What do you mean? You said you didn't even take exception.

Mr Davies: It is the second time in less than a week you have not had the stomach to debate a motion out.

Mr B. T. Burke: You are getting too old.

Sir Charles Court: You were disreputable and intentionally so.

Mr Davies: How can it be intentional when your side started it? This is the second time in a week you have not had the stomach to debate a motion out.

Mr B. T. Burke: Are you saying you approved of the question asked by the member for Cottesloe?

Sir Charles Court: I am saying I did not approve of your conduct during the motion.

Mr Young: Are you happy with your conduct during the motion?

Mr B. T. Burke: Of course I am happy.

Mr Young: You ought to be ashamed. Everyone knows it.

Mr Jamieson: You have brought Mountbatten into disrepute because of your stupidity. It was a sincere motion of the House.

Mr B. T. Burke: The member for Cottesloe tried something on that did not come off.

The SPEAKER: Order!

Mr B. T. Burke: The National Party has cleared out. Dr Dadour has gone home.

Sir Charles Court: It is not unusual.

Mr B. T. Burke: That's right. Rats leave a sinking ship.

Sir Charles Court: They belong to you.

*Result of Division.*

Division resulted as follows—

Ayes 24

| | |
|---|---|
| Mr Blaikie | Mr Mensaros |
| Mr Clarko | Mr O'Connor |
| Sir Charles Court | Mr Old |
| Mr Cowan | Mr O'Neil |
| Mrs Craig | Mr Ridge |
| Mr Grayden | Mr Rushton |
| Mr Grewar | Mr Sibson |
| Mr Hassell | Mr Tubby |
| Mr Herzfeld | Mr Watt |
| Mr P. V. Jones | Mr Williams |
| Mr Laurance | Mr Young |
| Mr MacKinnon | Mr Shalders *(Teller)* |

Noes 16

| | |
|---|---|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr B. T. Burke | Mr T. H. Jones |
| Mr T. J. Burke | Mr McIver |
| Mr Carr | Mr Tonkin |
| Mr Davies | Dr Troy |
| MrH. D. Evans | Mr Wilson |
| Mr T. D. Evans | Mr Bateman *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Coyne | Mr Skidmore |
| Dr Dadour | Mr Bryce |
| Mr Nanovich | Mr Pearce |
| Mr Sodeman | Mr Harman |
| Mr Spriggs | Mr Taylor |

Motion thus passed.

Question put and a division taken with the following result—

Ayes 16

| | |
|---|---|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr B. T. Burke | Mr T. H. Jones |
| Mr T. J. Burke | Mr McIver |
| Mr Carr | Mr Tonkin |
| Mr Davies | Dr Troy |
| Mr H. D. Evans | Mr Wilson |
| Mr T. D. Evans | Mr Bateman *(Teller)* |

Noes 23

| | |
|---|---|
| Mr Blaikie | Mr Mensaros |
| Mr Clarko | Mr O'Connor |
| Sir Charles Court | Mr Old |
| Mrs Craig | Mr O'Neil |
| Mr Crane | Mr Ridge |
| Mr Grayden | Mr Rushton |
| Mr Grewar | Mr Sibson |
| Mr Hassell | Mr Tubby |
| Mr Herzfeld | Mr Watt |
| Mr P. V. Jones | Mr Young |
| Mr Laurance | Mr Shalders |
| Mr MacKinnon | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Coyne |
| Mr Bryce | Dr Dadour |
| Mr Pearce | Mr Nanovich |
| Mr Harman | Mr Sodeman |
| Mr Taylor | Mr Spriggs |
| Mr Grill | Mr Williams |

Question thus negatived.

Motion defeated.

## THE LATE LORD LOUIS MOUNTBATTEN

*Condolence Motion Debate: Statement by Member for Morley*

**MR TONKIN** (Morley) [5.45 p.m.]: I seek leave of the House to make a personal statement.

Leave granted.

Mr TONKIN: When we came into the House today and were all united in the motion of condolence moved by the Premier, I thought what a wonderful thing it was that we were united on the occasion of the passing of a really great man. I can speak only on my own behalf, but I wish to dissociate myself from the acrimony that has followed that motion.

I ask all members: where does that action leave the motion of condolence? I thought members were sincere when they passed the motion of condolence to the family of Lord Mountbatten and the Royal Family; but we now have a situation in which not even that motion could be left alone, but it had to be dragged down.

Sir Charles Court: What is your personal explanation?

Mr TONKIN: My personal statement is that I dissociate myself from the unnecessary partisanship, one-upmanship and scoring of political points associated with that motion of condolence in respect of the passing of a very great man. I believe all of us should be able to sink our petty differences and be united when the occasion demands it. I thought today we had reached that stage, but it seems, Mr Speaker, we in this Parliament have a long way to go.

## POLICE ACT AMENDMENT BILL

*In Committee*

Resumed from the 23rd August. The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Minister for Police and Traffic) in charge of the Bill.

*Statement by Chairman*

The CHAIRMAN: It may be helpful to the Committee if I make a statement concerning what has become the accepted practice for dealing with a series of proposed amendments to a clause.

Firstly, the Standing Order dealing with time limits, Standing Order 166, provides that any member, other than the Minister or member in charge of the Bill—who is unrestricted—may speak three times to any question. On the first time he may speak for 15 minutes and on each of the two subsequent occasions for 10 minutes.

If the member moves an amendment during one of his speeches on the clause as a whole, that speech is recorded as being in respect of both the clause and the amendment. He will, of course, be able to speak on two further occasions on the amendment.

There is nothing in this Standing Order to suggest that there is any restriction on the number of amendments a member may move in respect of any clause. In the past I have followed a practice of that nature.

When any amendment is dealt with, the question becomes either, "That the Clause, as amended, be agreed to" or, "That the clause, as printed, be agreed to". It is possible for members to rise at that point and debate the whole clause. The only restrictions at that point are—

(a) if the clause has not been amended any speech made prior to the moving of the amendment is regarded as relating to the same question and therefore makes a part of the member's allowable total of three speeches; and

(b) no amendment may be moved to a portion of the clause which is earlier than that dealt with in the amendment, regardless of whether the amendment was accepted or defeated.

The proper course for a member who wishes to move an amendment at an earlier stage in a clause, or the Bill, than that arrived at by the Committee, is to seek to have the Bill recommitted. This can be done at either the report stage or the third reading stage.

Turning now to the amendments on the notice paper dealing with this Bill, members will see that the Leader of the Opposition has given notice of an amendment to delete a large portion of the clause before the Committee. The member for Stirling also has given notice of an amendment to the same part of the clause, but his amendment falls within the section of the clause proposed for deletion by the Leader of the Opposition. The Standing Orders are silent on how this difficulty should be resolved. However, it has become the practice of this Chamber that, when requested from the Chair, the mover of the all-embracing amendment—in this case, the Leader of the Opposition—moves only that portion of his amendment which would not preclude the alternative proposal from being offered to the Committee.

As I have stated this is not a Standing Order, but I regard it as being a reasonable and firm practice and will recommend it to the Leader of the Opposition at the appropriate time.

*Committee Resumed*

Clause 4: Section 54B repealed and re-enacted with amendments—

The CHAIRMAN: Progress was reported on the clause after the Leader of the Opposition (Mr Davies) had moved the following amendment—

Page 4, line 33—Delete the word "shall".

Mr DAVIES: I think we had several speakers on this amendment last Thursday afternoon before the Committee reported progress so that the House could deal with questions. It was a most inconvenient stage at which to report progress, but the handling of the Chamber is not in my hands; if it were it would not be so sloppy. At one stage I doubted that questions would be answered on Thursday afternoon for the second week in succession, but the Government suddenly broke off the Committee at a most inappropriate place and took questions, which occupied the rest of the time of the House. If the Government cannot do any better than that, we should get a new Leader of the House. It is totally unacceptable to the Opposition for the Government to be chopping and changing as it has in the past several afternoons, particularly on Thursdays, when if the Premier is upset questions are not answered.

Having said that which, I know, is not germane to the clause under discussion, I want to point out that the amendment before the Chair is one we regard as most necessary. Has the Minister picked up from my office a copy of our proposed Bill?

Mr O'Neil: Yes, thank you.

Mr DAVIES: I apologise to the Minister for being unable to extend to him the courtesy of sending him a copy; but I do not have the staff to run messages and I had to prevail upon him to send one of his many staff to pick up the Bill. I thank him for that.

Mr O'Neil: I think we should do a count to see who has the most staff.

Mr DAVIES: We were happy to make a copy available.

I am certain that if the Minister were to read through our proposed Bill he would see it provides an option. If people want the protection of the police, they can elect to have it provided they give certain notice. If the Commissioner of Police objects to the proposal he shall list his objections, and provision is made for an appeal to a magistrate. If people do not want the protection afforded under the proposed Bill—and there are certain times when it is not possible to give notice and seek protection—they may organise a march

or meeting and bear the responsibility for it; and if any law is broken they must appear before a court to answer a charge. The Bill before us makes it more certain that anyone involved in a march who is arrested will be the subject of a successful prosecution.

On occasions it is not possible to give the requisite notice; certainly it is not always possible to meet all the demands laid down in this Bill.

My amendment enables discretion to be exercised. If that discretion is not permitted, then we are taking away the freedom of people. How many times have we heard it mouthed around this Chamber that we must allow the people freedom? Of course they must have freedom. I do not think any member would disagree with that. But if one man is given a discretion in this regard we will take away some of that freedom.

All we are saying in this amendment is that a person should be able to elect to exercise the options open to him. He should be able to elect to go to the Commissioner of Police and seek permission; and if permission is refused, he should be able to appeal to a magistrate.

I do not believe the Government's psychology will work. The Government is saying, "You are all bad boys and you must not march in public places or hold public meetings in public places." On the other hand, it is accepted that one can hold a private meeting in a public place or a public meeting in a private place.

I believe that psychology does not work nowadays. We cannot tell members of the public, "Thou shalt not . . ." We must give people an option; and when we remove their discretion we also remove their freedom. That is what will happen under this Bill. We want a person who might organise a public march or meeting to have the right to elect to seek permission from the police. I think most people would want the protection afforded them by seeking the permission of the police.

It is not a matter of marching down Hay Street at 5.00 p.m. on a Friday evening; that kind of situation would not be tolerated by anybody.

Mr MacKinnon: How would you stop that under your legislation?

Mr DAVIES: It will not be stopped under any legislation. I am talking about the psychology of the Government's measure. If feelings are running high and a spontaneous march occurs, nothing we put in the Police Act or the Criminal Code or any other legislation will prevent that situation from occurring. In this Bill we are telling the police they have a right to move in with a heavy hand in such a situation. Nobody wants to give that right to the police, because such spontaneous action will not be stopped, anyway. I do not think any reasonable person would try seriously to disrupt traffic.

I do not think there is a need for the Government to introduce legislation in this way. The Government has said that there will be options. I believe we must provide for an option—that people "may" apply for a permit, instead of the word "shall" being used. That is perfectly reasonable.

As I said, the legislation in other States has worked well along these lines. The Government is making people feel that they have to seek leave—to go to the police and say that they want to march through Perth. The police were magnificent on the last occasion of a railways march. They were most helpful. They led the way, and they kept the troops in line. There was no disruption of any significance to the traffic. Some cars were held up when the march made a right wheel. If an urgent situation had arisen, the police could have made a break in the march. The police were pleased to co-operate on that occasion. Any sensible person would want the co-operation of the police.

However, as I have already said, there will be occasions when it is not possible to comply with the law for a number of reasons. I do not believe we should say to the police, "Here is an open go. Do what you like to stop people marching."

Mr O'NEIL: I think we are recapitulating. We discussed this amendment moved by the Leader of the Opposition on Thursday. I think I indicated that this amendment is the key to the subsequent amendments which the honourable member proposes to move. I indicated that you should show some tolerance, Mr Chairman, in how far you permitted us to go beyond the removal of the word "shall" with the intention of inserting the word "may".

There is a difference of opinion which needs to be resolved by a vote of this Committee. I do not think any argument would alter the stance of the Leader of the Opposition or that of the Government, so the sooner we come to that determination the better.

I want to thank the Leader of the Opposition for providing me with a copy of a Bill which it is proposed to introduce if the Labor Party becomes the Government. I asked for that because I was receiving queries from the media about my views on the legislation proposed by the Leader of the Opposition. Since I did not have a copy of it I was unable to give a response.

There are significant differences between the amendments which will follow if the Leader of the Opposition is successful in his first amendment and the provisions of the Bill.

Mr Jamieson: You can't match together one with the other.

Mr O'NEIL: There are aspects that could be matched very quickly. One relates to the amendment on the notice paper dealing with the situation when two applications are lodged, and one person alone has the absolute right to determine which application is the valid one. If ever there was a case of a value judgment on who will occupy the streets, that is it. There is no right of appeal. Now, who is that person? In the amendment proposed by the Leader of the Opposition, that person is the Commissioner of Police. In the proposed Bill, it is the Chief Secretary. Where is the consistency in the argument that is being used? That is the real issue. The Chief Secretary is a political animal at any time. I raise that issue. That deals with the question of appeals.

The Government opposes the amendment.

Mr T. H. JONES: In his reply, the Minister did not indicate clearly the reason for the Government's rejection of our proposed Bill. He would agree that the unions have indicated in the Press since last Thursday that they are still not happy with the Bill. He will not deny that, because a statement was attributed to Mr Butler, the Acting Secretary of the TLC.

The unions have been watching with interest what has been going on in the Parliament. They have been reading the debates taking place in the Chamber.

The Opposition feels that the Government has had to have a second look at the Bill. In 1976 the Government said that that legislation was the answer to the situation which was exercising its mind. Members will recall that we indicated quite strongly that that Bill would not work. We adopt a similar attitude to the legislation now.

How is the Government going to make the Bill operate, as my leader indicated? The Government is making it very difficult because, although we are discussing the deletion of the word "shall", we have to look at the requirements under this clause regarding notice and the time in which to hold an authorised meeting. The Minister would know that there was a four-day notification requirement—

The CHAIRMAN: Order! I have given considerable latitude to the two previous speakers. I have given you some latitude; but I would ask you to move to the question under discussion, which is the deletion of the word "shall".

Mr T. H. JONES: I noted your generosity, Mr Chairman. I hoped you would extend the same to me.

The CHAIRMAN: I indicated I would like you to move to the question under discussion as quickly as possible.

Mr T. H. JONES: I take it I have missed out, in other words.

The CHAIRMAN: I have extended tolerance to you. I now ask you to move as quickly as you can—

Mr T. H. JONES: I was just about to move to that matter. I thought I would have received the same tolerance as the Minister, but it does not appear that way. Anyway, I have said what I wanted to say.

Dealing with the deletion of the word "shall", it should be deleted because it makes the point mandatory. People must obtain permission from the Commissioner of Police or other officer before a public march or meeting can be held. This is where we disagree with the Government.

The Minister has said the question can be determined only by the Committee. We know how it will be determined, because the Government has the numbers. This legislation will not work.

I warn the Government that this legislation means that the trade unions in particular will not be able to meet the requirement. The Government is asking something that is impossible for the trade unions to carry out. In the trade union movement, meetings are called on the spot. The four days' notice is not available to the organisers.

Disputation can occur at any time of the working day. How on earth can, say, one of the waterfront unions give four days' notice of a spontaneous decision to stop work and hold a meeting in a public place? This clause will place an undue burden on trade unions in particular, and on any other body which wishes to hold a public meeting in Western Australia.

Mr Chairman, from your experience before you came to this place you would know that meetings often must be called very quickly so that on-the-spot discussion can take place on very important issues; in this context, the four-day time factor is not workable.

We must be realists as members of Parliament. I know the Government has the numbers and will say, "This must be made to work." However, there is no better way to encourage strikes and confrontation than by sticking to this requirement. I warn the Government that if trade

unions want to hold meetings they will hold them. How can unions in the Pilbara and other remote areas meet this requirement? These meetings will be held and, if the Government is hell-bent on pushing this legislation through, it is only asking for trouble.

I hope the Government will see the sanity of the situation. However, it may be a forlorn hope, because all the Minister said was that the word "shall" would be judged by this Chamber.

Mr O'NEIL: The member for Collie is critical of the four days' notice provision contained in this clause. In the amendment foreshadowed by the Leader of the Opposition, four days' notice still applies.

Mr DAVIES: I wish to comment on the Minister's statement regarding a double application on one day. Certainly, that matter is not contained in this amendment but, as he spoke about it, I hope the Chair will be lenient with me.

In a situation like that, someone must have the right to say when, where, and how one of the applicants can hold a march or a meeting. The Opposition looked closely at the question of appeal provisions; however, we believed such a circumstance was so unlikely that we did not bother about appeal provisions. I can recall several meetings which have been held on the esplanade at the same time as what might amount to alternative meetings. However, for the most part these "alternatives" have been in the form of hecklers and groups which have gone along perhaps with the intention of disrupting the main meeting; they chose that method of putting forward an opposite view, rather than seeking to hold an official meeting of their own.

It cannot be denied in the future there is likely to be an application for a second meeting, and we must make provision in this Bill for that eventuality.

We discussed this matter and particularly drafted our legislation to say that on such a rare occasion it shall be left to one person. I do not think seeking permission to hold a meeting is related to this clause. The Minister said he thought the whole future of the Bill swung around this pivot point. I do not agree; I think the next amendment will determine the need or otherwise to move subsequent amendments, and for that reason I want this to be taken very seriously.

What we are really saying is, "Must a person seek police permission before he can hold a public meeting in a public place; will he be forced to seek police permission?" The philosophy of the Government and the Opposition differs on this point.

Trade unionists have been mentioned; quite a number of meetings have been associated with trade unionists. If members are sufficiently interested to read my speech during the second reading stage they will find I did not refer only to trade unionists; all kinds of people for all kinds of reasons seek to hold public meetings and marches; we will find them among the left wing, the right wing and the middle of the road. Members have only to cast their minds back to a number of marches on Parliament House over the past several years to be aware they were not all associated with trade unionists.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr DAVIES: We believe there should be an option. Subsequent amendments will be moved if this amendment is passed. If the Government wants to get close to the feelings of the people on this matter it is not unreasonable to suggest it should give the people an option. We are entitled to decide what we want to do and if we decide not to take action which will give us automatic protection, we have to suffer the consequences.

The psychology of the Bill is wrong inasmuch as it is demanding that people take such action, whereas they could elect to take a risk if there was a risk involved. I do not believe there is a risk involved. People do not take to the streets deliberately.

This Bill was amended twice during the 1970s, having remained untouched for approximately 70 years. It was found necessary to amend it, because the police were not able to obtain a successful prosecution against a person associated with a particular incident. As a result, the Government amended the legislation and said, "This kind of situation will not arise again. We want to make certain you spell it out and that you cannot do these things. If you do not obey the law it will be fairly easy for the police to pursue a prosectuion." That is not good law.

In my second reading speech I said this was a bad law. The fact that it was necessary to refuse permits on two occasions only out of approximately 500 applications does not improve the situation and make this law better. The fact that the law may now be easy to follow is not germane to the particular requirement we are discussing now. In this day and age, and in this country, we are entitled to make a selection from various options.

If the word "shall" remains the option is removed immediately. No-one is allowed to exercise his discretion and personal freedom is taken away.

I have always been opposed to the whittling away of personal freedom. The Government can demonstrate that it believes in personal freedom on this occasion. If the people do not want to accept the options available to them, they must be prepared to suffer the consequences if they break the law. At least they should be given the option.

Mr MacKINNON: It is important that we understand exactly the words spoken by the Leader of the Opposition tonight in relation to whose freedom we are trying to protect. As I said last Thursday, the Opposition is not trying to protect the majority of the community which the Government is trying to protect through this legislation. The member for Collie indicated clearly tonight who is behind the Opposition's amendments when he said that the only reason the Opposition was opposing what the Government intends to do—

Mr T. H. Jones: They are the only people being dealt with under the Act.

Mr MacKINNON: That is not the case. Where people have to make application for permits the only group about whom the member for Collie was concerned was the union movement.

Mr T. H. Jones: They are the only ones who are being dealt with under the Act.

Mr MacKINNON: The member for Collie seems to have no idea of what the Bill is about.

Mr T. H. Jones: I have been here a bit longer than you.

Mr MacKINNON: It is obvious from his comments that the member for Collie does not understand the Bill. This is borne out by the comment he made last Thursday to the effect that, "This proposed new section places an obligation on a union or any other organisation to obtain permission from the police to hold a public meeting or procession." Under this proposed new section the union need apply for a permit only if it intends to conduct a public meeting in a public place.

It is important to understand that nothing in this legislation precludes a union from conducting a meeting at any time and from discussing any matter.

Mr Jamieson: What is the definition of a "public place"?

Mr MacKINNON: The union need apply only if the meeting is to be a public meeting in a public place. That is where the Opposition is confused.

Mr Jamieson: I know who is confused.

Mr MacKINNON: Last Thursday I explained that the important people to protect are those who make up the majority of the community and who will not be involved in protest marches.

The CHAIRMAN: I have given the member a little time to come to the point before the Chair which is what I have done consistently today; but, as I pointed out to a previous speaker, the question before the Committee is the deletion of the word "shall". I ask the member to relate his remarks to that particular matter.

Mr MacKINNON: Thank you, Sir. I should like to make some comments on what the Leader of the Opposition has said in relation to the word "shall" being changed to "may" and in particular when he said that the group must apply for permission four days before the march is to take place. I should like to point out that the following words appear in the clause in relation to the period of notice required, "... or within such shorter period as the Commissioner of Police or the authorised officer may agree." If the amendment moved by the Opposition were passed that would not be the case.

In conclusion I should like to pose two questions to members opposite. In advocating that the word "shall" be replaced by the word "may" I should like to know who the Opposition is trying to protect—the majority of the public or the minority; or the union movement which dictates to the Opposition what it should do. Secondly, I should like to know the stance of members opposite on the action proposed by the ACTU if the Government proceeds with this legislation which is that it will strike. The Opposition needs to state clearly where it stands on both those issues.

The CHAIRMAN: I hope members opposite do not answer the second question, because it is out of order.

Mr JAMIESON: It is important that at some stage of the proceedings the second question is answered. The member who has just resumed his seat has adopted the syndrome that everything is evil, nothing is good, and if anything has the taint of unionism about it, it is bad. He is following the same course as his leader.

I have mentioned previously that when an emotional outburst occurs during the course of a meeting or procession it cannot be dealt with when the word "shall" is included in the legislation. I am disappointed the Minister did not indicate his thinking on this matter. The interpretation of the definition of a "public place" or a "public meeting" is extremely wide. It would be impossible to have a procession in a place which was not public.

Mr Davies: Up and down the corridors of Parliament House perhaps.

Mr JAMIESON: A procession would be held in a public place.

The interpretation of what is a "public meeting" is very wide. A group of people who belong to an organisation may decide to conduct a meeting on the spur of the moment. If the word "shall" appears in the legislation such a gathering would be illegal. An incident similar to the one that occurred recently would inevitably occur at some future time.

The Government was warned about the matter. This time unionists were involved in a disturbance, but next time another group of people could be involved. It appeared that the situation which occurred recently was a result of particular actions taken.

Anyone involved in a procession or meeting should have the right to seek police protection if it is felt to be necessary. If people are prepared to take the risk and do not ask for protection, that should be their prerogative. This is our principal argument with the Minister.

The Minister does not seem to realise that if the police act in an officious manner a confrontation can occur. If it was not mandatory for permission to be sought, such a meeting could proceed peacefully. The Government should adopt an attitude of tolerance. I do not believe any of the comments by the member for Murdoch are particularly valid. However, anyone involved in a meeting or procession should have the prerogative to apply for a permit if he so desires. If someone does not wish to apply for a permit he must accept any risks involved. If an offence occurred, it would be dealt with by the court. I have set out our position in relation to this situation which is vital to the legislation.

Mr O'NEIL: The member for Welshpool deserves an explanation, because I see an indication of some degree of confusion in his mind in regard to the difference between the requirements for a procession or a meeting. As he says, it is true that what in essence is a meeting which would not require a permit under the Act—for example, a meeting called by a group of people in a public place to discuss a matter of mutual importance—where no invitation is extended to the general public is in fact not a public meeting. It is a private meeting, irrespective of where it is held.

In those circumstances, it is clear there is no need to notify and, therefore, no need to obtain a permit. I agree also it is possible for that meeting to convert itself to something which would otherwise require a permit; that is, a procession.

A decision could be made at the meeting to move into the streets and create an obstruction. I want to make the point that under the legislation no offence is committed until such time as the group is advised of the fact that it is in breach of the law. A warning must be given. I might add that, in respect of some of the amendments proposed by the Opposition, no warning is required.

So there is that occasion where a lawful event occurs, and in certain circumstances it results in an unlawful event. No offence is committed under this section unless the marchers are acquainted with the fact that they are in breach of the law and the breach persists. The penalty, I think, is a fine of $100 or imprisonment for a maximum of one month. That is applicable only to this part of the Act.

In any case, the proposition of the Opposition in respect of the breach is that other provisions exist in the Police Act which would be able to contain and control an emotional move of people from what was an ordinary meeting. Those provisions are already in the Act, anyway. At least the provisions put forward by the Government provide that the offenders are acquainted with the fact that they are in breach of the Act. Then, if they persist—and then only—an offence is committed. I think that clarifies the matter for the member for Welshpool.

Amendment put and a division taken with the following result—

| | |
|---|---|
| Ayes 15 | |
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr B. T. Burke | Mr T. H. Jones |
| Mr Carr | Mr McIver |
| Mr Davies | Mr Taylor |
| Mr H. D. Evans | Mr Wilson |
| Mr T. D. Evans | Mr Bateman |
| Mr Grill | *(Teller)* |
| Noes 24 | |
| Mr Blaikie | Mr Old |
| Mr Cowan | Mr O'Neil |
| Mr Coyne | Mr Ridge |
| Mr Crane | Mr Rushton |
| Mr Grayden | Mr Sibson |
| Mr Grewar | Mr Sodeman |
| Mr Herzfeld | Mr Spriggs |
| Mr Laurance | Mr Stephens |
| Mr MacKinnon | Mr Tubby |
| Mr McPharlin | Mr Williams |
| Mr Mensaros | Mr Young |
| Mr O'Connor | Mr Shalders |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Hassell |
| Mr Bryce | Mr P. V. Jones |
| Mr Pearce | Mr Nanovich |
| Mr Harman | Dr Dadour |
| Mr Tonkin | Sir Charles Court |
| Dr Troy | Mrs Craig |
| Mr T. J. Burke | Mr Watt |

Amendment thus negatived.

Mr DAVIES: I move an amendment—

Page 5, lines 2 and 3—Delete the words "requesting that a permit be issued under this section in respect".

Proposed new subsection (2) reads—

(2) A person or body who or which proposes to conduct or organise a public meeting in a public place or a procession, not being a funeral procession, in, or which is to proceed through, any street or public place, or both such a public meeting and such a procession, shall give notice, in accordance with this section to the Commissioner of Police or an authorised officer under this section, requesting that a permit be issued under this section in respect of that public meeting or procession, or both, and the notice shall contain the following information—

If my proposal is successful I will seek to add the words "and proposals" at the end of the proposed new subsection.

The Minister said the pivot of the Bill was on the word "may" or "shall", which we have just debated and on which I think this Committee made a serious mistake. We have the situation where a person shall give notice to the Commissioner of Police, or an authorised officer, requesting a permit be issued. My argument is that the person shall give notice—because that is the way this Committee has decided—but he shall not be required to request, in accordance with the law, that a permit be issued. A person shall merely go through the courtesy of advising the Commissioner of Police, or an authorised officer, that a public meeting will occur in a public place, or that a public procession will take place. The commissioner, or the authorised officer, will be able to take such action as I intend to propose at a later stage.

The purpose of my amendment is self-evident. Once again, it is the philosophy of the Opposition opposing the dictatorial attitude of the Government. It is not unreasonable for the Committee to agree that a person requiring to conduct a procession should give notice of that meeting, but that is as far as he should be required to go. If the commissioner, or the authorised officer, considers the march should not be held, he will be able to take certain action as is indicated in the amendments already on the notice paper. If the Government agrees to this amendment the rest of the amendments on the notice paper will go through with alacrity. I wait with a great deal of interest to hear the response of the Minister.

Mr O'NEIL: The Committee, in its wisdom and by dint of numbers, has agreed that a notice will be served upon the Commissioner of Police or an authorised officer, and the Leader of the Opposition now proposes that even though that action is taken no permit needs to be issued.

The value of having a permit to conduct a meeting is more important to those people participating in the activity than to those who are not. Permits are granted for certain functions which would otherwise be outside the normal province of the law. I think of functions held in country halls where permits are issued for the serving of liquor, and other entertainment activities carried on subject to a permit which may or may not contain certain conditions. The evidence of the fact that the activity is legal is in the permit itself. If there were no permit, of course, the activity could not proceed.

I do not know whether the Leader of the Opposition has been in the position of running a country dance or a raffle. A permit is issued and if the local constabulary in the town questions the organiser, he is shown the permit. The permit issued in the name of the organiser is, in fact, a warrant not to observe the law in that particular field. If there is not to be a request for a permit, then how in the name of goodness will an organiser prove to the constabulary that he has authority to hold the function?

I cannot concede that where approval is to be given in respect of what would otherwise be a breach of traffic laws and the like, the non-issue of a permit is any protection to the people. The very fact that an organiser has a permit enables him to do something he would not otherwise be able to do. If we delete the need to request a permit I think it would probably follow that we would delete the need for one to be issued. The Government opposes the amendment.

Mr T. H. JONES: The Minister has drawn a very fine line. The proposed new section deals mainly with public meetings and processions, and the Minister spoke about the situation where a permit had been issued.

Mr O'Neil: The whole Bill does that.

Mr T. H. JONES: The proposed new section refers to the holding of public meetings or

assemblies, and that point was made clear by my leader.

The Opposition is attempting to simplify the procedure. We were not successful in obtaining the approval of the Committee to substitute the word "may" for the word "shall".

The proposal by the Leader of the Opposition would simplify the procedure and at least the police would know what was going on. It often happens that after an urgent meeting a decision to march is taken. This amendment will simplify the whole procedure.

The Criminal Code and the Police Act have provisions to cover people who act unlawfully, and who hold unlawful assemblies, marches, or meetings.

Mr O'Neil: We are trying to create lawful assemblies.

Mr T. H. JONES: Of course the Minister has failed to tell Parliament where problems have occurred in regard to meetings and assemblies. Nowhere did he mention that. If the Minister refers to his second reading speech, he will see that he did not inform the Chamber why the law was necessary. The former Minister, when introducing the amending Bill in 1976, failed dismally in his 12-minute speech to tell us why this law is necessary. Have there been illegal meetings throughout Western Australia which have disturbed the peace?

As the Minister for Police and Traffic, the Minister has the data to convince the Parliament, certainly to convince the Opposition, that this amending legislation is necessary. However, he has not shown the need for it. The Government is amending the Act for certain reasons known to itself; certainly these reasons are not known to the Opposition. Perhaps the Government members have been informed of the reasons in the party room. Had there been unruly meetings and marches throughout the State, perhaps the Government would be justified in the action it has taken.

During the debate on this amendment, I would like the Minister to prove to the Parliament why the restraint on meetings and public assemblies is necessary. The amendment moved by the Leader of the Opposition has my full support.

Mr O'NEIL: For the last time I will explain the purpose of this particular provision. The member for Collie asks me to give examples of occasions when riotous meetings and assemblies have occurred.

The member for Collie told us that there were provisions in the Police Act and the Criminal Code to handle such situations, although I am not sure whether or not such a provision appears in the Criminal Code. However, this Bill will make lawful those activities which would otherwise be unlawful. The honourable member shakes his head. He is saying, "Why have the Bill at all?" If this Bill is not passed, section 54B will remain in the Police Act. Is that what he wants?

Mr JAMIESON: In the amendment moved by the Leader of the Opposition, we are saying despite the fact that it is now necessary to notify the Commissioner of Police or his authorised officer under this proposed section, having done that, there is no need for a permit to be issued.

The Minister said that all sorts of activities need permits to make them lawful. Let us look at the instances he was referring to, such as permits issued under the Liquor Act and under the Lotteries (Control) Act. If members of the Police Force came across people who were contravening the provisions of these Acts, they could take action. But here we are talking about the Police Act—a different thing altogether. If one gave notice to the Police Force about a meeting, that would be recorded. If someone then complained about the meeting, the police officers would say, "That is all right; we already have this advice." However, why is it necessary to issue a permit?

It seems to me that it should be sufficient to notify the Commissioner of Police or his authorised officer of a proposed march or assembly. Why is it necessary to make unnecessary paper work? Does a police officer need to search around amongst the marchers until he finds the man with a permit? Once the details of a proposed march or assembly are made available to the Police Force, why is it necessary to issue a permit? It is of no use the Minister trying to compare this provision with other provisions in other Acts which require the issuing of permits.

Over quite a long period such a scheme has worked quite well. Under a previous Commissioner of Police (Mr Wedd) it was sufficient to notify him of a proposed meeting so that he could handle the situation. Then after the amending legislation of 1976, Commissioner Leitch said that that situation no longer applies; everyone must now have a permit. It was no longer necessary simply to make a telephone call to seek verbal permission.

If the Government is sensible it will accept this amendment. Certainly it would iron out many of the problems. Am I right in thinking the Minister is of the opinion that when the person who was issued with the permit does not happen to be

present at an assembly, that assembly is unlawful? Of course that is not so. The person holding the permit might be a union secretary or the president of an organisation, and, for some reason or other, he may not be present at a meeting. So what use is the permit? Undoubtedly, if the Commissioner of Police were asked to give permission for a meeting at Bunbury, he would send that advice to the police station there. I do not think he would attend himself. I suggest that it is quite unnecessary to include this provision for the issuing of a permit.

Mr O'NEIL: I want again to press the point that the permit is more important to those participating in the march or the meeting than it is to anyone else because the permit may contain conditions as to the route, the timing, etc. The Bill contains a provision for modification of the notice, and even the Leader of the Opposition concedes that this is necessary. This is precisely the same provision as that which is contained in the South Australian legislation.

The issue of the permit does more than simply agree to a request, and I know that members will allow me to tell them what it does. It reads—

> Subject to—
>
> (a) any directions given under subsection (2) of section fifty two of this Act—
>
> where the conduct of a public meeting or procession substantially conforms with the notice and the permit relating to it—

I ask members to note those words, "conforms with the notice and the permit relating to it." It continues—

> a person participating in the public meeting or procession who observes such limitations and conditions as may be specified in the permit may position himself in, or proceed over, any street or other public place referred to in the permit and is not, by reason of any thing done or omitted to be done by him for the purpose only of his participating in that public meeting or procession, guilty of any offence against the provisions of any other Act or law regulating the movement of traffic or pedestrians, or relating to the obstruction of a public place.

So the permit which can be held by the secretary of a union does in fact provide substantial documentary evidence that everyone who is participating in that meeting or march is not necessarily in breach of any law relating to—and I will use the general term—obstruction, but certainly does not give him permission or authority to breach any other law. However, the permit approves of his doing something which would otherwise be unlawful.

Mr Jamieson: But if the permit holder is not there?

Mr O'Neil: Anyone who is engaged in it.

Mr DAVIES: I think the Minister fails to understand that the absence of the permit is in itself permission to hold a procession or march, provided the Police Department has been advised just what is going to happen, and we do not propose to alter the requirements listed in regard to information that must be given. Provided the Commissioner of Police is told something to that effect, we can detail how he can give his permission in writing if he so wishes. If he fails to give permission, an appeal against his decision may be made to a magistrate. The Minister has failed to accept that.

What I am really posing now is the question: What do the police want? Do they want complete details of everything about a march or meeting before a decision is made, or do they decide whether or not a meeting needs to take place? In both cases where applications were refused, the only reason for the refusal was that the Commissioner of Police made a value judgment on the applications.

In those two cases the commissioner decided whether or not there was merit in the applications. The decision was not based on whether the meetings would disrupt traffic, whether they would put the life and limb of anyone in danger, whether they would cause a riot or a disturbance, or whether traffic would be inconvenienced. The commissioner made a value judgment; he just decided he would not grant the permits.

We find such a state of affairs completely unacceptable. We are looking for the right to march with proper protection to the life and limb of the public, without inconvenience and disruption to others. We appreciate this point of view, and it is self-evident in our Bill of which the Minister for Police and Traffic now has a copy. I did not make a copy of it available to anyone else, but in this morning's Press I notice the Premier went to some lengths to comment on it. However, it is not unusual for him to comment on things he has not seen.

Once again I pose the question: Who are we trying to help? We are quite happy to help the Police Force if they want to see that the public are not inconvenienced. That is precisely what we are trying to do, but it seems to us that the Government is trying to intimidate people, to stop them from applying for permits because the

commissioner can lay down all sorts of conditions if he decides reluctantly that he has to agree to the permit.

For the most part we would be dealing with sensible, decent people who want to put across a point of view in a public place. Surely we should not make it any more difficult than we have to for them. I do not disagree that it is reasonable they should advise the Commissioner of Police or his authorised officer that a march or meeting is going to occur. In fact, I must agree because the Committee has decided that shall be the case. However, I do not believe it is necessary.

As I said earlier, there should be an option, in that a person can elect to exercise discretion. If we take away his right of discretion we take away his freedom.

We are trying to ascertain what is required here. The police will have all the information as to what is happening. Subsequent amendments can deal with what might happen if the Commissioner of Police is not happy. However, the mere absence of a permit is sufficient in itself to say that the commissioner agrees, once he has been satisfied.

Who is to carry the permit? Is it to be required that the person holding the permit be in attendance at the meeting? There is no such requirement in the Bill. However, I have seen the police moving through crowds and asking, "Did you have a permit for this meeting?" Exactly what the member for Welshpool said could happen in fact already has happened. The police have been referred from one person to another and, if the crowd were 2 000 or 5 000 strong, the meeting would be well and truly over by the time the police were even part of the way through that crowd. The mere absence of a permit is the agreement that the procession or meeting can take place.

Subsequent amendments will make it quite clear that if the Commissioner of Police disagrees in any way whatsoever, he will have the right to express himself. He, as much as anyone, is entitled to have that right, just as people who want to meet in public on an issue are entitled to that right. There is a good balance here. However, the Government is further handicapping these people by saying, "You shall do this; you shall apply for a permit."

I do not think that is what is intended by the Government. The Opposition certainly does not want section 54B to remain as it is. However, if the Government genuinely is trying to improve this legislation, this very simple amendment should be supported. I think everybody on both sides agrees the amendment is eminently fair and will remove a lot of the heat from an argument which has gone on for a long time.

What do the police want to know? We are not trying to frustrate the application of this proposed new section as we would like to see it amended. I remind the Committee that the commissioner or his authorised officer is not allowed to frustrate the operations of section 54B; however, someone of lower rank can quite easily frustrate the legislation. The Government foolishly did not accept my amendment which would have overcome this anomaly. The Government is doing nothing to improve this Bill. With a common-sense approach by both parties, appreciating each other's point of view, we can reach a compromise and I believe my amendment represents the most reasonable compromise to which this Committee can come.

Mr O'NEIL: I have been asked, firstly, whether a permit needs to be carried by someone present at a meeting; and, secondly, about permits issued by the Lotteries Commission or for the conduct of a social function in a country hall.

To deal with the latter question first, the member for Welshpool said the permit should be available for display to policemen because it has been issued under the provisions of a different Act. For example, if there happens to be a clerk of courts in town any permits under the Licensing Act would come from him. Similarly, any permits to do with lotteries matters would be issued by the Lotteries Commission. It is probable, therefore, the local constable would not know whether a permit had been issued for that lottery or function, so there is a requirement that the person applying for the permit shall have it available to show to the constable on his beat.

However, in this case the permit is issued by the Commissioner of Police or an authorised officer, so the police are in no doubt as to the fact that a permit has been issued. In fact, in all probability the officer detailed to make sure the march or meeting proceeds without interruption has a copy of the permit in his pocket; he would know the terms and conditions under which that permit was issued. Therefore, I do not see there would be any requirement for the police to ask 5 000 people, "Who has the permit?" That is not a valid hypothesis.

When we are converting what would otherwise be an unlawful operation into a lawful one, there must be someone who says that the operation is now lawful, provided certain conditions are observed; that is what is contained on the permit. Once a permit has been granted, officers are assigned to ensure the meeting or procession

proceeds, mainly in the interests of protecting those who have been allowed to carry out an activity which otherwise would have been unlawful.

Mr T. H. JONES: It is quite clear we could sit here until 4.00 a.m. or 5.00 a.m. tomorrow and the Minister would not change his mind; the Government does not intend to accept any amendments designed to improve its legislation. This is nothing new, of course; the Government considers it is the only judge of what is good in legislation.

The Committee has decided that the word "shall" shall remain in this Bill, which means that before any public meeting or assembly can take place, the police must be advised. What is wrong with our proposition? Surely the police have not had trouble controlling assemblies or public meetings in Western Australia prior to this date. I know of very few public meetings held in Western Australia where police have had a job maintaining order. The only one which springs to mind which was not orderly was the meeting which took place in Forrest Place, and trade unionists were not involved in that one!

Let us be dinkum in this Committee. I ask members opposite whether they know of meetings in their electorates at which the police had difficulty controlling law and order.

Mr Watt: Yes.

Mr Blaikie: What about the "bikies" at Collie?

Mr T. H. JONES: That was not a meeting. A few hundred "bikies" lobbed into town, paraded the streets and took over the town. Does the member for Vasse call that a meeting?

Mrs Craig: It was a procession.

Mr T. H. JONES: The member for Vasse should make some inquiries as to what happened; I was there, and I know what transpired.

The CHAIRMAN: Order! I ask the member for Collie to relate his remarks to the amendment before the Chair.

Mr T. H. JONES: The police are to be informed that a public meeting or procession is to take place. They will know whether it is likely to be disorderly, and can make arrangements accordingly. There is nothing wrong with that.

What about football matches? Do the organisers of football matches seek permission to hold these games which are attended not by hundreds but by thousands of spectators? Do the police experience trouble controlling law and order at these matches? What about a speedway meeting? Do the organisers of such an event need to write to the commissioner saying, "We wish to hold a meeting next Friday night at which we expect some 20 000 people to attend. We would like a permit." Of course that does not happen.

Mr Sodeman: They are not held in a public place.

Mr T. H. JONES: Not in a public place?

Mr O'Neil: No.

Mr T. H. JONES: That is where we argue the definition of "public place" is lacking. Are not football matches played in a public place?

Mr O'Neil: No.

Mr T. H. JONES: I believe it is fair enough that the organisers of a public meeting or march should inform the police as to their intentions; however, the provision for four days' notice is quite unworkable. If the State School Teachers' Union wants to hold a meeting in a public place, it would be impracticable for its members to give four days' notice.

Mr O'Neil: They do not need to give notice.

Mr T. H. JONES: They could be dealt with, of course.

Mr O'Neil: You are saying they would be required to give four days' notice, and I am telling you they would not need to.

Mr T. H. JONES: They know what is confronting them if they do not.

Mr O'Neil: That is not in this Bill; they do not need to give notice.

Mr T. H. JONES: Of course they do; let us read the Bill.

Mr O'Neil: You said if the State School Teachers' Union wanted to hold a meeting in a public place it had to give four days' notice; I am saying it does not.

Mr Jamieson: You have not read the Bill; you cannot understand English.

The CHAIRMAN: I urge the member for Collie to confine his remarks to the amendment before the Chair.

Mr T. H. JONES: Let me refer to the proposed new section we are discussing. It states—

The CHAIRMAN: Order! We are not debating the body of the new section; we are dealing with the amendment.

Mr T. H. JONES: I am just trying to answer the Minister.

The CHAIRMAN: I request that you do not.

Mr T. H. JONES: Well, Mr Chairman, I will take him to task during the third reading stage.

The amendment before the Chair is a workable proposition. The police will be informed a meeting

is to be held. It will cater for any emergency. I do not understand why the Government refuses to accept the amendment.

Amendment put and a division taken with the following result—

Ayes 15

| | |
|---|---|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr B. T. Burke | Mr T. H. Jones |
| Mr Carr | Mr McIver |
| Mr Davies | Mr Taylor |
| Mr H. D. Evans | Mr Wilson |
| Mr T. D. Evans | Mr Bateman |
| Mr Grill | *(Teller)* |

Noes 24

| | |
|---|---|
| Mr Blaikie | Mr O'Connor |
| Mr Cowan | Mr Old |
| Mr Coyne | Mr O'Neil |
| Mrs Craig | Mr Ridge |
| Mr Crane | Mr Rushton |
| Mr Grayden | Mr Sodeman |
| Mr Grewar | Mr Spriggs |
| Mr Herzfeld | Mr Stephens |
| Mr Laurance | Mr Tubby |
| Mr MacKinnon | Mr Williams |
| Mr McPharlin | Mr Young |
| Mr Mensaros | Mr Shalders |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Hassell |
| Mr Bryce | Mr P. V. Jones |
| Mr Pearce | Mr Nanovich |
| Mr Harman | Dr Dadour |
| Mr Tonkin | Sir Charles Court |
| Dr Troy | Mr Watt |
| Mr T. J. Burke | Mr Sibson |

Amendment thus negatived.

Mr DAVIES: The Opposition was expecting that in sweet reasonableness the Government would have accepted the amendments placed on the notice paper. We thought they were a very effective compromise. However, because of the Government's determination to proceed with the Bill in the manner in which it brought it to the Chamber, and not accept amendments, it has become necessary for me to rethink my position. This is especially so when the Government made its position clear last Thursday and showed how adamant it was about the Bill. At that stage I could not do anything except prepare alternatives to cater for what might happen—and as has happened, with the Government not accepting our amendments. I move an amendment—

> Page 7, line 20—Insert after subsection (5) the following new subsections to stand as subsections (6), (7), and (8)—
>
> (6) Where permission for a public meeting or procession is withheld under subsection (5) of this section, the Commissioner of Police or an authorised officer shall—
>
> (a) set forth the grounds upon which permission is withheld;
>
> (b) serve upon the person or body proposing to hold the public meeting or procession a copy of the grounds upon which permission is withheld; and
>
> (c) give notice at least two days before the date of the proposed public meeting or procession that permission is withheld—
>
> (i) in a newspaper circulating generally throughout the State; or
>
> (ii) in such other manner as to ensure as far as reasonably practicable that prior to the proposed public meeting or procession, it will come to the attention of those who intend to participate in the proposed public meeting or procession.
>
> (7) Where permission has been withheld under subsection (5) of this section—
>
> (a) the person or body proposing to hold the public meeting or procession may apply to a stipendiary magistrate for an order that a permit be granted;
>
> (b) the magistrate may upon hearing such an application, dispense with formal procedures and
>
> (i) if he is not satisfied that sufficient grounds have been established for permission to be withheld, grant a permit, with or without a variation of the proposals contained in the notice of the public meeting or procession; or
>
> (ii) uphold the grounds upon which permission has been withheld.
>
> (8) Where two or more notices are given under subsection (2) of this section in respect of the same public meeting or procession—
>
> (a) only one of those notices shall be valid and effective for the purposes of this section, and

(b) the Commissioner of Police or an authorised officer shall determine finally and conclusively which of the notices is valid and effective for the purposes of this section.

We are providing a right of appeal, stating to whom the appeal shall be made, and dealing with the situation where two or more applications are received.

We are aware that there is an amendment on the notice paper which would apply further on, but we believe it to be in the wrong place. We believe the grounds for the right of appeal should come in immediately after the Commissioner of Police is permitted to withhold permission.

The CHAIRMAN: Order! Are these proposed new subsections (6), (7), and (8) to be substituted for the subsections (6), (7), and (8) in the Bill, or are they to be included as well so that (6), (7), and (8) become (9), (10), and (11)?

Mr DAVIES: The subsections I have proposed are additional; the proposed subsections (6), (7), and (8) in the Bill would have to be renumbered.

To say the least, the Opposition was shocked to find that the Government should deny the right of appeal, having mouthed so often and at such length the ideals of the right of the individual and the freedom of the individual, which are so dear to us.

We have the commissioner, or his authorised officer, being the one and only person who can say whether a public meeting can take place. The Bill states that he can grant a permit with limitations or he shall withhold permission. This officer does not have to give any reasons for refusing an application. The Opposition is proposing that such reasons be given. Why should such an officer not have to answer to the public and be made to state the reasons for reaching his decision?

I am not talking about the present Commissioner of Police or any other particular officer; I am talking about any civil servant, or any bureaucrat, as people are apt to call them these days. It seems a nasty name. More often than not Government members stand up and say they are for free enterprise and a fair go. Members should go back through the Statute book and see just what sort of restrictions this Government and preceding Governments of the same political colour have placed on them.

We believe that a person who has this almighty power to say "yea" or "nay" should be made to give details if he decides not to grant an application. I do not think any member of this Committee would think any other situation should pertain. We are saying that if an officer refuses permission for an application, he should serve a copy of the grounds upon which permission was withheld to the body proposing the meeting or procession. We believe such an officer should give at least two days' notice—where possible in a newspaper or in such other manner so that everyone is aware of the decision that there is to be no procession. This will allow a person or body proposing a public meeting to appeal to a magistrate.

Our amendment is slightly different from that proposed by the member for Stirling. I presume we both went to the same Parliamentary Draftsman. I am quite happy to agree with the member for Stirling's amendment if he likes to move it along those lines and if he feels there is any substantial difference between the two amendments.

We believe a right of appeal should exist and that the appeal should be made fairly quickly to a magistrate who would make a final decision. That is not unreasonable. If a magistrate were biased at all—and I do not suggest any would be—he would be biased towards the bureaucracy. That is what one would expect and I accept this.

We have a situation where one man can refuse an application and no-one can argue with him. I find that intolerable and absolutely unacceptable to my concept of freedom, democracy, and a person's right in a community. I am certain if the Government means all it has been mouthing over such a long time— all those high-sounding phrases such as the Premier used last night on Channel 9 and again in this morning's newspaper—it cannot fail to say it is only right and proper that anyone who is disadvantaged will have the right of appeal in a simple form to a magistrate.

Mr O'NEIL: The principles contained in this amendment are those contained in the first set of amendments which appeared on the notice paper, and which would apply in the event of the Commissioner of Police wanting to stop a meeting from taking place.

We have agreed that people shall give notice in respect of public meetings in public places, and that a permit shall be issued. It is the intention of the Leader of the Opposition to provide the machinery for an appeal. We did canvass the lack of need—in our view—for an appeal very largely during the second reading debate.

It has to be understood by the Committee that very serious constraints are placed on the commissioner with respect to the withholding of approval. Those constraints are in the next new

subsection to be discussed, and they are worth mentioning. The proposed new subsection states that the Commissioner of Police shall not withhold permission for a public meeting or procession in respect of which due notice has been given unless he has reasonable grounds for apprehending a number of things. Those things are, essentially, the matters which would have given rise to, or grounds for, an appeal under the previous proposals of the Leader of the Opposition.

The Commissioner of Police is not entirely free; in no way is he free to make some kind of subjective, political, or off-the-top-of-his-head judgment in respect of withholding a permit. The Bill specifically states that the commissioner shall not withhold approval unless he is concerned about a number of matters, with which I think the Leader of the Opposition agrees he should be concerned about. That is the reason there is no need for an appeal procedure.

The Leader of the Opposition believes that in certain circumstances the commissioner does have absolute power without any right of appeal. One instance where he could, in fact, exercise subjective judgment would be where two people requested a permit for a function in the same public place. In that instance the commissioner, or an authorised officer, will determine finally and conclusively which of the notices is valid and effective.

The Opposition is saying it would not give this authority to the Commissioner of Police in the circumstances where the Bill sets out that the commissioner shall not withhold approval, but where two applications are made for meetings in the same place I assume that the commissioner should have the sole right to determine which of those applications is valid. As an example, if a request were made by the Labor Party to hold a public meeting in a public place, and a request were made by the Liberal Party to hold a public meeting in the same public place at the same time, what would the Commissioner of Police do? He would not be able to win; there are no two ways about that. If he agreed to the Labor Party holding the meeting we would grizzle, and if he agreed to the Liberal Party holding the meeting the Labor Party would grizzle. Yet, the Leader of the Opposition is prepared to give the commissioner that authority without any right of appeal.

The question of a right of appeal is ridiculous because the Commissioner of Police is not supreme in the matter. The Bill proposes that he shall not refuse to issue a permit unless he is satisfied that certain circumstances might obtain. I oppose the move.

Mr DAVIES: I will continue to discuss the amendments, and I will comment on one or two matters mentioned by the Minister. Where two or more notices are given, somebody has to make a decision. Obviously, it will be a case of first in. It will not matter whether it is the Liberal Party, the Labor Party, or the Communists. The first in will receive permission. There is no doubt about that.

The Minister will probably argue and want to know who will decide that it will be a case of first in. However, the Bill does not provide for any such situation to arise. I agree it is not likely to arise but it could happen that the Government might want to put its point of view, at a Budget meeting, at the same time as the Opposition desired to hold a public discussion. Obviously, the first in will get the pick of the time. It is as simple as that.

There is no need to get too concerned over the bureaucratic right which I see inherent in this situation where the commissioner will have to make a decision. I am of the belief that a proper decision will be on the ground of first in, and we can write that into the legislation if the Minister so desires. However, I am prepared to allow some little leeway on the assumption that it would be played straight down the middle.

The Minister will recall what happened when we used to be allowed to meet in Forrest Place, before the Government chickened out and decided that the esplanade was a better place for meetings. Forrest Place was a magnificent venue for meetings, and immediately we knew the date of a forthcoming election it was a case of first into the Police Department. We knew we had Forrest Place on alternate days, with other groups having a go on odd days. But, the aim was to get the last day before the election.

Mr O'Neil: I am a little unsure as to whether application was made to the Police Department or to the Perth City Council.

Mr DAVIES: One went to the Police Department, and then to the Perth City Council. It was a magnificent venue and it is a shame that on an alleged security basis we cannot continue to use it. It was claimed we could be shot in the back because positions for snipers were readily available in Forrest Place. However, there are a dozen more such places on the esplanade and I think we would be far more vulnerable to a sniper's bullet there—heaven forbid it should ever happen.

The point I am making is that in the past, first in with an application got the last day before an

election. I am quite happy to allow the Commissioner of Police to make the decision.

The situation will arise where a decision will be made that one or other organisation cannot hold a meeting or a procession, or a public occurrence, because it is likely to create a disturbance or cause serious damage. The commissioner would then have to make whatever decision he thought fit. I find that completely unacceptable. It is true that the commissioner will be constrained in regard to the reasons for which he cannot grant a permit. However, once again it will be his opinion, or the opinion of his officers that a public nuisance will be created or the safety of any person will be in jeopardy. One person could be placed in jeopardy and that could be sufficient reason for the commissioner or the authorising officer to refuse permission for a march or a public occurrence. That is not good enough, and I am sure the Minister would not accept it.

Mr O'Neil: If the purpose of the march was to march on your office, you would be the one person in jeopardy.

Mr DAVIES: I would not stop them. I have had some unemployed people under my window for a week or more, and they have not upset me. I would go out and meet the marchers; I would not be like Government members who peer from behind curtains and jeer and sneer at those who march. I have been out there on every occasion when marchers have arrived at Parliament House. I have not always relished it but I did not chicken out. I have publicly stated the point of view of the Opposition, and I have put up with some derisive remarks, as have the shadow Ministers from this side of the Chamber. There is a reluctance on the part of Government Ministers to meet any marchers, and I well know why.

To get back to the reasons for my amendment, the commissioner will be able to decide that in his opinion a public meeting could occasion serious disorder or damage. We want the right of appeal. If the commissioner is to be able to say that certain things will be done, he has to be able to justify his reasons for it. He will have to think longer and harder if he knows that any decision he makes is likely to be appealed against or taken before a magistrate. If the magistrates are biased—and I do not suggest they are—I think they would be biased towards the police. The people must feel satisfied; they must not feel cheated or that the Police Department is working for one side or the other. There should be a right of appeal. A person or body proposing to hold a meeting should be able to take a simple appeal to a magistrate. The magistrate should be able to listen to both sides of the argument, and then uphold or dismiss the appeal. It is as simple as that. There is nothing further to be said. There will be no further appeal to the Supreme Court, the Full Court, the High Court, or the Privy Council.

We accept that a safeguard is needed and that any decision which is made should be open to challenge in the simplest form. That is all we are seeking to do with these appeal provisions.

Mr O'NEIL: The Leader of the Opposition was inclined to be a little derisive of my comments in respect of the fact that the commissioner cannot withhold approval unless he is concerned about a number of matters. The Leader of the Opposition was inclined to ridicule the matters he had to consider. That rings a little untrue because in the amendments we have before us he does not propose to amend that which already appears in proposed new subsection (6) in the Bill. The proposed Bill he would introduce contains exactly the same wording in the four conditions which must satisfy the Commissioner of Police that there is warrant for his withholding approval, although I am prepared to admit what he has done in his proposed Bill on public assembly and in the amendments here is simply to invert the situation.

In other words, we are saying where the Commissioner of Police has reason to believe these mischiefs might occur, then and only then is he given authority to withhold permission. The proposal of the Leader of the Opposition does not deny those four provisions in any suggestions he has made so far, other than in his comments tonight. He is simply inverting it and saying these are the reasons which would virtually be the subject of the appeal. If the commissioner has already given consideration to those, and we have said to him by way of the Statute that he shall not refuse permission unless these things occur, where is the sense in the appeal? He is making his decision on exactly the same premises as any appeal would lie.

Mr T. H. JONES: It is quite obvious the Minister cannot answer the case put forward by the Opposition. He cannot deny that permission is required and can be refused. Permission must be applied for from the commissioner or his deputy, and it can be either granted or refused. That is the crux of the Opposition's argument.

We have adopted a consistent attitude. This is what we said in 1976. We criticised the Government, and the former Minister could not tell us why appeal provisions were not contained in the 1976 Bill. Most people require appeal provisions to be inserted in legislation by

Parliaments wherever possible. We appointed an Ombudsman after many years in Opposition so that people would have somewhere else to go. The efforts of the Ombudsman are known to everybody. He is a highly respected person in Western Australia. In many cases he has upheld appeals. That is the system we have in Western Australia. We have appeals from lower courts to higher courts; we have appeals in our industrial machinery. In just about all legislation an appeal exists.

Mr O'Neil: What do you mean in saying the Ombudsman upholds appeals?

Mr T. H. JONES: It is somewhere people can go to have a claim investigated.

The Commissioner of Police has to act responsibly. We could have a new commissioner next year. This appeal provision would ensure that he has firm ground for rejecting an application. What is wrong with the appeal provision? Even the Minister has been known to be wrong.

Mr O'Neil: You are saying four days is too much notice for a meeting. Have a look at what must happen in the event of an appeal.

Mr T. H. JONES: It is better than no appeal. At the moment there is no appeal at all. If I apply to hold a meeting in a week's time, the commissioner can refuse permission for reasons unknown to me. There have been very few rejections. What is wrong with the commissioner giving reasons for refusing an application and a magistrate determining whether the commissioner erred or acted properly in rejecting it? This is our system. The Minister cannot tell me of many matters where an appeal does not exist. Everyone has a right of appeal to some court or other authority. That system exists not only in this State but right throughout Australia.

We pride ourselves on having a free country. The Liberal Government has been telling the people this is a free State. It is free all right! Anyone can reject an application, and that is it. If there is nothing to hide, why cannot the reason for rejection be looked at by a magistrate?

Mr O'Neil: If the commissioner receives two applications for meetings to be held at the same time and knocks back one, do you think the other people should have a right of appeal?

Mr T. H. JONES: As my leader said, it is a case of first in best dressed. I am complaining about there being no appeal at all. The new subsections we propose are very simple. They protect organisations and people so that they have someone to go to when they have been denied an application for a public meeting or a procession. Proposed new subsection (7) requires the officer to give reasons for refusing an application; proposed subsection (8) provides for reference to a stipendiary magistrate; and proposed subsection (9) relates to giving notice.

The Minister has not made out a case. His attitude is that whatever the Opposition suggests is not on. In a democratic system there should be a right of appeal against refusal of an application to hold an assembly or a public meeting.

Mr STEPHENS: I should indicate the National Party's view of the amendment put forward by the Leader of the Opposition. It comes close to the principle the National Party upholds—that is, the right of appeal—but I do not agree that the amendment standing in my name on the notice paper is in the wrong place.

I believe the amendment I am foreshadowing is neater and tidier and is correctly placed after proposed new subsection (6) in the Bill. For that reason, and as we have given notice of our proposed amendment, I think we should go on with it. Perhaps in other circumstances we would move to amend the amendment put forward by the Leader of the Opposition, but I think it is preferable to oppose his amendment and insert our amendment after proposed new subsection (6) in the Bill.

Mr DAVIES: The amendment of the member for Stirling is slightly different from ours. The wording relates to dispensing with formal procedures and upholding or dismissing the appeal, and it contains a further new subsection. It is a matter of which is the best amendment.

As in connection with the right of appeal, we should draw attention to the other provisions. I think it is essential we make those provisions, particularly where two applications are made for a meeting to be held at the same place and time.

The Minister said I was derisive about the grounds for rejecting an application. I am sorry it came across in that way, because we accept that they are reasonable grounds. With our Bill we tried to show a spirit of compromise by using some of the Government's wording to let it feel it had some hand in producing a better end result. The wording is much the same as that in the South Australian Act but the South Australian Act provides the grounds of appeal. The fact that only two out of 500 applications have been refused indicates there will be few appeals if that situation continues.

Only two appeals could have occurred, and they could have occurred only if the grounds for appeal were there and if the persons concerned decided to appeal. What we are saying is that sweet reasonableness seems to have prevailed in respect

of the applications and the way in which they were handled. I do not suggest every public meeting that has taken place has been in accordance with the present Act; and I do not suggest in every case an application has been made. However, the fact remains that some 500 applications were made. I suppose they would include marches on Anzac Day and general processions such as the Channel 7 parade.

I venture to say that not every public occurrence under the existing Act was the subject of an application and a police permit. I suggest on some occasions the police might have had the opportunity to close a meeting because no application had been made; but that was not done.

Mr O'Neil: It may have been done. Don't forget there is a provision that no offence is committed. until the people concerned are acquainted with the fact that they are in breach of the law and then continue to breach it. There may well have been lots of meetings, but when the people were told they were in breach of the law they may have gone home.

Mr DAVIES: In my opinion that is under this proposed law, but not under the existing law.

Mr O'Neil: I am certain that applies under the existing law.

Mr DAVIES: The fact remains that the only time the police elected to interfere was when action could be taken against two known Communists. I do not want to comment on that decision, because I believe it was a bad decision. In that case the police chose to exercise their discretion. As a result the whole of Australia was brought to a standstill. We will remember our 150th anniversary because of the fact that the Premier was instrumental in causing a national stoppage.

Mr O'Neil: Did you say the whole of Australia was brought to a standstill?

Mr DAVIES: If the Minister wants to be derisive, let me put it another way; let me say inconvenience was caused throughout Australia.

Mr O'Neil: Better than 75 per cent of the people who were called upon to strike did not strike.

Mr DAVIES: Serious inconvenience was caused in the transport and power generation industries. Perhaps the Minister would derive a great deal of pleasure from that, but I do not think anyone derives pleasure from any strike. The fact remains that the Premier was instrumental in that decision being brought down, and the same situation could occur again. That is what rather frightens me.

If someone decides under this legislation that a march or public meeting will not occur, no one may argue with him. If an aggrieved person went to the Premier or to the Minister for Police and Traffic, he would be told, "We don't interfere with the Police Force; the force must answer for what it does." Where does that aggrieved person go? He cannot go to the Ombudsman, because he is not allowed to investigate the Police Force—and we could argue on that for a week, too. So there is no right of appeal whatsoever against a public servant deciding that a public occurrence shall not be permitted.

As I said, had appeals been allowed in the past several years, only two could have been lodged; but provision for appeal makes us feel that justice is being done. I repeat for the last time: If the Government believes in what it has been saying, it must allow a right of appeal.

A right of appeal would not be time-consuming or expensive. I am shocked to find that the Government feels it does not need to subject the decision of a bureaucrat to scrutiny in any way at all. One just cannot question such a decision; once the decision is made that is the beginning and the end of it. As a Government, we will change that situation.

Amendment put and a division taken with the following result—

Ayes 15

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|---|---|
| Mr Barnett | Mr Hodge |
| Mr Bertram | Mr Jamieson |
| Mr B. T. Burke | Mr T. H. Jones |
| Mr Carr | Mr McIver |
| Mr Davies | Mr Taylor |
| Mr H. D. Evans | Mr Wilson |
| Mr T. D. Evans | Mr Bateman |
| Mr Grill | *(Teller)* |

Noes 24

| | |
|---|---|
| Mr Blaikie | Mr O'Connor |
| Mr Cowan | Mr Old |
| Mr Coyne | Mr O'Neil |
| Mrs Craig | Mr Ridge |
| Mr Crane | Mr Rushton |
| Mr Grayden | Mr Sodeman |
| Mr Grewar | Mr Spriggs |
| Mr Herzfeld | Mr Stephens |
| Mr Laurance | Mr Tubby |
| Mr MacKinnon | Mr Williams |
| Mr McPharlin | Mr Young |
| Mr Mensaros | Mr Shalders |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Hassell |
| Mr Bryce | Mr P. V. Jones |
| Mr Pearce | Mr Nanovich |
| Mr Harman | Dr Dadour |
| Mr Tonkin | Sir Charles Court |
| Dr Troy | Mr Watt |
| Mr T. J. Burke | Mr Sibson |

Amendment thus negatived.

Mr STEPHENS: I move an amendment—

Page 7, line 37—Insert after subsection (6) the following new subsection to stand as subsection (7)—

(7) Where the Commissioner of Police or an authorised officer withholds permission for a public meeting or procession pursuant to subsection (5) of this section, the person or body from whom a permit has been withheld may appeal to a magistrate against such refusal and the magistrate, who may dispense with formal procedures, shall either—

(a) if he is not satisfied that sufficient grounds for withholding permission have been established, allow the appeal and grant a permit for the public meeting or procession, upon such limitations or conditions as he deems fit; or

(b) dismiss the appeal.

An appeal under this subsection may be instituted by serving written notice of the grounds of appeal upon a magistrate and upon the Commissioner of Police or authorised officer as the case may be.

The principle contained in my amendment is similar to the one debated earlier, but we feel this is a neater approach to the problem. We in the National Party do not object to the fact that the Commissioner of Police or his authorised officer in the first instance does not necessarily need to state the reasons for rejecting an appeal. However, we believe that where a person applying for a permit wishes to appeal, he can go before a magistrate and the matter can be dealt with expeditiously; in fact, as the amendment states, formal procedures may be dispensed with.

We indicated during the second reading debate that if we were not satisfied with the Government's explanation of why it had decided against a right of appeal we would move this amendment. I was not particularly satisfied with the Minister's explanation. He criticised Mr Temby for misleading the public; however, the Minister himself tried to mislead the Chamber in stating there was nothing subjective about the guidelines outlined in the legislation upon which the Commissioner of Police or his authorised officer would make a decision.

I agree that the guidelines are clearly outlined. However, the point at issue is the guidelines themselves; they are very subjective. If the Minister does not agree with that, he and I must have been reading different dictionaries.

The CHAIRMAN: Order! The member for Stirling would be well aware that proposed new subsection (7) in the last series of amendments moved by the Leader of the Opposition is extremely close to his amendment. I accept the Leader of the Opposition's amendment is slightly different from yours. It would be necessary for you to speak in terms of those differences, and not canvass the same ground we dealt with only a moment ago.

Mr STEPHENS: I believe the point I am about to make has not been canvassed. The guidelines are—

(a) occasion serious public disorder, or damage to public or private property;

When does "public disorder" become serious? That is a subjective judgment which could vary in interpretation between different people. The guidelines continue—

(b) create a public nuisance;

When does a small disturbance become a "public nuisance"? That is an area of subjective judgment. The guidelines continue—

(c) give rise to an obstruction that is too great or too prolonged in the circumstances;

When does an obstruction become "too great"? At what stage does it become "too prolonged"? That is a subjective judgment. The last guideline states as follows—

(d) place the safety of any person in jeopardy.

Once again, people may have differing opinions as to the point at which a person's safety is placed in jeopardy. These are all areas of subjective judgment. It is for this reason we believe the individual must have the right of appeal to an independent authority.

It is well known the Commissioner of Police makes judgments in other areas. I refer briefly to the firearms legislation. Recently, the commissioner has refused licence applications and the applicants have appealed, and on four occasions appeals have been upheld by the magistrate. This is an area where the public of Western Australia should be protected by being able to have recourse to the independent judiciary.

If the commissioner or his authorised agent is so confident of the correctness of his decisions, I have no doubt he will be able to convince the magistrate as to that correctness; so, he has nothing to fear. However, if a certain amount of bias is creeping into some of the decisions, it will become apparent and the public will be protected.

We in the National Party have gone along with the Government on this Bill because we believe it is necessary for the public to be protected in the matter of protest marches and the like. It is only in this one area of the right of appeal that we strongly object to what the Government is trying to do.

The CHAIRMAN: Order! I appreciate the member for Stirling must have found it difficult this evening to fully absorb the material which was given out by the Leader of the Opposition only at very late notice. However, if the honourable member had had a full opportunity to read proposed new subsection (7)—which has been defeated by the Committee—he would know that what the Leader of the Opposition proposed was more strict than what he is now proposing. In fact, proposed new subsection (8)(b) stated that the magistrate had to uphold the objection if he rejected a previous decision of the Commissioner of Police or his authorised officer.

In other words, the commissioner would have to show conclusively to the satisfaction of the magistrate the grounds on which he rejected an application. The amendment moved by the member for Stirling seeks to impose a lesser situation than that proposed by the Leader of the Opposition. I ask the honourable member to take cognisance of that point.

Mr STEPHENS: It is exceedingly difficult, as you will appreciate, Mr Chairman. Perhaps I should have put my arguments during discussion of the amendments of the Leader of the Opposition.

The National Party believes there is a need to protect the public from bias by any Government department or servant; that is why we seek to establish a right of appeal.

I trust the Government will at least see fit to acknowledge the need for this right of appeal. I have canvassed the matter in my area and have been strongly supported. I will be interested to hear what the member for Albany has to say. It will be passing strange if the representations he has received in his electorate—which adjoins mine—are substantially different from the ones I have received.

Mr O'NEIL: I do not propose to canvass once again the reasons for the Government not considering a right of appeal was warranted. However, if the Government were to accept an amendment, the amendment moved by the member for Stirling is a lot simpler than that moved by the Leader of the Opposition.

We have canvassed the reasons in respect of the need for the right of appeal because of the constraints placed upon the commissioner in respect of his refusal.

The Government opposes the amendment proposed by the member for Stirling.

Mr T. H. JONES: The Opposition supports this proposal. It is interesting to note the change of attitude on the part of the new party. I refer to *Hansard*—

Mr Stephens interjected.

Mr T. H. JONES: I raised this objection in 1976 when we divided on the appeal provisions. I refer to Volume 214 of *Parliamentary Debates*. The members of the National Party must have been under great pressure when they were in coalition—

Mr Stephens: We were.

Mr T. H. JONES: The attitude they are now adopting is not one they adopted when they were in the coalition in 1976. Naturally, the Government has changed its attitude, because it brought down this Bill for a bit of window dressing. I just thought I would mention that fact, as we had divided on it.

Mr Stephens: What about reading a few quotes?

Mr T. H. JONES: I will refer to page 4331 of *Hansard*. Members will see at that point that the question of appeal was argued strongly by me. It is on record that the member for Stirling and the other two members of his party opposed the proposal and voted with the coalition on the 23rd November, 1976. Perhaps now that the member is out of the coalition he has a freer mind. We hope that some members of the Government will eventually be sorry that they support this legislation.

We support the proposition advanced by the honourable member.

Mr STEPHENS: I was hoping the Minister, in his reply, would have made some point about the subjective judgment. I went to great lengths to point out there was a great deal of subjective judgment within the guidelines. I was sorry that the Minister did not indicate why he was opposing the amendment, and did not really answer the points I made.

I know that the Minister does not have to answer me, but I think his rejection would have more substance if he answered the arguments.

Mr DAVIES: As the member for Collie has indicated, we are quite happy to support this form of appeal.

As you mentioned, Mr Chairman, there are some differences in wording. The end result is the

same, that there shall be a safety valve for a person to appeal against a decision by a member of the Police Force, be he the commissioner or an authorised officer. There is an addition to this proposed clause which reads as follows—

> An appeal under this subsection may be instituted by serving written notice of the grounds of appeal upon a magistrate and upon the Commissioner of Police or authorised officer as the case may be.

That sets out in a precise form the method to be adopted. I am prepared to concede that point. What happens after that is that a magistrate hears both sides and decides accordingly.

I would still argue that our amendment was more concise and was placed in a better situation. However, I certainly will not vote against a very great principle because the members of the National Party have proposed it in Committee. I am happy to go along with it. I would be grateful if they could convince the Government that such a provision is necessary.

Amendment put and a division taken with the following result—

Ayes 19

| | | |
|---|---|---|
| Mr Barnett | Mr Hodge | |
| Mr Bertram | Mr Jamieson | |
| Mr B. T. Burke | Mr T. H. Jones | |
| Mr Carr | Mr McIver | |
| Mr Cowan | Mr McPharlin | |
| Mr Davies | Mr Stephens | |
| Mr H. D. Evans | Mr Taylor | |
| Mr T. D. Evans | Mr Wilson | |
| Mr Grill | Mr Bateman | |
| Mr Harman | | *(Teller)* |

Noes 22

| | | |
|---|---|---|
| Mr Blaikie | Mr Old | |
| Mr Coyne | Mr O'Neil | |
| Mrs Craig | Mr Ridge | |
| Mr Crane | Mr Rushton | |
| Mr Grayden | Mr Sodeman | |
| Mr Grewar | Mr Spriggs | |
| Mr Herzfeld | Mr Tubby | |
| Mr Laurance | Mr Watt | |
| Mr MacKinnon | Mr Williams | |
| Mr Mensaros | Mr Young | |
| Mr O'Connor | Mr Shalders | |
| | | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Hassell |
| Mr Bryce | Mr P. V. Jones |
| Mr Pearce | Mr Nanovich |
| Mr Tonkin | Dr Dadour |
| Dr Troy | Sir Charles Court |
| Mr T. J. Burke | Mr Sibson |

Amendment thus negatived.

Mr DAVIES: I find this completely unacceptable. There are no grounds of appeal when the commissioner or an authorised officer—

The CHAIRMAN: If the member is to speak, there must be a new question before the Chair. As I pointed out earlier—

Mr DAVIES: I move an amendment—

> Page 7—After subsection (6) insert the following new subsection to stand as subsection (7)—
>
> (7) The Commissioner of Police or his authorised officer shall give in writing to the applicant for a permit his reasons for withholding such permit.

I find it completely unacceptable and unbelievable that the Government will not allow a right of appeal. The Bill sets out the grounds upon which the commissioner can refuse to grant a permit; these are set out in four proposed new subsections of proposed new subsection (6).

The Government believes that it is all right for the commissioner not to have to tell anyone under which of those proposed new subsections he chooses to refuse an application. If he is going to say, "No, you cannot march" he should have to put his reasons in writing. Could anything be fairer? If the commissioner or his authorised officer can use any of those four proposed new subsections for exercising his right to refuse a permit, surely at some stage he must tell the applicant that the permit is withheld. At present there is no responsibility placed upon any officer to do this or to advise an applicant that permission is withheld. Such a situation is not fair or reasonable.

The least we can expect is that an applicant is shown the common courtesy of being advised in writing that his application has been refused and is given the grounds for the refusal. What an applicant does about it is entirely up to him; but the commissioner or his authorised officer should not be able to hide behind the Act and say merely that he has the right to refuse a permit. Such a person should not be able to say he has four grounds on which to make a refusal but that he is not going to say on which ground he made his decision. That is completely unreasonable. I am open to correction, but it seems there is no responsibility on the commissioner other than to say "Yes" or "No" to an applicant. Such an officer can say a person is not going to have his public occurrence and that he is not going to indicate on what grounds he is refusing the application. I am sure the Committee will be able to accept this amendment.

Mr O'NEIL: I oppose the amendment put forward by the Leader of the Opposition. Again he implies that the commissioner shall not withhold permission unless . . . , and then certain

grounds apply. This has even been stated and accepted by the Leader of the Opposition, legislators in South Australia, and myself.

Mr T. H. Jones: "Unless".

Mr O'NEIL: Yes.

Mr T. H. Jones: That means a lot.

Mr O'NEIL: I am sure we will hear from the member for Collie as to just what the wording means. The Leader of the Opposition is playing with words and with the time of the Committee.

Mr STEPHENS: I wish to indicate where the National Party stands. I do not think the amendment will achieve very much at all. I am inclined to think that it may be playing with words and for that reason I thought the Government might accept it to show how co-operative it was.

What is the point in having reasons for a refusal put in writing if we cannot do anything about them? The Minister has said the commissioner or his authorised officer shall not withhold permission unless . . . All he would have to do is to put down in writing that a certain march would cause serious public disorder, danger to property, or whatever. It would allow the commissioner to make a subjective judgment; he does not have to say why or how. There is no point in having the reasons outlined unless there is an independent party to make a judgment as to whether the commissioner's decision is in the public interest. I oppose the amendment.

Mr DAVIES: I am shocked to think that the Government is not prepared to give to an applicant whose permit is refused the reasons for the refusal in writing. At present, if one does not hear anything one knows one is not allowed to undertake the public occurrence.

Proposed new subsection (5) states that the commissioner or the authorised officer may, by a permit in writing served on the person or body giving that notice, grant a permit for the public meeting or procession, grant a permit subject to the limitations, or withhold permission for the meeting or procession. It does not state that the commissioner shall say he is withholding permission. It is the most peculiarly worded Bill I have ever seen.

The very least we can do is to write into the Bill a provision which will guarantee that the person who has been refused permission for a public occurrence is told so in writing and is given the reasons. There is no appeal so there is not very much that person can do. Perhaps he could hold up the decision for derision. It would be quite unacceptable for a march to be held in Murray Street at five o'clock on Good Friday evening. However, there is no challenge to a refusal for such a march. The commissioner can select any of the four grounds available.

There can be no challenge to the commissioner's decision. All an applicant for a march can do if he is refused permission is to publicise that decision if he thinks it is poor. This is a safeguard, although a very ineffective one. However, it would allow for attention to be given to any refusal by the commissioner or his authorised officer.

I am shocked to think the Government is not prepared to accept this amendment. I do not think Government members have the stomach for the Bill but even so they say there will be no amendments. Government members will not even admit that an applicant is entitled to be told of the reasons for the refusal of his permit. All an applicant will be told is that he cannot have his public occurrence and he will have to guess on which of the four grounds the refusal was made. That is completely unfair. What kind of Government do we have when it will not even accept a simple amendment such as this which will mean that at least the applicant will know the reasons his application was refused?

The Government could not ask for anything to be fairer or simpler. I could not be more co-operative with the Government than I have been tonight when debating this Bill. We have been using the Government's wording. We have been trying to bring our philosophy and its dictatorship to some degree of compromise.

As a last resort, we are almost begging the Government to acknowledge that it is only fair an applicant who has been refused permission to hold a meeting should be told the grounds on which permission was refused. Each of those four reasons could stand alone. The Minister said earlier I was derisive about those reasons. I am sorry the Minister thinks that; but each and every one of them could stand alone. The reason for withholding permission could be a combination of any of them. It could be one or two of them. All we want the police commissioner to say is, "Mr Davies, you cannot hold that public occurrence, because I believe it will create a public nuisance." There is nothing I can do about it.

The Government is adopting the attitude, "Why bother to tell them the reasons if there is nothing they can do about the matter?" Let us be fair and just. The applicant is entitled to know the reasons for the refusal.

The Government is making a serious mistake if it does not write into the Act the simple

requirement I have suggested. If the Government feels rewording is necessary, I am happy to go along with that.

Although the Minister cannot see any dangers in the amendment and cannot show how it would inhibit the legislation, he is not prepared to agree to it. Although the Minister must acknowledge it is a fair requirement, he has his instructions which are, "There are to be no amendments to section 54B." The Premier said it will be the best legislation in Australia. Once again he is displaying his ignorance, because I am quite certain he has not carried out adequate research on the matter.

If the Premier is the fair man he makes out he is, he would allow appeals to take place. He is not prepared to do so.

At the risk of being tedious, I repeat there is nothing wrong with the commissioner or his authorised officer setting out the reasons for the refusal in writing, because nothing can be done about the matter. All one can say is, "It is one of those four reasons." The commissioner should be prepared to stand by the decisions he is empowered to make under the legislation. I am surprised the Government does not want greater application to the decisions made under the Act, bearing in mind how serious it has been in the past and knowing how serious it could be in the future.

Mr T. H. JONES: The proposition advanced by my leader has great merit. The Minister has missed one of the most important points; that is, if an organisation is aware of the grounds for refusal, perhaps the matter could be attended to by the organisation when it submits its next application. If it does not know why an application has been rejected, it has no opportunity to rectify the matter in subsequent applications. Surely there is merit in that proposition.

An organisation could consider it is acting in a responsible manner; but all its applications may be refused. It would not know the reasons for the refusals. It is obvious the Government has made up its mind that under no circumstances will any officer be required to indicate to anyone the reasons for refusal.

What does the Government have to hide? Why is so much protection required? Having regard for the freedom we may exercise in the democracy in which we live, why should not the organisation involved be told the reasons for the rejection of the application? Nothing more can be done about the matter, as pointed out by my leader.

No appeal provisions are provided, because the Government has denied such rights. What is wrong with telling the organisation the reasons for the rejection of the application?

It is evident the Government in Cabinet or in the party room has said, "This is how the Bill came into Parliament and this is how it will leave Parliament." The Government will not accede to any of the amendments moved by the Opposition and it will not co-operate. I am upset by the attitude of the Government to the Bill.

Amendment put and a division taken with the following result—

Ayes 16

| | |
|---|---|
| Mr Barnett | Mr Harman |
| Mr Bertram | Mr Hodge |
| Mr B. T. Burke | Mr Jamieson |
| Mr Carr | Mr T. H. Jones |
| Mr Davies | Mr McIver |
| Mr H. D. Evans | Mr Taylor |
| Mr T. D. Evans | Mr Wilson |
| Mr Grill | Mr Bateman *(Teller)* |

Noes 25

| | |
|---|---|
| Mr Blaikie | Mr Old |
| Mr Cowan | Mr O'Neil |
| Mr Coyne | Mr Ridge |
| Mrs Craig | Mr Rushton |
| Mr Crane | Mr Sodeman |
| Mr Grayden | Mr Spriggs |
| Mr Grewar | Mr Stephens |
| Mr Herzfeld | Mr Tubby |
| Mr Laurance | Mr Watt |
| Mr MacKinnon | Mr Williams |
| Mr McPharlin | Mr Young |
| Mr Mensaros | Mr Shalders |
| Mr O'Connor | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Skidmore | Mr Hassell |
| Mr Bryce | Mr P. V. Jones |
| Mr Pearce | Mr Nanovich |
| Mr Tonkin | Dr Dadour |
| Dr Troy | Sir Charles Court |
| Mr T. J. Burke | Mr Sibson |

Amendment thus negatived.

Mr DAVIES: I wish to speak further to this clause.

The CHAIRMAN: In order that the Leader of the Opposition may speak, there will need to be an amendment before the Chair.

Mr DAVIES: At this time I cannot quite see how to word an amendment, so I will resume my seat for the time being.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

## BILLS (2): MESSAGES

*Appropriations*

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

1. Government Employees (Promotions Appeal Board) Act Amendment Bill.
2. Government School Teachers Arbitration and Appeal Bill.

## BILLS (2): RETURNED

1. Trade Descriptions and False Advertisements Act Amendment Bill.
2. Health Education Council Act Amendment Bill.

Bills returned from the Council without amendment.

## GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT BILL

*In Committee*

Resumed from the 16th August. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr O'Connor (Minister for Labour and Industry) in charge of the Bill.

Progress was reported after clause 5 had been agreed to.

Clause 6: Section 5 amended—

Mr DAVIES: During a former discussion I drew attention to the fact that a completely new concept will be opened up by this Bill. The Act has worked admirably for about 30 years and there is no reason whatsoever to change it other than to incorporate the changes made to the Public Service Act last year. As a result of those changes—which we were told were acceptable to the Civil Service Association—the Government has taken upon itself the decision to alter the Government Employees (Promotions Appeal Board) Act with regard to the right of appeal.

I tried to point out that an appointment did not take place until the time allowed for appeals had expired. If any appeals were listed the appointee was recommended to the position only until such time as the appeals were heard. It is now proposed to substitute for the words "recommended for" the words "promoted to". This will open up a completely new concept in the application of the Act. We might just as well throw the whole thing out of the window as amend it in this manner.

I said previously there will be certain basic changes, and they are very important. One is that the grounds for appeal shall be altered from "seniority and equal efficiency" to "superior efficiency".

The Government is proposing that a person will be promoted irrespective of whether or not any appeals are to be heard against the promotion. Instead of a person being recommended for a job, and waiting for appeals to be heard, the Government will actually promote that person. There will be a big doubt, when that person appears before the board, as to whether he has the job or is a recommended applicant.

The Government does not seem to have appreciated the subtleness of the amendment. It is very important and in no way can I agree to the amendment. Whoever wrote it did not understand the Act.

The Minister seemed to think the whole matter was entirely acceptable to the trade union movement.

Mr O'Connor: I did not say that.

Mr DAVIES: The Minister said he had not heard from many unions, and he listed three or four from which he had heard. He said that since the Bill was introduced there had been no representations from any of the unions. I understand that before the Bill was introduced, or rewritten, the Railway Officers Union, the Electrical Trades Union, the Painters and Decorators Union, the MTT Officers Union, and the Civil Service Association all replied to the Minister when he sought their views. It is perfectly true those views were not all the same.

On top of that a meeting was called by the Trades and Labor Council of all affiliated unions which enjoyed the right of appeal. The affiliated unions which have the right of appeal are many and varied. All those unions were brought together by the Trades and Labor Council and all the points were dealt with and answered.

We thought the Government would have had the courtesy of again co-operating with the trade union movement and discussing the suggestions. The Railway Officers Union, with which I have the closest contact, wrote to the Department of Labour and Industry and to the Premier, but has not even received an acknowledgment, I understand, up to this date. When I passed this information to the officers they said they would send a telegram to the Minister. I understand they did send a telegram to the Minister and have not yet had any acknowledgment of their protest.

Mr O'Connor: When did they send the telegram?

Mr DAVIES: I understand it was last Thursday week. It was one of those Thursdays when the Government was hell-bent on pushing its programme through and we did not have questions.

Mr O'Connor: I have not received the telegram.

Mr DAVIES: It was sent to the Minister's office. Obviously the information is not getting through to him. If he is genuine in his announced desire to co-operate and discuss with the trade union movement matters of serious consequence, let us see some evidence of it. Merely sending out a letter at his or the department's direction asking for views and doing nothing more is certainly not co-operation. At the very most, I suppose it would constitute the simplest form of courtesy.

The unions got together and expressed their views. Individual unions conveyed their feelings to the Minister. Since then there have been some further protests at what has been done and there has been no response at all from the Department of Labour and Industry. The Minister wonders why I was critical the other night. He should shake up the whole department and find out where the letters are. It is of no use if they come to light after the legislation has gone through. If the Minister is genuine in saying he is prepared to talk and co-operate with the trade union movement, the very least he can do is move that progress be reported and go back to his office to find out what has happened.

I am shocked when the Minister says he has heard nothing further from the unions, when my own union has assured me it has again been in contact with the Minister's office since last Thursday week and has told other unions about remarks he made in the House. I said, "If you are protesting, get out and let the Minister know. I have told him you are not happy about it because it is a serious departure from the Act which has operated very well over the years, and it is up to you to let him know that what I said is correct." They have taken it upon themselves to respond.

The Minister might not be able to read every piece of mail that comes into his office. It has already been suggested he is unfairly burdened with the many portfolios he has. However, when I was a Minister I made it a rule to read all telegrams which came into my office because I felt if people were prepared to spend money on a telegram it must be an important matter and they must be feeling very strongly about it. I also undertook to read any mail which came in. I understand the Minister's position and sympathise with him. However, this is a serious departure.

We are not asking that the most senior man receive promotion. We are saying only that where there are grounds of appeal, all else being equal the senior man should have the job. The best applicants may have had precisely the same careers within the Railways Department and may have exactly the same qualifications. All else being equal, as in that instance, who will get the job? What is the deciding factor? It is true it is up to the recommending authority, which now becomes the promoting authority, and all else being equal it could be expected it would give the senior man the job; but there is nothing to say it must do so. The senior man may have had 12 months', five months', or a week's more experience than the man promoted to the job.

If the Government had second thoughts about this matter, I am sure it would understand that, all else being equal, it is fair that the senior man with longer service should have the vacant job. The kindest thing the Minister can do to match his oft-proclaimed intentions, is move that the Committee report progress on the Bill and seek leave to sit again, and in the meantime get back to his office to find out where the letters have disappeared to.

I undertook to do what I could about the matter, and I did precisely that. I would have thought the Minister, after my being critical of his department, would go down and ask, "Where are the letters?" If I have been led astray and there are no letters or telegrams, I will apologise; but I have been told some letters were sent and I think they should receive some consideration. I thought the Minister would say he had seen the letters and did not see fit to take any further action, but he has admitted by way of interjection that he has seen no such correspondence.

This Bill, simple though it may seem, could result in a great deal of trouble. I do not think the persons responsible for it really appreciate what it means. Because I have advocated before the board in accordance with the Act on so many occasions, perhaps I have an advantage over other members. It is a piece of legislation I came to know rather well over the years. I think the Government has gone into this with blinkers on and it is fair and reasonable that it should go back to the unions concerned to find out just what they are thinking and the reasons they oppose various measures, including the grounds of appeal and the acting time provision, about which we have already spoken.

Mr O'CONNOR: I reject the suggestion of the Leader of the Opposition that I move that progress be reported and request leave to sit again. The only matter we are discussing in this

clause is the substitution of the word "recommended" for the word "promoted". The detail mentioned by the Leader of the Opposition was discussed in previous clauses last week and I do not intend to debate again issues which we debated last week.

The Leader of the Opposition spoke about letters which have been sent to me. I made investigations at my department during the week. To my knowledge, one letter was sent. I have seen it and I believe it has been replied to. I again take the Leader of the Opposition to task for criticising not the Department of Labour and Industry but my office on the basis that a telegram went forward. He has criticised my office for not passing the telegram on to me, yet he does not know for certain that the telegram was received. I brought up here today all the work that was left on my table. The Leader of the Opposition suggested I have too much work. Nothing was left in my office after I brought up in a small case all that was there, and I have been going through it while I have been here.

As far as I know, the telegram has not been received in my office; and I have not seen it. The Leader of the Opposition should be careful about criticising people without knowing the actual position.

I believe the wording of the clause is reasonable. It fits in with the rest of the Bill and what has been agreed to up to clause 6. I reject the request of the Leader of the Opposition.

Mr DAVIES: That is rather an astonishing reply, Mr Chairman.

Mr O'Connor: A rather astonishing remark you made, too.

Mr DAVIES: I conveyed to the Minister what I was told.

Mr O'Connor: You criticise people without knowing the facts.

Mr DAVIES: Has the Minister checked with the Premier's Office to see whether he has received anything, or whether it has bogged down in his office?

Mr O'Connor: No, I have checked there.

Mr DAVIES: The Minister is now admitting that he has checked there, but earlier he said he knew nothing about it.

Mr O'Connor: Correct.

Mr DAVIES: The Minister has just said that he saw a letter.

Mr O'Connor: What a dummy you are!

Mr DAVIES: I believe what I said earlier is perfectly true—the Minister is overburdened. I am delighted to know the Minister has all the day's work in his case and that he has been through it all. That is very interesting, but not very germane to the point we are dealing with. Obviously the Minister does not understand that we are now considering a completely changed concept of the Act. We are dealing with the words "recommended for" or "promoted to".

Mr O'Connor: Correct.

Mr DAVIES: That is the whole concept of the Bill.

Mr O'Connor: I know that.

Mr DAVIES: The principal legislation came into operation in 1945 because there was so much unhappiness about appointments and promotions. The Government said, "We will not allow you people to make the appointments; the best you can do is to make a recommendation." That system has operated most successfully from 1945 onwards. Indeed, this Act has been one of the most successful pieces of legislation in regard to appeal tribunals.

The board conducts its hearings in a very friendly, homely atmosphere. All parties concerned are made to feel at home. It is known that once the board makes a decision, either the recommendation is upheld or it is changed. The board makes the final decision. Now that is to be changed; a person will be promoted to a job and then the board must upset that promotion if it decides it should.

Mr O'Connor: The board still makes the final decision.

Mr DAVIES: The Minister does not seem to appreciate that there is this fine difference between the phrases "recommended for" and "promoted to".

Mr O'Connor: The board can still override that, as you know.

Mr DAVIES: The inherent principle has always been that the board confirms the recommendation or upholds the appeal, and it is stated in the Act that if there is no appeal the recommendation is confirmed. What is the reason for changing it? Surely it is not to be changed simply because someone is playing with words. There must be a reason for it. Is the Government taking away from the board the right to confirm or reject an appointment which has been recommended? That is all the board did before.

Mr O'Connor: People will not be recommended in the future—they will be appointed to the position.

Mr DAVIES: Departmental heads will go to the board and say, "We have made this

promotion", and that is a challenge to the board to upset it. As I say, the board can deal only with superior efficiency—not even equal efficiency. The Government is not even that fair, and yet these matters have been objected to. The objections have been expressed in detail and at length to the Premier's Office, to the Minister's office, and to the Department of Labour and Industry.

Mr O'Connor: Not correct—not to the Minister's office.

Mr DAVIES: As I said, I accept what I am told as gospel. I will apologise if I am not correct. I was told that protests were made to the Minister's office and after the discussions in this Chamber last week, I would have thought the Minister would check this.

Mr O'Connor: When I was on my feet I told you that I did.

Mr DAVIES: But the Minister interjected earlier to say that there was nothing—

Mr O'Connor: In my office. You talked of the Department of Labour and Industry and the Premier's Office. They are different places.

Mr DAVIES: The Minister is splitting straws. He has a responsibility to check such matters. Surely if a communication was sent to the Premier's Office a week ago last Thursday some knowledge of it would have filtered through to the Minister's office by now. Perhaps we will have another strange situation developing like the one that developed in the Railways Department.

There is strong objection to the principles in this Bill. This provision has been in the legislation since 1945, and the unions do not want it altered. I do not know how I can further plead the case of the unions—all they ask for is a fair go. It is quite apparent that the Government will go as far as it wants to and no further in discussions with the trade union movement. I can be critical of the unions too for not hammering on the door of the Minister and for not beating a path to his door between the time the legislation was introduced at the end of May and now. I presumed contact had been made, and I was assured this was so. I was given the date of several letters that had been written on this matter.

It seems we are not to continue on as we have done most successfully for some 34 years. Because we altered this provision for the Civil Service last year we are to alter it in this legislation. The Minister is saying the people in his office know what to do and to blazes with other people who may hold other opinions. There will be much regret over this provision because the railway employees will find the Act is absolutely useless to them, and that the concept of the original legislation has been lost.

Clause put and a division taken with the following result—

Ayes 25

| | |
|---|---|
| Mr Blaikie | Mr O'Connor |
| Mr Clarko | Mr Old |
| Mr Cowan | Mr O'Neil |
| Mr Coyne | Mr Ridge |
| Mrs Craig | Mr Rushton |
| Mr Crane | Mr Sodeman |
| Mr Grayden | Mr Spriggs |
| Mr Grewar | Mr Stephens |
| Mr Herzfeld | Mr Tubby |
| Mr Laurance | Mr Williams |
| Mr MacKinnon | Mr Young |
| Mr McPharlin | Mr Shalders |
| Mr Mensaros | *(Teller)* |

Noes 16

| | |
|---|---|
| Mr Barnett | Mr Harman |
| Mr Bertram | Mr Hodge |
| Mr B. T. Burke | Mr Jamieson |
| Mr Carr | Mr T. H. Jones |
| Mr Davies | Mr McIver |
| Mr H. D. Evans | Mr Taylor |
| Mr T. D. Evans | Mr Wilson |
| Mr Grill | Mr Bateman |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Hassell | Mr Skidmore |
| Mr P. V. Jones | Mr Bryce |
| Mr Nanovich | Mr Pearce |
| Dr Dadour | Mr Tonkin |
| Sir Charles Court | Dr Troy |
| Mr Sibson | Mr T. J. Burke |

Clause thus passed.

Clauses 7 to 14 put and passed.

Clause 15: Section 14 substituted—

Mr DAVIES: This is one of the most contentious clauses in the Bill. I said previously the unions and the Opposition are unhappy about two matters. The first is acting time, and the second is the grounds for appeal. I have not even bothered to bring to the notice of the Committee several minor matters in the clauses we have just passed. They could contain some deficiencies, but the Minister has adopted the attitude that his department knows everything about the Act and the Promotions Appeal Board, and he is not interested in listening to what people may say, nor is he interested in listening to the unions. Under those circumstances I will not bother to waste time dealing with some of the areas which seem to be deficient. If the Minister is critical of me for that, I will accept his criticism. I have been on my feet for about three hours tonight trying to convince the Government that sometimes it can make a mistake. That was in respect of another Bill, and I will not continue to do that in respect of this Bill.

This clause deals with the lodging of appeals. Since the promulgation of the Act there have been two grounds for appeal under existing subsection (14)(2), which states that an appeal may be made on the ground of superior efficiency to that of the employee promoted, or on the ground of equal efficiency and seniority to that of the employee promoted. We suggest that if all else is equal there is no reason that the senior man should not get the job. If the contention of the Government is that there is no need for that safeguard to be provided, there is little point in arguing the Bill further.

However, it is only fair and just that provision should be made in the Bill that if efficiency is equal, then the senior man should get the job. We are not asking the recommending authority to make a decision on those grounds; we are simply saying that option should be available to the authority. The authority can still appoint anyone it likes, knowing its decision will be subject to appeal.

Mr O'Connor: An appeal can be made only on the grounds of efficiency.

Mr DAVIES: The Minister is amazing! We have been saying for some considerable time that we object to the fact that the only grounds of appeal is superior efficiency. We say that is unfair and unjust, and if all else is equal the senior man should get the job. Seniority is now worth nothing at all in the Government service. The Minister wants to throw it overboard completely.

In a railway atmosphere often there can be men with equal qualifications and equal service; but if all else is equal, as has always been the case, the senior man should have the advantage. Certain provisions relating to seniority are written into the awards of railway officers. If the Civil Service has abandoned seniority, that is its business. But in a situation like that of the Railways Department where there are so many different positions—traffic, civil engineering, motive power, mechanical engineering, accounts and audit, industrial, etc.—people can have parallel careers; but seniority will be worth nothing because a decision may be made at the whim of a promoting authority.

If a person has only equal efficiency to that of a promoted officer, he cannot go to the board. He can go to the board only if he has superior efficiency. If he cannot prove that he has superior efficiency, his case can be dismissed and he may be fined for lodging a frivolous appeal, the penalty for which has been increased. I have no argument with the penalty.

The fact remains that this measure will not do the job the Act set out to do, and the Government does not appreciate that. This legislation will cause heartburning and distress. It will open the way for nepotism and favouritism within departments and that, above all, is something we want to avoid. In addition victimisation may occur. However, the Government is not astute enough to see it is essential to provide for the situation of equal efficiency. The Government considers superior efficiency to be the beginning and end of all its problems; yet the measure could be completely unfair in so many contexts within the Railways Department. It could cause the Government a great many problems.

I only wish the Government could understand the situation and withdraw the measure until it has spoken sensibly to the trade union movement about the matters I have raised. I thought the Minister might have called the unions together after we discussed the matter previously, but he has not done that.

There is absolutely no reason to abandon these long-standing grounds of appeal and to substitute them with only superior efficiency. Certainly the Minister did not advance any reason in his second reading speech. It is an unpopular, unfair, and impractical move, and it is removing an option from the promotion authority. I think this move will destroy the effectiveness of the Promotions Appeal Board. I am quite certain appeals will not be lodged in as great a number as previously. This may cause some unhappiness in the departments.

Therefore, I must oppose the clause as strongly as I possibly can because it means the very basis of the Act is being destroyed without reason.

Mr O'CONNOR: It is not unusual for the Leader of the Opposition to disagree with members on this side. I do not agree this provision will cause problems; in the long term it may even cause improved efficiency in Government instrumentalities. That is one of the reasons for the Bill. The unions have representatives on the Promotions Appeal Board, and there is nothing to stop the board taking seniority into account where all other things are equal. I am quite sure the union repesentatives would press for that if necessary. I believe the wording of the clause is satisfactory, and I would prefer that it be left as it stands.

Mr DAVIES: The Minister just said he believes this provision is best, but he gave no reason. He is not prepared to talk any longer. You will be delighted to know, Mr Deputy Chairman (Mr Watt), that I am not prepared to argue any longer. I have stated my case.

However, I do intend to have a few words to say about the next subclause which deals with acting time. As I pointed out during the second reading debate, the provision in the existing Act that the board must disregard acting time was introduced after mature consideration. It was found that people were being pushed into jobs to be given some acting time in that job and were then said to have superior efficiency because of that acting time.

There are many reasons a person could not enjoy acting time. I instance the fact that the next senior traffic officer in the railways might be located many miles away; it may not be convenient for him to be brought into the acting position at the higher grade. I said that, over the years, the Railways Department had worked this to its advantage.

I think it was in the early 1950s that the McLarty Government decided it was not fair that anyone should enjoy the advantage of being given acting time, and the board was specifically directed to disregard acting time. Whether it disregarded it consciously, I do not know; however, the board was never able to give as its reason for finding in favour of one appellant or the other that the person had acting time in the position. In fact, it was forbidden to do so by the very wording of the Act. I suppose in the back of board members' minds they may have unconsciously accepted that one of the parties was better equipped because he had served some acting time; however, they had to give other reasons for their decision.

Mr O'Connor: Under this legislation, if a party has acting time and has proved to be inefficient, the board shall have regard for that, and possibly overlook him for the promotion.

Mr DAVIES: Yes, but in the existing Act the board is specifically forbidden to have regard for acting time.

Mr O'Connor: Now, the board will be able to have regard for a person's inefficiency when serving in an acting capacity. Surely that is fair enough.

Mr DAVIES: That has always been possible. As I said, board members would know a person had acting experience and may unconsciously have regard for that experience.

In the case of the railways, such acting capacity should be disregarded. It is not like working in the local store where all the staff are under the one roof. The very nature of the railways—those railways we have left—mean that people are working from one end of the State to the other. They can be disadvantaged because it is not convenient to bring them to the point where the acting capacity is available. Under the terms of the Railway Classification Board's award, if a person is the senior man, he is entitled to the acting time. Unfortunately, however, it just does not work out that way.

Because it was found over the years there was a real need to protect employees, and because it caused so many heartburnings, the Liberal-Country Party coalition of the day under Premier McLarty decided to amend the Act to instruct the board to disregard acting time. Section 14(3) of the existing Act, in part, states—

> but in considering efficiency the recommending authority and the Board shall disregard service in such office in an acting capacity by applicants for the office to be filled.

I point out it was not a Government of our political colour which inserted that provision; it was a Government which understood the situation and knew positions could be worked where people could be given extended acting time and then considered to have superior efficiency because they had served in an acting capacity in that position. The McLarty Government knew that was completely unfair and it introduced this very desirable amendment to which I just referred members.

No argument has been advanced to support this change to the legislation. I strongly oppose this clause on the grounds of appeal and of acting time; these are the most serious points at issue. It is a matter for regret that the Government is not prepared to listen to those people who must work under the Act and who know what it means. It is a pity the Government is not prepared to take some notice of the matters brought to its attention. These matters were specifically mentioned, yet the department has not even done the trade union movement, whether as individual unions or collectively as the Trades and Labor Council, the courtesy of replying to their suggestions. It only shows what this Government thinks about industrial relations.

Clause put and a division taken with the following result—

| Ayes 24 | | |
|---|---|---|
| Mr Blaikie | Mr Mensaros | |
| Mr Clarko | Mr O'Connor | |
| Sir Charles Court | Mr Old | |
| Mr Cowan | Mr O'Neil | |
| Mr Coyne | Mr Ridge | |
| Mrs Craig | Mr Rushton | |
| Mr Crane | Mr Sodeman | |
| Mr Grayden | Mr Stephens | |
| Mr Grewar | Mr Tubby | |
| Mr Herzfeld | Mr Williams | |
| Mr Laurance | Mr Young | |
| Mr MacKinnon | Mr Shalders | *(Teller)* |

| Noes 16 | | |
|---|---|---|
| Mr Barnett | Mr Harman | |
| Mr Bertram | Mr Hodge | |
| Mr B. T. Burke | Mr Jamieson | |
| Mr Carr | Mr T. H. Jones | |
| Mr Davies | Mr McIver | |
| Mr H. D. Evans | Mr Taylor | |
| Mr T. D. Evans | Mr Wilson | |
| Mr Grill | Mr Bateman | *(Teller)* |

| Pairs | |
|---|---|
| Ayes | Noes |
| Mr Hassell | Mr Skidmore |
| Mr P. V. Jones | Mr Bryce |
| Mr Nanovich | Mr Pearce |
| Dr Dadour | Mr Tonkin |
| Mr Sibson | Dr Troy |
| Mr Spriggs | Mr T. J. Burke |

Clause thus passed.

Clauses 16 to 19 put and passed.

Clause 20: Section 19 amended—

Mr DAVIES: The clauses to which we have just agreed have been agreed to without calling a division because there is little point in wasting the time of the Committee.

The DEPUTY CHAIRMAN (Mr Watt): That is appreciated.

Mr DAVIES: I am glad you appreciate it, Mr Deputy Chairman. This clause is a continuation of the procedure of dropping the recommending authority and making it a promotion instead of a recommended appointment. It does little to improve the situation. There is nothing I can say about it. It means that the final decision is taken by the board, but instead of having the word "appointment", we now have "promotion". It means every promotion made by an appointing authority for the purpose of giving effect to a decision of the board shall be in accordance with the Act.

I am wasting the time of the Committee, but I say finally that it is a matter for great regret that an important measure like this should have been dealt with so capriciously by the Government.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*As to Third Reading*

Mr O'CONNOR: I seek leave to proceed forthwith to the third reading of the Bill.

The SPEAKER: Is leave granted?

Mr Davies: No.

The SPEAKER: Leave is declined.

## FISHERIES ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 8th August.

**MR CARR** (Geraldton) [10.54 p.m.]: At the outset of my remarks on this Bill, I should apologise on behalf of the Opposition for the absence of our shadow Minister for Fisheries, the member for Swan. The member is unable to be in the House this evening to deal with this particular Bill. Of course, he was very involved in the South Coast Fisheries Parliamentary Study Committee, and he would have appreciated an opportunity to participate in this debate.

However, I too was a member of the commitee with the member for Swan and the member for Warren, and I am only too pleased to have the opportunity to make a few remarks about the committee and the Bill. It is relevant to refer to the committee prior to making a few comments on the Bill, because this is a Bill which has resulted from the committee's deliberations.

I was pleased to participate in that committee. It was, of course, my first parliamentary committee. I was keen to have the opportunity to judge the effectiveness of the committee system. I was particularly wary at first of this particular committee because it was born out of a particular political difficulty which the Government experienced in relation to the issuing of permits for processing plants at Albany. During the course of the study there was the odd example of political grandstanding as the committee toured through certain electorates and the members of the committee were treated to certain treats. Generally, however, the committee was a very constructive one.

The attitude of all members of the committee was one of attempting to combine the members' efforts to come forward with a constructive and positive result which would be to the benefit of the fishing industry on the south coast and, in fact, to the benefit of the fishing industry throughout the State.

There were some areas, of course, on which there were disagreements. However, members were generally able to compromise at various points to come out with the end result. I think all members of the committee would agree that we managed to achieve a positive result during the various deliberations. All members managed at times to concede some point or other to other members.

There was perhaps one example of political expediency which led to a minority report; but on most occasions the members were keen to compromise.

I would also make the comment that the member for Cottesloe, who was the chairman of that committee, handled the matter extremely well. That might sound strange to some members on this side of the House after his performance tonight and his general performance in the House when he carries on in a rather disgraceful way, both in his manner and his policies; but in this particular case—

Mr Young interjected.

Mr Jamieson interjected.

Mr CARR: It appears that a couple of members disagree about the performance of the member for Cottesloe in the House. I am rather surprised that the Minister for Health comes to the defence of that disgraceful performance tonight.

I want to make the point that in spite of the way the member for Cottesloe performs in this House on occasions, with regard to the South Coast Fisheries Parliamentary Study Committee his performance was a very good one. He directed the hearings well as chairman, and he drafted most of the initial report that we used as a basis for our final discussions. That was a viable draft which we were able to use in a useful and sensible fashion. He also guided us well during the final deliberations as we compromised on various points.

Mr Blaikie: You must give him credit.

Mr CARR: I agree. I am happy to give credit to the member for his performance as chairman of that committee.

Mr Blaikie: Where he is disagreeing, it is usually not without sound reasons.

Mr Jamieson: Nonsense. All you ever talk.

Mr CARR: As the member for Cottesloe is not here, we can leave a discussion of his performance in the House to another occasion.

In general, the South Coast Fisheries Parliamentary Study Committee was a very successful committee. In fact, it was so successful that some members of it were keen to expand its activities into such things as examining the fishing facilities at the Abrolhos Islands, the fisheries in the Eastern States, and a suggestion that we should inspect some of the overseas marketing arrangements for Western Australian seafoods. Of course, we did not go to that extent.

I am personally encouraged about the viability of a committee system. I believe that a much better and more constructive attitude prevailed in the committee than normally prevails in this House. There was not the confrontation attitude that we experience so very often. I am confirmed in my support for a system of committees. It is a disgrace that we do not have a committee system in this House. I would be in favour of a much more practical system of Standing Committees.

Turning to the legislation, I think it should be noted that the Government has taken some time to reach the stage of introducing legislation. It is about 12 months since the committee reported, and we are now confronted with the legislation. I am not unduly concerned about that, because I know, for example, that the Local Government Department has taken four or five years to bring down amendments to the electoral provisions of the Local Government Act.

Today I asked the Minister question 1252 on notice which, in effect, gave the Minister an opportunity to state what the Government has done so far with the recommendations of the South Coast Fisheries Parliamentary Study Committee. He indicated some measures of a non-legislative nature which have been introduced. We are all aware of the items of a legislative nature which are incorporated in this Bill.

After I received the answer, I was able to go through the recommendations in the committee's report and compare them with those matters which have been implemented by the Government or are in the process of being implemented.

There are a considerable number of items in the report which have not been acted upon. Once again, I do not want to make too big a thing of this because I realise some effort has been made to implement a number of measures. I assure the Minister that we will be looking at the recommendations which have not been implemented and we will be prodding the Government to see that it does not forget these items.

Mr O'Connor: I think most of the recommendations have been acted upon.

Mr CARR: There has been a move to get a considerable number accepted. I intend listing a

number of items in the report which do not appear to have been implemented and to mention some that could be brought before the House in the near future.

The committee recommended that the Minister should report to Parliament with respect to the changes being made, what changes might be made, and why others could not be made. We recommended that there be a programme of testing the estuarine management and we suggested in particular that estuaries should have the sand bar opened so as to see the results with regard to restocking. The Opposition will be interested to see something like that being attempted by the Government.

It was further recommended that the Government should establish a contributory scheme for the aerial plotting of tuna schools. It was recommended that the Government should investigate the possibility of establishing small coastal fisheries reserves, in the vicinity of two hectares in size, where fishermen could have temporary accommodation while they were fishing in a particular area. We recommended that the Government further restrict the use of set nets and to ban the use of fine monofilament nets. The committee recommended that the Government expand its evaluation of salmon fisheries in co-operation with the CSIRO.

It was further recommended that a major base be established at Esperance. Additional moorings were recommended for Albany. It was recommended that $10 000 be made available for fishermen at Augusta for a small wharf facility to be established behind the sand bar. We recommended that the Fishing Industry Facilities Requirements Committee be asked to prepare a list of facilities needed, to cost them, and to determine and publish a list of priorities and costings. The committee recommended that the Government should seek measures to assist owners of larger boats, and that the fire brigade levy should be removed where no fire service is available.

They are a number of the recommendations which do not appear to have been acted upon. We in the Opposition will be watching those items and prodding the Government into action where possible. We will be prepared to accept a reasonable explanation from the Government should any of the items be investigated and proved to be not possible.

Having said all that I shall now turn my attention to the Bill. In general, the Opposition supports the measure. There are quite a number of individual or separate and unrelated matters in it. It is appropriate to refer to each separately during the second reading of this Bill rather than refer to them in the Committee stage. There is only one item that we will oppose.

I mentioned previously when we were debating the various recommendations of the committee report that there were some points conceded by various members of the committee. I agreed to one measure in the committee report which I may well have agreed to without as thorough a consideration as I should have given to the matter. I am prepared to acknowledge that I personally have changed my mind on one of the issues. That issue is in regard to the abolition of an appeal to a Court of Petty Sessions with respect to the granting of processing licences.

The committee found that it was appropriate to remove this appeal and the Government has introduced legislation whereby there will be an appeal directly to the Minister. Over recent times I have become concerned that there has been less and less scope for appeals to courts on a variety of matters. If we are to observe the democratic processes of this country we must do all we can to retain the right of appeal to an independent magistrate wherever that is at all possible. It is this lack of an appeal to a magistrate that the Opposition will be opposing.

Opposition members are not happy with the situation where there is an appeal to the Minister against the director's decision. I have never had the experience of encountering a Minister who has overturned a decision by the director.

Mr O'Connor: Are you including processing boats in the processing factory?

Mr CARR: I imagine they would come under that section.

Mr O'Connor: It is a very relative point.

Mr CARR: It had not occurred to me when we were discussing this matter, but I imagine boats will be in the same category as factories.

In the Minister's second reading speech he said that the normal legal process would be available to any aggrieved party. I am uncertain what he means by that. I will be interested to have the Minister elaborate on what he means by the legal channels that might be available. At present this is a point the Opposition will be opposing in the Committee stage.

With respect to the Gnowangerup Shire's control over various rivers and inlets, the Opposition is aware of the problem of the decreasing autonomy of local government. On a number of occasions we have endeavoured to oppose moves by the Government to reduce the

autonomy of local government. However, it does seem strange to me that in only one of 138 shires throughout the State does such power exist, rather than lie with the State Government. We acknowledge the desirability of consistency of enforcement and more particularly consistency in the minds of members of the public who move around the State on fishing trips and so on. People could be caught unawares about the fact that there is one set of rules existing throughout the entire State except for the Shire of Gnowangerup. In the interests of consistency, we are prepared to accept the Government's move.

The sale of fish by amateurs is a very difficult problem as everyone on the committee found out. It certainly caused the greatest amount of discussion. The discussion was not of disagreement as to the aims of stopping amateurs from selling fish, but as to the difficulty in achieving that aim. We heard many stories from many quarters about these so-called amateurs or "shamateurs" who are clearly operating on a professional basis without being licensed so to do.

We accept that in various regulations there is already a prohibition on the sale of fish by amateurs. We recommend that these regulations be enforced more rigidly. We have opted for what we consider to be the best alternative and that is to place a requirement on fish shops or restaurants—the purchasers of fish—to keep records of their purchases and have them available for fisheries inspectors. We are not totally convinced that this will be a successful solution, but the committee regarded this as being the best alternative available. The committee was so uncertain as to whether it would work that it recommended this idea should be introduced for a trial period of five years.

In the Minister's second reading speech there is no indication as to whether this is to be a permanent decision or a five-year trial. I imagine it is to be permanent. If it does not work it will be possible to review the situation in later legislation.

Mr O'Connor: That is the position.

Mr CARR: I now move away from that part of the Bill relating directly to the South Coast Fisheries Study and into a number of other measures. Firstly I will deal with the question of increased penalties.

We accept the general point that, with inflation, the level of penalties has fallen in real terms and we accept also that the CPI has gone up. Average earnings have increased, fish prices have gone up; therefore, it is quite reasonable there should be a general increase in the level of penalties.

I am a little concerned at an apparent lack of consistency with regard to some of the penalties. Some of the increases are enormous in percentage terms and in other cases penalties do not increase at all.

I am aware the Minister said in his second reading speech that there was a need to sort out some anomalies. However, that does not seem to explain the disparity between some of these increases.

I shall give some examples of the larger increases. Under section 27(1) there is to be an increase from $20 to $750 which amounts to a percentage increase of approximately 3 700. I believe this penalty was to be levied for the offence of placing a stake to obstruct a net in tidal waters.

Some of the increases went from $100 to $750 and from $200 to $750. There was an increase from $50 to $500. I am not sure how these various increases were arrived at. As I went through the Bill I could not see any particular pattern which would explain the reason for the increases. I am sure there is some sort of logical pattern running through the various increases and I would like the Minister to explain it. If he cannot do so tonight—

Mr O'Connor: I can give you the answer.

Mr CARR: —he could provide the information in the Committee stage of the Bill. It may be there is a particular category of offence that the Government wants to hit more strongly. I should like to hear the Minister's explanation.

I shall turn next to the question of the fishing rights of Aboriginal people. It has been a convention in this State for a long period of time that the Aboriginal people should be allowed to take what fish they needed for their own food purposes without restraints or restrictions being imposed on them. We accept the general principle set out in the Minister's second reading speech in so far as the intentions of the Government are concerned. We accept the wish to continue to allow the traditional catch of fish for food; but we appreciate the need to stop abuses which have occurred with regard to such matters as taking undersized crayfish and so on.

It seems to me the approach which has been taken in this Bill is a reasonable one; but the Government should be aware the Opposition will be watching the position very closely. We are a little unsure as to whether the measures contained in the Bill will work as effectively in practice as they appear to work in theory. We will be watching the matter closely, especially in the

northern parts of the State where there is a greater reliance on the traditional catches of fish.

I have one query in relation to this matter. In clause 15 on page 7 there is a particular definition of "sale" with regard to Aborigines. The sale of fish is mentioned two or three times in the Bill and there appears to be a general definition of "sale"; but, on page 7 there is a separate definition with regard to the Aboriginal people. I should like to quote that definition. It reads as follows—

> "sale", without derogating from the normal meaning of the expression, includes sale by retail or wholesale, barter, exchange, supply for profit, offer or expose for sale, send forward or deliver for sale or cause or suffer or permit to be sold. . .

My question is this: Why is a special definition with regard to the Aboriginal people contained in that clause when it would have appeared to me that the normal definition of "sale" would have applied appropriately throughout the Bill?

The next point I would like to turn to is the question of confidentiality of returns. We have no objection to the necessity of information provided by fishermen being confidential.

The Minister mentioned that the Department of Fisheries and Wildlife had been under a certain amount of pressure from various agencies seeking information. We would be interested to know what sort of agencies want that information. Are we talking about Government agencies or some other type of agencies? It would seem to me that they would not have any real claim to such information, whoever they are; but if we were aware of the agencies making the claims, it would assist the House.

The last matter to which I wish to refer relates to the question of boat offences. It has always seemed rather curious to me that if a fisherman accumulates offences on his boat and sells the boat, the offences go with the boat. It has always amazed me also that racehorses are afflicted similarly and the offence is committed by the racehorse, not by the owner, trainer, or jockey. The same situation applies in relation to fishing boats where, in the past, the offences committed by the boat owner have been passed on with the boat when it has been sold. I am rather pleased this particular anomaly which has existed for a long time has been removed.

I am uncertain about the 10-year limit. No fisherman should commit three offences with or without a 10-year limit. Given the difficulties involved in catching a fisherman committing an offence, a fisherman who has been caught for three offences would have committed a great many more. Therefore, I am not very sympathetic towards that type of fisherman. I am not sure whether the 10-year limit is justified. However, I believe it is valid that the offences committed by the owner should not be transferred with the boat when it is sold.

We support the Bill in general terms, but we will be moving in the Committee stage to oppose clause 11 which refers to appeals.

**MR GREWAR** (Roe) [11.17 p.m.]: One of the amendments contained in the Fisheries Act Amendment Bill now before the House will take away from the Shire of Gnowangerup the right to administer and manage the waters in the Pallinup and Bremer estuaries. Provision for local authorities to manage inland waters was granted by a Statute of this House in 1938, following a private member's Bill introduced by the late Hon. A. F. Watts, the member for Katanning.

The Gnowangerup Shire proceeded to draft its own by-laws regulating fishing and covering the management of both estuaries. These by-laws have been updated continually and have more or less paralleled those of the Department of Fisheries and Wildlife.

Prior to 1938 concern was expressed by the residents of the Gnowangerup area that the waters of these estuaries were being exploited by professional fishermen and they were denuded of stocks, leaving few fish for vacational fishing by the people who lived in the area.

By making its own by-laws, the council was responsible for stopping the exploitation of the fishery resource. It simply banned professional fishermen from fishing in these estuaries.

The Department of Fisheries and Wildlife has been opposed to shire control, believing that all the legislation should be handled by it, nicely and tidily under its own regulations. Despite the antagonism of the department, it has conceded that the administration carried out by the shire over the 20 years it has had control of the waters has been good.

This legislation erodes the power of local government. It is centralist and all the decisions from now on will be made by the Department of Fisheries and Wildlife in Perth.

It is obvious that pressure for the legislation originated from the professional fishermen who wish to exploit the estuary waters again. I regard it as somewhat unfortunate that councillors or officers of the shire did not appear before the South Coast Fisheries Parliamentary Study Committee and put forward their views. Had they done so, they may have influenced the committee

and convinced it that the present management by the shire is good and that control by the Department of Fisheries and Wildlife is not wanted and is not necessary.

The fact that 1 400 people petitioned the Minister against control by the Department of Fisheries and Wildlife is evidence that such control is not wanted. Naturally, I am not happy with the amendment in that regard.

The passage of this Bill through the House is more or less a foregone conclusion in view of the fact that the Opposition supports the measure and this has been expressed previously by a former Minister for Fisheries and Wildlife (the present member for Victoria Park) and by the member for Geraldton who has just resumed his seat.

To reduce the imposition or the impact of legislation on my constituents I have sought to obtain an assurance from the Minister on two points. These are: firstly, that the future control by the Department of Fisheries and Wildlife will not make any drastic changes to the scheme of management already operated by the shire and, secondly, that professional fishermen be prevented from fishing the estuary except at such times as there are surplus fish, and these fish are likely to die as a result of an increase in salinity.

It is to be hoped that the Department of Fisheries and Wildlife will exercise its management as well as the Gnowangerup Shire Council has done over the past 20 years and, above all, exclude professional fishermen from the area unless they are 100 per cent sure that the fish are endangered by the salinity. Failure to comply with this will no doubt result in pressure being applied to local members requesting that the legislation for control of the estuaries be returned to the Council.

**MR H. D. EVANS** (Warren) [11.21 p.m.]: I join with the member for Geraldton in commending the member for Cottesloe on the very thorough job he did as Chairman of the South Coast Fisheries Study. There is no question about the capabilities he displayed as chairman and he was also able to maintain constant harmony among members when there were many conflicting views at certain times. It is to his credit that he achieved this.

The committee itself worked exceptionally well as a group and all parties were represented. As an exercise in committee operations the study was particularly useful. The genesis for the committee has been traced by the member for Geraldton. The recommendations in the main were unanimous decisions although there was a degree of personal compromise by most members in the acceptance of all the recommendations. I have a misgiving in regard to one section.

The member for Geraldton has indicated the nature of each of the seven amendments contained in the amending Bill so there is no reason for me to elaborate any further. He has covered them quite thoroughly.

I sympathise with the member for Roe, who, as the local representative, is faced with certain difficulties as a result of the fairly extensive alteration to the administration of the Pallinup and Wellstead Inlets. Administration has developed along a certain line. The residents of the area have had reasonably easy access to fishing licences and of course the potential introduction of the professional fishermen will be resented. As a result of this the member for Roe has been placed in a difficult position.

A section of the committee report recommended that no action be taken on the question of further declaration of fish as food fish. This was recommendation No. 6. Since that time a considerable amount of fresh evidence has been put forward to members of this House, including myself, and it behoves me to make reference to that at this time. I suggest to the Minister that some further action could be taken in this matter.

Mr O'Connor: I did not get your point. Are you suggesting—

Mr H. D. EVANS: The declaration of herring as a food fish has not been invoked and as a consequence a great quantity of herring is used as crayfish bait. During the hearing of the committee there was only one person representing amateur fishermen and clubs who gave evidence, and that was in Esperance where there was no relevance to this particular point because herring trapping had not commenced at that time. Therefore the Esperance Angling Club had very little objection because the running of salmon and herring had not been interfered with. Although they felt the annual numbers had decreased and the club catches had diminished, there was no serious effect upon this sport as far as they were concerned.

Regrettably no amateur organisations appeared before the committee when it took evidence from Busselton through to the Esperance area.

Mr O'Connor: There would have been an opportunity for the angling clubs to do this.

Mr H. D. EVANS: The advertisement appeared in the paper and they were afforded the opportunity; but they did not avail themselves of it. However, in fairness it could be suggested that had there been hearings in the metropolitan area and further north, there would have been a much

stronger reaction and the clubs would have appeared before the committee. Since the hearing there has been an awareness amongst the clubs as to the future of herring and salmon fishing.

I have received over 100 letters from members of angling clubs. Three in my own area have formally approached me. The approaches have also come from towns as far apart as Walpole, Manjimup, Pemberton, Nannup Brook and Bridgetown. They all express very grave fear of the diminution of herring and salmon catches. The figures provided to the committee by the Department of Fisheries and Wildlife would give substance to this claim. The records kept by the angling clubs also bear tetimony to the fact that annual catches have diminished.

Representatives of the State amateur and offshore angling clubs have made approaches to members on this side of the House, and the committee, with requests to examine matters in connection with fisheries and to meet with representatives of these angling clubs and their associations. Because they have kept records over a period of years they have been able to come to the conclusion that there has been a steady decline. There is a genuine fear amongst amateur anglers in the metropolitan area—and this represents some hundreds of anglers.

The offshore fishing for salmon has drastically diminished and the same story applies to herring. The question of retail outlets for fishing gear was also raised by a representative from the trade It is a multi-thousand-dollar trade, there is no question about it, and the tourist and amateur fishing trade when balanced against the commercial value of herring is something I feel should be looked at a little more closely than the committee was able to do.

There was also the aspect of tourism. Obviously, a tourist or a holidaymaker is interested in catching a feed of fresh fish. That is becoming increasingly difficult and the consequences are fairly obvious. A holiday-maker will stop going to a spot if he is not able to participate in the herring run. Some holiday resorts could feel an impact from the decreasing number of herring and salmon. I believe herring would be the main species involved; that is indicated clearly from the records of angling clubs.

We are talking about a fairly sizeable multi-thousand dollar industry. Whether or not this industry means more than the selling of herring as rock lobster bait we do not know because we have not examined the position. I thought the trawling venture at Albany would have resolved the rock lobster bait question, and that pressure on the herring industry would have abated. I believed the spawning schools along the south coast would have been able to travel beyond Cheyne Beach where they have been caught in the G-type net, and transported out in considerable tonnages.

The need to balance the cost of the tourist industry and the retail tackle industry as against the netting industry is something which this House should examine closely. The requirements of the rock lobster industry could have been provided for relatively cheaply had the trawling venture continued at Albany. The fish offal, heads, and less saleable species would have provided bait. However, the trawling industry is no longer functional and the provision of rock lobster bait from this source now seems to be unlikely. The position will remain the same until another commercial venture becomes established. Of course, the provision of bait will be a peripheral operation on the part of whatever company becomes established.

I have had some very real second thoughts about the recommendations brought down as Nos. 611 and 612 of the report in which it was recommended that the declaration of herring as a fish food would distort the market. Certainly, less than 50 per cent of the catch is used for food. That recommendation was based on the figures which were made available to the committee.

The question from the sporting aspect and the tourist aspect was not even canvassed at that time. It is now a question of examining the position further in the light of that additional information and the evidence that has been put forward. That evidence is considerable.

For that reason I suggest to the Minister that the committee be reconvened for a short period. I would prefer to see it done by the Government. It was a general committee of this House and it functioned well.

Mr Watt: It was a committee of both Houses.

Mr H. D. EVANS: Yes, it was a committee of both Houses and it served a useful function. The members worked harmoniously and brought down some valuable recommendations so far as the administration and the control of fishing in Western Australia was concerned.

I put to the Minister that for the purposes of term of reference 6 of that committee it should be reconvened. Much of the basic work has been done and not a great deal of time would be involved. Certainly, the committee would be able to report back to Parliament before the termination of this part of the parliamentary session.

It would be preferable for the Government to undertake the reconvening of the committee. It could be done at fairly short notice, and it would be appropriate for the Government to undertake the action rather than the Opposition moving a motion or attempting in some other way to reconvene the committee. If the Government took the action there would be no misunderstanding of motive.

The committee should look into those aspects of fishing which affect the retail tackle industry and the tourist industry. Their needs are quite substantial, and I feel we are neglecting them. An attempt should be made to ensure there is not a miscalculation of the economics which are reaped by the bait industry on the one hand, and the retail tackle industry and tourism on the other hand.

**MR SHALDERS** (Murray) [11.37 p.m.]: I wish to indicate my support for this Bill and, in particular, indicate my support for the provision which will prevent a commercial enterprise, which sells fish whether processed or unprocessed, from purchasing fish from persons other than licensed fishermen.

I am pleased to see there will be no attempt to prevent the genuine amateur fisherman, who might catch a few fish over and above his requirements, from selling those fish to his next door neighbour or to a friend. Anyway, I believe most amateur fishermen are only too happy to give away their excess fish.

Certainly, this Bill will prevent the "shamateur" fisherman from competing unfairly with the licensed professional fisherman. The cost structure faced by a professional fisherman is much greater than that of an amateur fisherman, so I do not believe the amateur fisherman should be allowed to compete sales-wise with the professional fishermen. I intend to indicate a few of the costs faced by a licensed professional fisherman.

Mr H. D. Evans: Can the amateur fisherman sell fish to his neighbour under the provisions of the present Act?

Mr SHALDERS: I think it will be found that he can. I think the Minister will confirm that this is possible.

Mr O'Connor: They are certainly being sold at the moment.

Mr H. D. Evans: But can the fish be sold legally now?

Mr SHALDERS: That certainly is not mentioned in the Bill.

Mr O'Connor: It is an offence for an amateur to sell fish now.

Mr SHALDERS: I am particularly concerned with the costs which the professional fishermen have to face. A 14.19 metre boat—approximately 40 feet in length—which is probably the smallest viable fishing unit for wet fishing—costs between $80 000 and $120 000 for the hull and the engine. This high cost is brought about by the fact that the hull must be built to Harbour and Light Department specifications. That department requires increased hull strength as compared to normal private craft.

The Commonwealth fishing boat licence is $20; the State licence is $15; the Commonwealth professional fisherman's licence is $10 per person; the State professional fisherman's licence is $4 per person; and the annual survey fee charged by the Harbour and Light Department is $15. Then, it is compulsory for all professional fishing boats to be equipped with single side band radios which cost something like $2 000 each. Amateur fishermen have none of those costs.

Wet line fishermen carry set line boxes which cost in the vicinity of $500 each, and most boats carry about four boxes. That is an investment of something like $2 000 in fishing gear. It does not take much of a storm to wreck or cause the loss of a lot of gear.

The professional fisherman is faced with a great outlay of capital compared with that of the amateur. I believe it is most unfair to allow amateurs to sell their fish in commercial outlets in competition with the professionals. I indicate my strong support for that provision of the Bill.

With relation to the matter of appeal mentioned by the member for Geraldton, I think it might have been more honest had he said Caucus changed his mind for him. The member for Geraldton has to abide by the way Caucus votes whether or not he likes it, and in any case I think the Minister is the person to whom the appeal should be made.

I indicate my support for the Bill.

**MR WATT** (Albany) [11.41 p.m.]: I would like to make a few comments in relation to this Bill. Firstly, I endorse the remarks made by the member for Geraldton and the member for Warren in relation to the work done by the member for Cottesloe as chairman of the committee. I think all those who served on the committee would agree his was an excellent contribution.

Perhaps I could clarify a point made by the member for Murray in relation to the sale of fish by amateurs. I understand it has always been an

offence for amateurs to sell fish but inspectors of the department have experienced difficulty in identifying and apprehending offenders. Therefore, an additional provision has been written into the Bill making it an offence for those engaged in selling food, such as hotels, restaurants, and the like, to buy fish from amateurs. So, there are now two offences, one being an offence for amateurs to sell and the other being an offence for those outlets to buy fish.

One clause of the Bill I am particularly pleased to see is the redefinition of "processed". Under the existing Act, if one received a quantity of fish into a cold store, loaded it into a refrigerated vehicle, and sent it to Perth or elsewhere the next day, one was deemed to be a processor. It was quite misleading. Anybody who had a receival depot in, say, Esperance—as at least two companies have—which was really only a freezer unit in which fishermen could store fish, was officially termed a processor. People believed these firms were investing in the town and providing jobs, which was not so. I therefore welcome the redefinition of that term.

I want to make some points in relation to professional fishermen, generally, who are in fact small businessmen. They are already having a rather difficult time in the fishing industry. The price of wet fish is very close to and in some cases below the cost of production. In the Albany area many professional fishermen rely entirely on fishing for their livelihood. I believe we have an obligation to ensure as far as we are able that they can sustain their businesses. The Department of Fisheries and Wildlife already does this to some extent by limiting the number of people engaged in the industry.

I cannot understand why at this moment many people are anxious to obtain professional fishermen's licences. If they talked to professional fishermen they would not be so keen.

Professional fishermen are quite anxious for the estuaries which are at present under the control of the Gnowangerup Shire to be brought under the control of the Department of Fisheries and Wildlife. It is easy to understand that the Gnowangerup Shire does not wish to lose control of those estuaries, but obviously a number of people who live outside the Shire of Gnowangerup are equally anxious that control be under the department. Petitions were circulated in the shire which produced a large number of signatures, and the professional fishermen circulated a counter-petition to ascertain how many people felt the estuaries should be placed under the control of the department. In no time they collected something in the order of 600 signatures. I forwarded the petition to the Minister. I understand another set of petitions was circulated in the south-west which produced in excess of another 200 signatures without really trying very hard. So opinion in that matter is not all one way.

I am told the claim that the estuaries have been fished out by professionals is not true. In fact, professional fishermen are conservationists because they want to go back next year, and if they fish out all the stocks of fish this year they know there will be no breeding stock left. Therefore, they are careful not to do that. They make the claim that amateurs are quite ruthless in their fishing of the estuaries with the use of under-sized nets and that there is little if any control over the amateurs and the nets they use. I am told they are not policed by inspectors and it is hoped when the estuaries come under the control of the department the inspectors will be able to patrol them to ensure nets of the correct size are used and stocks of fish are not endangered.

It is reasonable to expect that a fisherman would need only one net licence. At present, if a fisherman wants to fish in the estuaries concerned he must obtain licences from both the Gnowangerup Shire and the department. I cannot see the point in that. I do not believe that approach represents centralism. We must have it one way or the other. Either we open up other estuaries throughout the State to the control of the local authorities or we bring them under the control of the Department of Fisheries and Wildlife. I think the control should properly lie with the department. I do not agree with the comment made by the member for Roe that such a move would be an erosion of the power of local government, although I sympathise with the dilemma in which he finds himself.

I want to make some comments about herring as a food fish. Members will be aware that a considerable herring industry is based on Albany. Standard letters have been sent to members of Parliament, generally, by members of angling clubs. The member for Warren said he had received over 100 of them. I received only one, and that was from a person outside my electorate. The main argument contained in the letter is that herring is being used for pet food, rock lobster bait, and fertiliser. I have discussed the matter with the Minister and he has assured me there is no truth in the suggestion that it is being used for fertiliser and that the amount used for pet food is infinitesimal.

It is true that herring is used extensively as rock lobster bait, and it is a most suitable bait for

that industry. In times of plenty, salmon heads are used as bait, and no doubt they will continue to be used although the number of salmon caught is on the decline. There is now no certainty as to how long the supply of salmon will last. Salmon and herring are similar types of oily fish, and suitable as bait for rock lobster. The livelihood of many people depends on the catch of fish of these types.

While I do not profess to be a keen amateur fisherman, I usually hear any complaints on the grapevine. People are not backward in letting me know about their problems, and I am not aware of any complaints in the Albany area of a shortage of herring. So I make the point that in my opinion the declaration of herring as a food fish would not help the market.

Mr H. D. Evans: It would in the sense that the traps at Cheyne Beach would no longer operate; the fish would come through.

Mr WATT: That is matter for conjecture, and there are many schools of thought about it. The professional fishermen claim that their catch of herring is very small in the total context. It is claimed also that the herring which move around the coast in the main are not in schools of herring, and that the declaration of herring as a food fish would make no difference anyway.

Although I am not absolutely certain, from memory I believe that only one submission on this particular point was received by the South Coast Fisheries Study. I agree with the comment made by the member for Warren that it was open to the amateur fishermen to put forward their point of view. Perhaps these people did not see the advertisement published by the South Coast Fisheries Study, or perhaps they were not concerned enough to do anything about it at the time.

In regard to the processing of herring, a number of industries in Albany can and do process herring. When the member for Warren interrupted me a moment ago I was on the point of saying that Hunt's Food Co. Pty. Ltd. cans herring, and that it would can as much as was available if there was market for it. Although this company actively promotes herring, obviously there is a limit to how much herring the public will buy. So I fail to see that there would be any benefit in declaring herring a food fish.

There is a further point I omitted to mention earlier when discussing the matter of the estuaries which are under the control of the Gnowangerup Shire Council. I recall especially that the Secretary of the South Coast Fisheries Study invited representatives of this local authority to give evidence about the control of these estuaries. I do not recall whether the invitation was extended by letter, but it was by telephone. However, the response to the secretary's request was most off-hand, and to the effect that if we wanted to speak to them, we should visit the shire council. If that was the best that the council's representatives could do, it is hard to find sympathy for their argument. With those remarks I support the Bill.

MR STEPHENS (Stirling) [11.54 p.m.]: I believe we should look at the situation that led up to the establishment of the South Coast Fisheries Study. In line with other speakers, I agree that it was a very successful venture. Of course, the study was brought about by a Government decision which was possibly more in keeping with a socialist party than with the professed principles of the Liberal Party—a direction to the fishermen on the south coast that they would supply their fish to one canner and to one canner only. Of course, there was a tremendous reaction to this direction, and the Government had to manoeuvre to take the heat out of the situation created by that Cabinet decision.

Mr Watt: In fairness, that happened at the end of the season when there were hardly any fish.

Mr STEPHENS: Nevertheless, the fishermen were directed where they were to dispose of their catch. That was not orderly marketing; it was marketing by direction.

Mr Watt: Like the Lamb Marketing Board.

Mr STEPHENS: That was the reason for the setting up of the South Coast Fisheries Study. I would like to congratulate the member for Geraldton on the way in which he summarised the report of that committee, and I would like also to endorse the remarks which acknowledged the work done by the chairman, the member for Cottesloe.

The South Coast Fisheries Study demonstrated the benefits of a committee system which operated outside the glare of the political spotlight. There was a good deal of compromise, and I do not altogether agree with the comment of the member for Geraldton that most of the decisions were unanimous. I feel it is fair to say that there was a consensus that unless a member had any strong objection to any point, it would be included in the report submitted to this House. We felt that a number of minority reports would tend to take away the significance of the report, and so most of our decisions were arrived at by general agreement.

I was not quite happy about one or two decisions, but I did not see fit to submit a

minority report on them. Before I go on to discuss those areas, I would like to refer to the committee system. Obviously it has led to the development of a number of experts in this House, and if we decided to utilise a committee system in a more general form, would we find that every member of every committee would stand up to espouse his knowledge on the particular subject that had been before his committee?

One recommendation I could not agree with was the right of appeal to a Court of Petty Sessions. I agree with the comments of the member for Geraldton on this point, although he said that he has changed his opinion. I have not changed my opinion because I did not altogether agree with the recommendation at the time, and I do not agree with it now.

In regard to amateur fishermen, I was very happy that the committee saw fit to recommend further regulations and control to make it easier to detect the sale of fish by amateurs. Certainly since 1974 it has been illegal for amateur fishermen to dispose of their catch by sale, and while I was Minister for Fisheries and Fauna I sought further control and regulations in this area. However, I was unsuccessful in bringing about any modification of the legislation.

The other point I wish to mention is the decision to take away the autonomy of the Gnowangerup Shire Council. I sympathise with the local authority, but in the circumstances I believe the decision made was the only one possible. If we allow the Gnowangerup Shire Council to continue to control the fisheries in its area, it would mean we had to allow every local authority—and certainly those with a tourist potential—to have control of their fishing grounds. I do not think that is a practical proposition, particularly when we realise that the fishing industry is one that requires management and a degree of scientific research so that hopefully the right decision can be made and the industry is maintained on a sustainable yield basis.

As all that scientific knowledge and background is necessary, I believe it is only logical that it should be brought under one control. As I said, I make that suggestion with a degree of apprehension because I am a great supporter of local government autonomy.

The only other comment I wish to make is in relation to the penalties. I notice a review of penalties has been carried out, and this matter has been canvassed previously. My only objection is that in certain areas minimum penalties are set. This is most unfortunate. I am a firm believer in maximum penalties, but I believe the decision as to how small the penalty should be is best left to the magistrate or judge.

Mr O'Connor: Are your referring to the old Act?

Mr STEPHENS: Yes, but I notice in the schedule to the Bill minimum penalties are mentioned. I believe the opportunity should have been taken to do away with minimum penalties. We can all think of examples in which technically a man is guilty, but where a minimum penalty is set the magistrate has no option but to impose that penalty. Yet in such situations the magistrate should have a discretionary power in respect of the penalty. He should be able to impose a nominal fine, or perhaps not impose a penalty at all. Magistrates and judges are appointed to make such decisions, and Parliament should be prepared to give them some discretionary powers. Certainly where a minimum penalty is laid down in the legislation, a magistrate has no discretionary powers whatsoever in cases where a person is only technically guilty.

With those few remarks I support the second reading of the Bill.

**MR BLAIKIE** (Vasse) [12.02 a.m.]: I desire to make a few remarks on the second reading of this Bill. I note, as other members have noted, that the Minister commented favourably in his second reading speech on the work of the South Coast Fisheries Study. He said also he hoped all the members who participated in the inquiry would make some contribution to the debate. Perhaps on the next occasion the Minister will not be so rash.

I would like to refer to how that committee of inquiry was established. I was one who suggested there was a definite need for an inquiry, because certain disadvantages arose as a result of Government decisions. These disadvantages applied to constitutents in my area; but in addition to that I happen to represent a fish processing facility which was distinctly disadvantaged.

The decision of the Government related to a conflict in respect of which company was permitted to receive salmon for processing from the south coast; hence the name of the committee of inquiry. Great credit is due to the Government for establishing the committee and giving it such wide terms of reference.

Notwithstanding the remarks I have just made, and without detracting from the useful and valuable purpose of the committee, I am most critical of the limitations applied to it. The committee was limited to the south coast, but the northern run of the salmon fishery extends to

Geographe Bay. During the inquiry time and time again fishermen would comment that the inquiry should include the Geographe Bay area. Had that area been included, I believe the scope of the inquiry would have been complete. In addition, the total herring fishery would have been included, as was indicated by the member for Warren. Further evidence would have been forthcoming relating to the problems in respect of the declaration of herring as a food fish. The herring fishery presents a very real and definite problem; and notwithstanding the fact that the committee of inquiry investigated the attractions of the Albany region, it did not really become involved in a principal tourist fishing area. Therein lies another story.

I believe the inquiry was limited in its scope, and I would certainly support an extension of it. Perhaps the Government can see its way clear to extending that inquiry to the west coast, so that the herring and salmon fisheries in that area could be investigated.

Mr B. T. Burke: What about set lines?

Mr BLAIKIE: We could include all kinds of fishing involved on the west coast. The west coast presents circumstances and problems entirely different from those on the south coast; it is an entirely different region with different inherent problems. I raise this point because it is one that certainly caused me some concern during the inquiry.

Members have already spoken of the harmony of the committee. In spite of the widely differing political points of view represented on the committee, general agreement was reached in the final compilation of the report and recommendations. The committee was given a job to do and it was obvious it would make recommendations as a result of the evidence it received. Surely the committee proved its worth.

I would like briefly to mention two matters. The first relates to the general question of navigational aids on the south coast. The evidence submitted to the inquiry indicated that navigational aids are virtually non-existent. Some navigational aids exist in the Albany region to assist fishing boats to enter the harbour. A similar situation exists in the Esperance area. However, apart from those areas, navigational aids are virtually non-existent; for many hundreds of miles of the coastline they are non-existent.

I can only praise and admire the ability and seamanship of people fishing outside the principal areas such as Albany and Esperance, because they take their lives in their hands every time they put to sea. They have no aids, but must test their skill against the sea. They have proved their worth. I do not know how any venture could get off the ground without people of this calibre who are prepared to go out and try. We have seen fishermen moving to new areas because they believe there is a fisheries resource to be developed, and they are succeeding notwithstanding the hazards.

I believe it is incumbent upon the Government to look very closely at the recommendations relating to navigational aids. If the fishing industry is to develop, navigational aids must be established. Then other fishermen will be encouraged to move into the areas of the south coast and will be encouraged to find and develop new resources.

The member for Geraldton referred to a facility required at Augusta. I should like to put the record straight so that the Minister is under no misapprehension. While the report did contain such a recommendation, no submission yet has been made to the Government. In fact, it has been only in recent weeks that the local fishermen have been in consultation with the Shire of Augusta-Margaret River, and I would expect that within the next six weeks or so the Minister will receive a submission related to this facility. It is estimated it will cost in the order of $10 000, and will provide the fishermen in the Augusta area with an unloading facility within the Blackwood River.

Like all members of the inquiry, I was rather amazed that a group would ask for such a paltry sum as $10 000; it seemed a ridiculously low amount to be seeking. However, when it was indicated to us the method by which the project would proceed—on a self-help basis, with most of the money going towards the purchase of the material, with contract and earthmoving equipment being provided—it was seen to be a worth-while project. I am pleased the proposal has the support of the member for Geraldton who, in company with all other members of the inquiry, examined it; it was a very important principle contained in the report, one which I am delighted to see.

I also support the proposal to prevent the sale of fish by amateurs to commercial outlets. Quite overwhelming evidence was brought before the inquiry of the amount of damage amateurs were doing not only to our professional industry but also in preventing a sale of fish industry from being nurtured.

The fishery is a limited resource. There is a real need to implement a careful management programme under which we ensure professionals, amateurs and sporting fishermen alike have a

share of the resource. My association with the fishing industry indicates to me that the professionals are being pushed further and further out to sea. This has come about due to the increasing number of people who wish to participate in fishing for this limited resource. It is incumbent upon us as members of Parliament and the community at large to recognise we have a responsibility to protect this industry; if we are to have a professional fishing industry, where many people have tens of thousands of dollars invested, these people must be protected.

The "shamateur" virtually has no responsibility to the fishing industry. He has his own occupation and, as he receives more and more leisure time he will become more involved in the fishing industry. Under existing legislation there is no practical method of enforcing the law; the current penalty for selling fish without authority is a minimum fine of $20 and a maximum fine of $40, and we would need an inspector behind every bush for it to be effective. As the member for Collie would confirm, many people seem to take holidays in my electorate and they catch bags and bags of crabs which are purely and simply for sale—because these people could not possibly eat them all.

As I have said, the fishery is a limited resource. These people have minimum responsibilities towards husbanding this resource, and do not observe restrictions on the catching of females, crab size, fish size, and the like.

This is the nub of my final comment on this legislation: It would not have been possible for any Government, of whatever political persuasion to bring this legislation before Parliament without first conducting an inquiry; it would have been thrown out by the other side. Members opposite would have complained that it was an infringement of personal liberties. Certainly, it does infringe people's liberties. However, because members from all political sides took part in an inquiry into this matter and saw the overwhelming amount of evidence to support changes to the legislation, they were able to go back to their party rooms and say, "I sat on the inquiry and heard the evidence and, frankly, these changes ought to take place."

The real tragedy is that these "shamateurs" are taking out tens of thousands of dollars-worth of fish. I suppose they would be classified as the poachers of the 20th century.

The south coast inquiry was a very important study. I believe the Government and the people of Western Australia will be better off for that inquiry.

With those remarks, I support the second reading of the Bill.

**MR O'CONNOR** (Mt. Lawley—Minister for Fisheries and Wildlife) [12.16 a.m.]: It is indeed pleasing to rise and thank members from all parties for their general support of the Bill and for the co-operation and constructive comment which resulted from the study. At all times while the study was underway, co-operation and discussion were of a very high order. Indeed, without the co-operation of all concerned, we would not have this Bill before us this evening.

I appreciate that although members give this legislation their general support, there are reservations about some parts of it; although they are very minor I will endeavour to reply to those matters raised.

The member for Geraldton commented on certain recommendations of the study which are not contained in the legislation. It is true other recommendations could have been included had the Government waited a little longer. However, a great deal of research and study is continuing into many other aspects of this problem, and I felt it best to bring forward in a legislative form those points which were ready, rather than delay the matter any further. There is no doubt that in the not-too-distant future, other recommendations of the inquiry will be brought before this place and, I believe, accepted by members. The department is conducting a great deal of investigation into this matter, some of which requires a good deal of time and money. Members should rest assured that these matters are being examined, and will be brought before the House in a new measure in the not-too-distant future.

Some members opposite and the member for Stirling referred to processing licences and appeals. I would like to emphasise the very great importance to this State of the crayfishing industry. This year, the value of crayfish caught off Western Australia will run into something like $75 million. There is some doubt as to whether an appeal to a court should be allowed when one of these processing works is operating illegally. We know there are quite a number of boats which have offshore processing capabilities. This is of considerable concern to the department; it is very difficult to know how many small crayfish are being taken and what effect this will have on the future of the industry.

Members will recollect that recently, a person was refused permission to establish a processing plant onshore; he appealed and the magistrate upheld his appeal.

I believe the crayfishing industry is one of the best organised industries in Western Australia. It is organised in such a way that it is operating as efficiently as possible without overfishing the stocks; this is in the best interests of all those involved in the industry. Whilst I concede the views put forward by members, the Government would like the situation to remain as provided for in the legislation.

Mr Carr: How many processing boats are there in the crayfishing industry?

Mr O'CONNOR: I believe there are six or seven left. There were considerably more, but the department has reduced them as it has had the opportunity. In the past there was a lot of processing at sea, and it was believed that undersized crayfish were involved. Once the crayfish was chopped up and processed at sea, there was little that could be done about it. The department is not keen on this, and it has been trying to reduce that practice wherever possible.

In reply to the member for Geraldton who made comment regarding the increase in the penalty from $20 to $750, if he refers to the clause the penalty previously imposed had a minimum of $4 and a maximum of $20. This was a penalty imposed on people who did damage to nets which could run into hundreds of dollars in some cases. The minimum penalty has been removed, and the amount of $750 is a maximum only. The courts will have the discretion to indicate a penalty of $20, $5, or $500, depending on the offence involved.

The member also asked some questions in connection with the clause dealing with the sale of fish to Aborigines. My understanding is that the penalty refers to everyone, and not only to Aborigines in that particular case. I will have that matter checked, and I will confer with the honourable member on that point. My understanding is that it will bring under the terms of the Bill the people who sell fish to restaurants, hotels, and that sort of establishment. It includes the people who were not covered properly before. I think the member will find that that is a suitable clause. I have looked at it, and I am quite satisfied with it. It is needed to bring it up to the standard required by members of the committee. I will ask for confirmation of that from the legal people, and I will confer with the honourable member.

Mention was made by several members of herring as a food fish. That matter is being investigated by the department. I know that a number of the professional fishermen live on herring. A number of amateurs, including myself, like the opportunity to catch as many herring as possible.

There was comment regarding the decline in the number of herring around the coast in this season. With the type of season we have had, this alone could have resulted in the variation. I have conferred with departmental officers, and they say this is possible because the trend has been noticed in connection with salmon also.

Mr Watt: The salmon catch was up this year.

Mr O'CONNOR: Yes, it has been up this year; but over the last three or four years it has been down compared with what it was.

Mr McIver: It seems that the salmon catch is low when there is a Liberal Government in office.

Mr O'CONNOR: That is because the Labor Party hooks more people than we do.

Mr H. D. Evans: Would you consider reconstituting the committee?

Mr O'CONNOR: I will come to that point. For the moment, I will continue with the point of herring as a food fish.

We must also take into account the crayfishing industry, which is a $75 million industry. As members pointed out, with the closure of Southern Ocean Fish Processor Pty. Ltd. at Albany, the supply of cray bait has declined, and there is difficulty in replacing that.

I am as keen as anyone to ensure the amateurs are left with some fish to catch. It is probably the better fish that they have, as far as that is concerned. I will confer with the departmental officers to see what stage their investigations have reached before I will give any undertaking about reconvening the committee. Within the next few days I will confer with the department. If its work is almost completed, it would not be appropriate at this stage to proceed. I will advise members within a week what I have learnt in that area.

Members also made comments regarding using herring as a fertiliser. The department advises that this does not apply. There is no known case of the use of herring for fertiliser. In a very minor way, it has been used for pet food.

Certainly, a great deal of herring has been used in the crayfishing industry. The crayfishermen seem to prefer it. They indicate they obtain a better catch from this fish than any other.

I thank members generally for their support of the Bill. I commend the measure to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Connor (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 to 6 put and passed.

*Progress*

Progress reported and leave given to sit again, on motion by Mr O'Connor (Minister for Fisheries and Wildlife).

*House adjourned at 12.28 a.m. (Wednesday).*

## QUESTIONS ON NOTICE

### RAILWAY: FREMANTLE-PERTH

*Closure: Brochure; and Bus Services*

1195. Mr DAVIES, to the Minister for Transport:

(1) Referring to his weekend comments, when he said he had asked for a brochure to be prepared outlining the Government's arguments for closing the Perth-Fremantle Railway—

(a) has a brochure been produced;

(b) if so, how many copies have been produced, at what cost per copy, and the overall cost of the copies;

(c) by whom is the brochure to be or has been produced;

(d) how will it be distributed, that is, by mail or personal delivery, for example;

(e) in which areas will it be distributed;

(f) what will the costs of distribution be;

(g) will it be tabled?

(2) Will he also advise—

(a) how many copies of the Metropolitan Transport Trust information relating to timetables and proposed bus services have been produced;

(b) the cost of producing the material per copy and overall;

(c) by whom has it been produced;

(d) the methods and costs of distribution;

(e) where the information has been and will be distributed;

(f) whether the information will be tabled?

Mr RUSHTON replied:

(1) (a) Yes. Because of the Opposition's and the Friends of the Railways persistent misrepresentation of the facts which led to the Government's decision and because there has not been a balanced presentation of the facts by some media groups, I have had prepared a simple brochure outlining in precise detail the reasons for the Government's positive initiative to improve public transport services and transport in general through the Perth-Fremantle corridor.

(b) 50 000 copies at 10.88c per copy—overall cost $5 440.

(c) Pen Advertising and Muhling Printers.
The brochure was written under the direction of the Minister and his staff with outside assistance from W. W. Mitchell and Associates at a cost of $800.

(d) By mail, by distribution to local authorities and other interested parties, over the counter from the State Government Information Centre, and by volunteer supporters of Government policy doing the job without cost.

(e) As widely as possible.

(f) Not yet known.

(g) Yes.

(2) (a) 40 000 each of brochure and timetable.

(b) 7.5c per brochure and timetable—$3 000 overall.

(c) By MTT with John Eggleston producing art work and Mercantile Press printing brochures.

(d) Letterboxes 500 metres on each side of the Perth-Fremantle railway line. Distribution on the Perth-Fremantle trains, MTT information bureaux at Perth and Midland and Fremantle railway stations.
Distribution by letterbox drop by Red Letter Mailers—cost $700.

(e) As above.

(f) Yes.

### ROAD

*North West Coastal Highway*

1243. Mr McIVER, to the Minister for Transport:

(1) Would he advise why sub-contractors are being utilised in the sealing of the North West coastal highway?

(2) As this practice is having an effect on owner drivers who are local residents, particularly at Thangoo, does the Government still intend to proceed with sub-contractors?

(3) Are the sub-contractors engaged from the Eastern States and Perth based?

(4) Would he ensure sub-contractors employ local labour and not from outside the area?

(5) (a) Have owner drivers been stood down in preference to contractor truck drivers;

(b) if so, how many?

(6) Is the highway under construction only to a width of 6.5 metres?

Mr RUSHTON replied:

(1) to (4) The Government's objective is to have the blacktop between Port Hedland and Broome completed by December, 1980. To cope with the substantial increase in work, it has been decided to use contractors to augment the Main Roads Department day labour organisation.

I am assuming the member's questions refer to this arrangement in which case it needs to be appreciated that the work is being carried out by contractors engaged by the Main Roads Department, not by subcontractors.

The contracts awarded to date for road construction and gravel carting have been to—

Nationwide Transport Services Pty. Ltd.;
McMahon Constructions Pty. Ltd.; and
Roebuck Plains Earthmoving.

It is not possible under a contract arrangement for the Main Roads Department to direct the contractor in respect of where he obtains his resources.

However, the Kimberley Division 1979-80 works programme is such that the level of direct employment of owner drivers by the Main Roads Department should remain close to current levels throughout the year.

It is not therefore intended at this stage to reduce the number of owner drivers employed but it may be necessary to transfer them to other works in the Kimberley Division.

(5) No. There have been occasions when trucks were stood down temporarily because of certain job circumstances. This is normal in any main roads work.

(6) No. It is being sealed 7.4 metres wide.

## TRAFFIC

*School Children*

1244. Mr WILSON, to the Minister for Police and Traffic:

(1) Is he aware of the "Report on the Survey of Traffic Safety Aids outside Schools" commissioned by the traffic authority of New South Wales and published in April this year?

(2) Is he prepared to consult with the Minister for Education regarding the need for a similar study in Western Australia as a means of identifying improvements in traffic control at schools in order to increase safety?

Mr O'NEIL replied:

(1) and (2) I am advised that a report was submitted to the New South Wales traffic authority but referred for further study and is not yet available to the public.

A request has been made for a copy when available.

## EDUCATION

*School Children: Traffic Problems*

1245. Mr WILSON, to the Minister for Education:

(1) Is he aware of the April 1979 "Report on the Survey of Traffic Safety Aids outside Schools" commissioned and conducted in collaboration with the New South Wales Minister for Education and his department?

(2) Is he prepared to consult with the Minister for Police and Traffic regarding the need for a similar study in Western Australia as a means of identifying improvements in traffic control at schools in order to increase safety?

Mr P. V. JONES replied:

(1) I am advised that a report was submitted to the New South Wales traffic authority but referred for further study and is not yet available to the public.

(2) This will be decided after a study of the report when it becomes available.

## LIQUOR: SPIRITS

### *Minimum: Alcohol Strength*

1246. Mr WILSON, to the Minister for Health:

(1) Does Western Australia enforce a minimum alcohol strength for whisky, rum and brandy which is substantially higher than that applying in all other Australian states?

(2) In view of the fact that these classes of spirits possibly constitute a majority of all spirits consumed and in terms of pure alcohol, may approach the level of alcohol consumed in beer, what is the continuing justification for this restriction which appears to impose an unnecessarily high cost and social burden on Western Australian consumers?

Mr YOUNG replied:

(1) Yes.

(2) The prices of individual lines of spirits vary considerably between retail outlets, but as prices in this State generally equate with those charged in other States there does not appear to be a social burden on Western Australian consumers.

## EDUCATION: SCHOOL

### *Halls Head*

1247. Mr SHALDERS, to the Minister for Education:

(1) Has any decision been made regarding the building of a new primary school in the Halls Head area in Mandurah?

(2) (a) Is this matter under consideration;
(b) if so, when could a decision be expected?

(3) What is the earliest time that a primary school could open in this area?

Mr P. V. JONES replied:

(1) to (3) The Education Department keeps all new developments under periodic review. In this respect Halls Head has received appropriate consideration and school sites have been planned.
Determination of construction date is dependent upon future growth in the area, and no final date for construction has yet been made.

## LOCAL GOVERNMENT

### *Income Tax Disbursements*

1248. Mr HERZFELD, to the Minister for Local Government:

(1) Would she indicate total grant moneys derived from income tax disbursements and paid out to local authorities in Western Australia in each of the last five financial years, indicating also the amount in each year distributed through the 'by right' formula and the amount distributed according to need?

(2) Would she also provide corresponding figures for moneys to be distributed in 1979-80?

(3) Would she also indicate corresponding amounts requested in (1) and (2) above for the Shires of Swan, Mundaring and Toodyay?

Mrs CRAIG replied:

(1) The local government tax sharing arrangements did not commence until 1976-77.
The amounts distributed in Western Australia since the commencement of the scheme (with the formula amount designated as "element A" and the needs amount as "Element B") are as follows—

| | Element A | Element B | Total |
|---|---|---|---|
| | $ | $ | $ |
| 1976-77 | 10 501 394 | 2 660 606 | 13, 162 000 |
| 1977-78 | 12 419 045 | 3 104 762 | 15 523 807 |
| 1978-79 | 13 478 119 | 3 369 530 | 16 847 649 |

| | Element A | Element B | Total |
|---|---|---|---|
| (2) 1979-80 | 14 574 460 | 6 246 197 | 20 820 657 |

(3) The 1978-80 allocations to individual councils have not yet been announced.

However, the amounts for previous years in respect of the Shires of Swan, Mundaring and Toodyay, were—

| SWAN | Element A | Element B | Total |
|---|---|---|---|
| | $ | $ | $ |
| 1976-77 | 207 736 | 54 500 | 262 236 |
| 1977-78 | 236 132 | 55 000 | 291 132 |
| 1978-79 | 252 918 | 60 200 | 313 118 |
| MUNDARING | Element A | Element B | Total |
| 1976-77 | 112 835 | 68 900 | 181 735 |
| 1977-78 | 141 509 | 66 000 | 207 509 |
| 1978-79 | 155 711 | 63 700 | 219 411 |
| TOODYAY | Element A | Element B | Total |
| 1976-77 | 28 182 | — | 28 182 |
| 1977-78 | 23 382 | 11 000 | 34 382 |
| 1978-79 | 24 687 | 10 500 | 35 187 |

## CONSUMER AFFAIRS

*Pilbara Living Costs*

1249. Mr CARR, to the Minister for Consumer Affairs:

(1) Will he detail the information which enabled him to say on 7th August in answer to question 928 of 1979 that a substantial reduction in prices had occurred in certain Pilbara towns?

(2) (a) Has further monitoring taken place in the towns referred to since his answer of 7th August; and

(b) if so, will he detail the results?

(3) (a) Has the Government undertaken any similar surveys in other towns throughout Western Australia and following on from the particular survey tabled on 7th August; and

(b) if so, will he provide results?

Mr O'CONNOR replied:

(1) and (2) A survey of prices of a list of household grocery items was carried out on the 17th July, 1979, in Perth, Port Hedland, Dampier and Karratha. Immediately following the publication of the results of that survey, initial comment received from the Pilbara indicated that there had been a substantial reduction in prices.

In order to document changes in prices which may have occurred following the July price survey, instructions were issued for a follow-up survey to be conducted. The follow-up survey was carried out on the 15th August, 1979.

The report on the August price survey is tabled herewith. The report indicates that in some product categories the prices in the Pilbara towns were not as far above Perth prices in August as they were in July.

(3) (a) The price survey carried out in August was expanded to include Paraburdoo and Tom Price.

(b) See (1) above.

*The report was tabled (see paper No. 306).*

## EDUCATION

*Technical College: Geraldton*

1250. Mr CARR, to the Minister for Education:

(1) Is it intended to provide additional accommodation at Geraldton Technical College for the 1980 school year?

(2) If "Yes" will he please advise of the details?

Mr P. V. JONES replied:

(1) Not at this stage.

(2) Not applicable.

## SHOPPING CENTRE

*Site: Geraldton*

1251. Mr CARR, to the Minister for Housing:

With reference to the shopping centre site owned by the State Housing Commission in the Lawley Street subdivision in Geraldton, and presently being sold by tender—

(a) do the conditions of sale require the purchaser to develop the site within a certain time;

(b) if "Yes" what is the time limit?

Mr RIDGE replied:

(a) Yes.

(b) Within 18 months of formal acceptance of tender.

## FISHERIES

*South Coast Fisheries Study*

1252. Mr CARR, to the Minister for Fisheries and Wildlife:

(1) Will he list actions of a non-legislative nature taken by the Government to implement recommendations of the south coast fisheries study?

(2) Do the Fisheries Act Amendment Bill and the associated Local Government Act Amendment Bill presently before the Parliament constitute the Government's total legislative action to implement the south coast fisheries study recommendations, or is further action being considered?

(3) If further action is being considered will he please provide details?

Mr O'CONNOR replied:

(1) Government has

(i) approved the appointment of a writer to the staff of the Department of Fisheries and Wildlife so that written communication to the fishing industry may be expanded;

(ii) appointed two staff members to assist in the analysis and publication of the data from the Great Australian Bight trawl project;

(iii) arranged for a research seminar to be held in Esperance during April, 1980, and an industry conference to be held on the day following;

(iv) provided finance for a survey of the abalone resource east of Esperance;

(v) been invited to join the South Eastern Fisheries Committee when the matter of tuna management is being discussed;

(vi) continued to investigate fishing boat facility requirements;

(vii) written to the Commonwealth Government on the subject of tax exemptions for vehicles used by professional fishermen. This matter is still under consideration by the Commonwealth.

(2) No. Action was taken earlier to introduce a bag limit of five salmon per day for amateur fishermen.

(3) No specific further action in the short term. However, Government is in general agreement with the report and will use it as a guide for further action as staff and finance become available.

## HOUSING

*Geraldton*

1253. Mr CARR, to the Minister for Housing:

(1) What is the listing date of the longest waiting applicant for each category of State Housing Commission accommodation in Geraldton?

(2) How many units of State Housing Commission rental accommodation exist in Geraldton?

(3) How many units of State Housing Commission accommodation have been built or are to be built in Geraldton during the present year?

(4) When does the Commission expect to commence developing its land in the Karloo area?

Mr RIDGE replied:

(1) (a) 1 Bedroom—the 1st March, 1978.
(b) 2 Bedroom—the 27th June, 1978.
(c) 3 Bedroom—the 23rd April, 1979.
(d) 4 Bedroom—the 14th February, 1978.

(2) 707.

(3) 29 units for 1979-80.

(4) This land development is being carried out and the commission is in the process of obtaining the necessary clearance from the Town Planning Board to enable the land to be utilised for home building.

## SEWERAGE

*Geraldton*

1254. Mr CARR, to the Minister representing the Minister for Water Supplies:

How many dwellings in Geraldton have been linked to the sewerage system?

Mr RIDGE replied:

Geraldton (town centre) sewerage area—158 connections
Geraldton suburban sewerage area—19 connections

## RIVER

*Tone River: Diversion*

1255. Mr H. D. EVANS, to the Minister representing the Minister for Works:

(1) (a) Have any previous investigations regarding the possibility of

diverting the Tone River through Lake Muir/Frankland River been undertaken; and

(b) if so, with what findings?

(2) Is it intended to carry out such an investigation, and if so—

(a) when will such a survey commence;

(b) how long will it take to complete;

(c) what would be the expected cost of such a survey if conducted by—

(i) Public Works Department;

(ii) private consultant?

(3) How many farming properties are there in the Tone River catchment area?

Mr RIDGE replied:

(1) (a) and (b) The diversion of the upper sections of the Collie, Warren (Tone) and Kent Rivers to improve the overall water quality has been under consideration for some time. However, no detailed site investigations have been undertaken so far.

(2) (a) An investigation to determine the feasibility of diverting the headwaters of the Tone River into the Frankland River will commence shortly.

(b) A number of alternatives are under study. The course adopted will determine the time involved.

(c) A clear understanding of the hydrology of the river system is the most essential part of the study. The Public Works Department has more expertise on this matter than any other organisation in Australia. The study involves the collation and analysis of hydrologic data which can only be done by the department.

(i) The estimated cost of the study to be undertaken by the Public Works Department over the next twelve months is between $40 000 and $50 000.

(ii) Based on past experience, a comparable study by a private consultant would cost in excess of $80 000 plus a substantial amount of work by the Public Works Department in the preparation of hydrologic data. The study will require the engagement of an environmental consultant and the department would consider the use of other consultants for advice on specific issues as the study proceeds.

(3) The number of farms affected by the diversion of the Tone catchment would be between 200 and 250 depending upon the location of the diversion site.

## PASTORAL LEASES

*Jennings Report*

1256. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

What recommendations of the Jennings Report into the pastoral industry does the Government propose to implement, and when will this be done?

Mrs CRAIG replied:

When the report was released on the 14th August—and copies distributed to all pastoral lessees in the State—I pointed out that the recommendations were not necessarily Government policy and requested that the contents be given a thorough examination, following which criticism and suggestions would be welcomed from individuals and interested groups.

Sufficient time has not elapsed to gauge individuals' views but the Premier has given an assurance that any Government policy decisions on the pastoral industry would be formulated in consultation with the industry itself.

Whilst it is intended to consider all submissions this nevertheless cannot preclude the Government from making decisions on the industry as it sees necessary.

## DROUGHT

*Federal Government: Aid*

1257. Mr H. D. EVANS, to the Premier:

(1) Has he approached the Federal Government for financial aid for farmers in drought stricken areas?

(2) If "Yes" to (1), what were the results of any such approaches?

(3) If "No" to (1), does he intend to do so?

Sir CHARLES COURT replied:

(1) Yes, I have approached the Prime Minister personally, and later by telex on the matter.
(2) Discussions are still taking place.
(3) Not applicable.

## DROUGHT

*Debt Reconstruction*

1258. Mr H. D. EVANS, to the Premier:

(1) Is he reported correctly in the *Western Farmer and Grazier* of 23rd August, 1979 as saying that: "debt reconstruction is expected to be the main prong of the State Government's drought aid package to be announced within the next few days"?
(2) If "Yes"—
    (a) what are the terms and conditions under which such aid will be granted;
    (b) what level of aid is it proposed to give;
    (c) what criteria of eligibility will be applied to applicants?

Sir CHARLES COURT replied:

(1) and (2) The Press report to which the member refers is not a quote from my statement on the matter. However, it is the Government's aim to re-structure debts of farmers facing their third and fourth years of drought.
Details of the proposed scheme have not yet been finalised.
I will seek leave to table a copy of my Press releases of the 18th and 19th August. The Drought Consultative Committee has just completed a survey of farmers in the drought areas, the results of which should allow details of the special assistance to be finalised later this week or early next week.

*The Press release was tabled (see paper No. 307).*

## STOCK

*Agents: Commission*

1259. Mr H. D. EVANS, to the Minister for Agriculture:

(1) Have the terms of reference for the inquiry into the basis of stock and station agent's commission rates for selling livestock as announced by the Federal Minister for Business and Consumer Affairs, Mr Wal Fife, been announced?
(2) If "Yes" what are the terms of reference?
(3) When is the inquiry expected to commence?
(4) Does the Western Australian Government intend to present evidence before any such inquiry?

Mr OLD replied:

(1) No.
(2) Not applicable.
(3) At an early date.
(4) This will depend on the terms of reference.

## WATER SUPPLIES

*Rates and Excess Charges: Income Tax Deduction*

1260. Mr DAVIES, to the Minister representing the Minister for Water Supplies:

(1) Is it a fact that the Government's new pay-for-use water scheme, has resulted in metropolitan households paying proportionately less of total annual water charges in the form of rates and more in charges relating to water consumed in excess of the annual allowance?
(2) Is it a fact that the Government's new pay-for-use water scheme has resulted in households in the metropolitan area being able to claim less of their expenditure on total annual water charges as a taxation deduction where statutory concessional expenditure exceeds $1 590?
(3) What was the date upon which the Government first approached the Commissioner of Taxation for advice as to whether charges for water in excess of the annual allowance for domestic consumers in the metropolitan area would qualify as rebateable expenditure under the Income Tax Assessment Act?

(4) Is the Minister for Water Supplies reported correctly in *The West Australian* of Friday, 20th October, 1978, as saying that a Bill would be introduced in March 1979 to amend the Metropolitan Water Supply Sewerage and Drainage Act "clearing the way for W.A. people to get a taxation rebate for pay-for-use water charges"?

(5) What was the date upon which the Commissioner for Taxation's office suggested to the Government that all that was necessary to amend the Metropolitan Water Supply Sewerage and Drainage Act, to enable charges relating to excess consumption to qualify as a taxation deduction, was for the wording of subsection (4) of section 90 to be changed so that the annual water rate for a year consists of both—

(a) a prescribed standard charge unrelated to the rateable value of the land; and

(b) a standard price for water supplied by measure in excess of the allowance prescribed?

(6) Is it a fact that in March 1979 the acting general manager of the Metropolitan Water Supply, Sewerage and Drainage Board forwarded a copy of the proposed amendments to the Act to the Commissioner of Taxation's office?

(7) Is it a fact that on 9th March, 1979 the Commissioner of Taxation's office advised the acting general manager of the Metropolitan Water Supply, Sewerage and Drainage Board that if the amendments became law, rates which are annually assessed pursuant to section 90 of the Act would be accepted as referring to a rate based upon a composite calculation and thus excess water charges would qualify as income tax deduction?

(8) (a) Will the Minister table a copy of all correspondence between the Metropolitan Water Supply, Sewerage and Drainage Board and the Commissioner of Taxation office relating to amending the Act to enable excess water charges to qualify as a taxation deduction;

(b) if not, why not?

(9) (a) Will the Minister table a copy of the proposed amendments forwarded to the Commissioner of Taxation's office by the acting general manager in March and which were found to be acceptable by the Commissioner of Taxation;

(b) if not, why not?

(10) Is the Minister aware that families in the metropolitan area whose statutory concessional expenditure exceeded $1 590 cannot claim expenditure on charges relating to water consumed in excess of the annual allowance in 1978-79 as a taxation deduction because the Government failed to amend the Act before 30th June, 1979?

(11) (a) Will the Government introduce the necessary amending legislation before the end of this session;

(b) if not, why not?

(12) If "Yes" to (11), on what date is the amending legislation expected to be introduced?

(13) Is the Minister aware that the South Australian Government amended the South Australian Water Works Act as long ago as 1974 to enable families in that State to claim expenditure on charges relating to excess water consumption as a taxation deduction?

Mr RIDGE replied:

(1) and (2) No. In 1977-78, when domestic water rates were last based on property valuation, the average domestic water rate in Perth was $42.39. In 1978-79 a prescribed standard charge of $36 was paid by each residential unit. This year the prescribed standard charge is $40. Average payment for water consumption beyond allowance has not increased overall over the past four years.

(3) The Acting General Manager of the Metropolitan Water Board wrote on the 1st March, 1979.

(4) As the Minister for Water Supplies is presently overseas, it is not possible to confirm the accuracy of the report referred to.

(5) The 9th March, 1979.

(6) and (7) Yes.

(8) (a) No.

(b) Information covered by these answers.

(9) (a) No.
(b) See answer to (8).
(10) No.
(11) (a) and (b) The need for such legislation is still under consideration.
(12) Not applicable.
(13) It is understood such legislation does exist in South Australia.

## STATE FINANCE

*Short-term Interest Transactions*

1261. Mr DAVIES, to the Treasurer:

What was the amount of money that had accumulated from interest earned through short term interest transactions held in suspense at 30th June in—

(a) 1971;
(b) 1972;
(c) 1973;
(d) 1974;
(e) 1975;
(f) 1976;
(g) 1977;
(h) 1978;
(i) 1979?

Sir CHARLES COURT replied:

(a) to (i) The information requested is available in the Auditor General's Report for the years 1971 to 1978. The balance at the 30 June, 1979 was advised by me in replies to questions 1048 and 1076, and quoted by the honourable member in question 1241 and his question without notice on the 23 August, 1979.

## STATE FINANCE

*Short-term Interest Transactions*

1262. Mr DAVIES, to the Treasurer:

What were the amounts of money invested during 1978-79 in short term interest transactions:

(a) in securities of or guaranteed by the Commonwealth Government;
(b) with dealers on the short term money market;
(c) in securities of or guaranteed by the State Government;
(d) by placing the moneys on deposit with any bank;
(e) in other transactions?

Sir CHARLES COURT replied:

Cash balances are invested daily for varying periods to meet Treasury cash flow requirements. Because of the volume of transactions involving changes in the type of security and sums invested a continuing record by type of securtity is not maintained. However, the information is known on the current day or in retrospect at the end of each quarter. Details of the investment as at the 30th June 1979 are as follows—

(a) $39 376 100;
(b) $10 800 000 by official dealers consisting of Commonwealth Treasury Bonds which are also included in (a);
(c) $13 160 369;
(d) $115 650 000;
(e) $38 000 000.

Investments at the 30th June 1979 were $202 392 210 whereas the above figures total $206 186 469. The variation of $3 794 259 represents overcover and the difference between market value and the face value of securities. The overcover is required to meet brokerage and other costs in the event that a firm is not able to redeem its security on the due date. Generally it is related to volume of investment by the respective agencies and it is not possible to allocate it to particular securities.

## EDUCATION: HIGH SCHOOLS

*English Literature Novels*

1263. Mr CRANE, to the Minister for Education:

(1) Further to question 1179 of 22nd August, 1979 relevant to advisory committees, who comprises the joint syllabus committee for English and English literature?
(2) Why is the Education Department prepared to pass responsibility to a committee, rather than exercising oversight over the quality of literature and literary works selected for use in Government schools?

(3) In view of the increasing public concern at the pornographic and suggestive passages which appear in some of the recommended text books, will he review the composition of the committees, and have some of the selected text books reconsidered?

(4) Does his department approve the list of text books recommended for tertiary examination courses for 1980?

Mr P. V. JONES replied:

(1) See lists below.

(2) to (4) The Education Department does not control the selection of textbooks for the Tertiary Admissions Examinations. Control is exercised by the Board of Secondary Education and the Tertiary Admissions Examination Committee through a system of joint syllabus committees. The Education Department is represented on these committees along with other educational institutions but does not control them.

Selection of English textbooks involves close consideration of many factors including literary merit, reading level, suitability for particular audiences, length, cost and availability. Committees comprising representatives of tertiary institutions, Government schools and non-Government schools are believed to be the most appropriate bodies to make such decisions. The Education Department is satisfied with the composition of the joint syllabus committees.

However, in view of the interest which has been expressed in this question, I have decided to discuss the membership and operating of the syllabus committees with the Board of Secondary Education and the Tertiary Admissions Examination Committee.

ENGLISH JOINT SYLLABUS COMMITTEE MEMBERSHIP: SCHOOLS 12 (ED DEPT 8 AIS 4) TERTIARY 8

EDUCATION DEPARTMENT:

Mr G. Nelson: Scarb SHS, Newborough St, Doubleview

Mr E. Anthony: Churchlands SHS, Lucca St, Churchlands

Miss A Reynolds: Wanneroo HS, Quarkum St, Wanneroo

Mr A Heard: Perth Tech. Col., St Georges' Tce, Perth

Mr P. Gunning: Educ. Dept 37 Havelock St, West Perth

Miss N. Richards: Educ. Dept 37 Havelock St, West Perth

Mr A. Statkus: Cur. & Research, Tech Ed Dept, 36 Parliament Place, West Perth

Mr B. Higgs: Thornlie SHS, Ovens Rd, Thornlie

ASSOCIATION OF INDEPENDENT SCHOOLS:

Mrs M. Mardon: Bunbury Cathedral Gram. Sc. PO Box 534, Bunbury

Ms Judy Carrick: John XXIII Col. P O Box 226 Claremont

Mr N. Carmen: Guilford Gram. Sc. 11 Terrace Rd, Guildford

Mrs E. Mudie: St Hilda's C of E Sch. Bay View Tce, Mosman Park

TERTIARY REPRESENTATIVES:

Sister V. Brady: Dept English, U.W.A. Nedlands

Mr S. Monahan: Nedlands College, Stirling Hwy, Nedlands

Mr D. Tomlinson: Claremont Teachers Col., Princess Rd, Claremont

Dr G. Turner: W.A.I.T. Hayman Rd, South Bentley

Mr D. Courts: Churchlands Col., Pearson St, Churchlands

Mr D. Grant: W.A.I.T. Hayman Rd, South Bentley

Dr R. I. V. Hodge: Sch. Human Communication, Murdoch

Dr C. J. Wortham: Dept of English, U.W.A. Nedlands

EXAMINING PANEL:

Mr D. Tomlinson: Claremont Teachers Col., Princess Rd, Claremont

Dr R. I V. Hodge: Sch. Human Communication, Murdoch

Mr P. F. Gunning: Educ. Dept 37 Havelock St, West Perth

Dr H. A. Hay: English Dept., U.W.A. Nedlands

Dr C. J. Wortham: English Dept., U.W.A. Nedlands

SECRETARY:

Mrs S. Weston: 27 Collins Rd., Kalamunda

EDUCATION DEPARTMENT:

Mr W. Hann: Ed. Dept., 37 Havelock St, West Perth

Mr M. Dutton: Kelmscott SHS, Cnr Third & First Rd Kelmscott

Mrs R. Metcalfe: Churchlands Tech. Col. Lucca St, Churchlands

Mrs V. J. Webster: Leederville Tech. Col. Richmond St, Leederville
Mr K. Byrne: Tech. Ext. Service, Bown Hse, St George's Tce, Perth
Mr P. Gunning: Educ. Dept., 37 Havelock St, West Perth
Mr B. Byrne: Greenwood SHS, Coolibah Drive, Greenwood
Mr B. Squire: Rossmoyne SHS, Keith Rd, Rossmoyne

ASSOCIATION OF INDEPENDENT SCHOOLS:
Mr A. Imms: Iona Presentation Col., 33 Palmerston St, Mosman Park
Mr J. C. Miller: John XXIII Col. P O Box 226 Claremont
Mr D. McLaurin: Trinity College, Riverside Drive, East Perth
Mr R. Dixon: Christ Church Gram. Sch. Queenslea Drive, Claremont

TERTIARY REPRESENTATIVES:
Vacancy Dr J. A. Hay: Dept of English U.W.A. Nedlands
Replacement for Dr Hay: A/Prof R. Forsyth, Dept of English U.W.A.
Dr D. George: Sch. Human Communication, Murdoch Uni.
Dr R. I. V. Hodge: Sch. Human Communication, Murdoch Uni.
Mr W. Grono: Claremont Teachers Col., Princess Rd Claremont
Mr C. O'Brien: Dept of English U.W.A. Nedlands
Dr A. S. O'Brien: Churchlands Col., Pearson St Churchlands
Dr G. Turner: W.A.I.T. Hayman Rd South Bentley

EXAMINING PANEL:
Dr R. I. V. Hodge: Sch. Human Communication, Murdoch
Mr C. P. O'Brien: U.W.A. English Dept., Nedlands
Mr B. Byrne: Greenwood SHS, Coolibah Drive, Greenwood

SECRETARY:
Mrs A. Hewston: Unit 2, 44 Hobbs Ave., Como

## MINISTERS OF THE CROWN

*Motor Vehicles*

1264. Mr WILSON, to the Deputy Premier:

(1) Is he aware of the results of the Royal Automobile Club survey earlier this year which indicated that cars which it included in the 'luxury' group and which covered Ford LTDs cost $90.40 a week to run and that this represents a 31.2 per cent increase in running costs for this category of car in the past 12 months?

(2) Is he also aware that the same survey indicated that the running costs for the average family car was $60.80 per week, representing a ten per cent increase in the past 12 months?

(3) In view of the apparent discrepancy and in view of the Government's recently announced fuel conservation policy, is the Government giving any consideration to the replacement of the 11 LTDs allocated for ministerial use with more economic vehicles?

Mr O'NEIL replied:

(1) I am aware of a survey by the Royal Automobile Club dated December, 1978. I am unsure as to how the honourable member arrived at $90.40 per week as the "running cost" of a Ford LTD. My understanding is that this figure is a total of both "running" and "standing" costs.

LTD's are included in group F in the survey. Standing costs for this group are assessed at 21.03c per kilometre and running costs at 8.35c per kilometere.

As 12 months has not elapsed since the survey quoted, I am uncertain as to how the honourable member has assessed the percentage increase in running costs.

(2) The survey indicated that in respect of cars in group D—family cars—"running costs" per kilometre are 7.36c and "standing costs" 14.79c, giving a total of 22.15c per kilometre.

(3) This question appears to imply that fuel consumption is the major area of increase in running costs. A comparison of the fuel consumption of group D vehicles and group F vehicles shows that group D's average consumption is 16.3 litres per 100 km and group F's average consumption is 17.6 litres per 100 km. The difference is therefore 1.3 litres per 100 km and at today's costs of, say, 30c per litre, this represents an additional fuel cost of about 39c per 100 km.

Since the RAC survey is based on an annual kilometreage of 16 000, the difference in fuel cost per annum between group D and group F vehicles would approximate $62.40. When this figure is related to the difference in total operating costs, namely $1 156, it is obvious that fuel costs are not of major significance.
However, consideration is currently being given to the economics of all vehicles in use by the Government.

## MINING: DWELLINGUP

*Green Zones*

1265. Mr BERTRAM, to the Minister for Industrial Development:

(1) Is there a long standing desire on the part of the people of Dwellingup to have—
  (a) a three kilometre green (mining free) zone around Dwellingup; and
  (b) a one kilometre green (mining free) zone around outlying properties?

(2) If "Yes"—
  (a) how much longer is the Government going to delay taking action on this question; and
  (b) what has been causing the continuing delay?

Mr MENSAROS replied:

(1) The people of Dwellingup have expressed a number of differing views on this matter but I am aware that the Dwellingup Progress Association has been seeking mining-free zones around the town.

(2) As part of the ongoing discussions on this matter the Minister for Conservation and the Environment has agreed to meet the Dwellingup Progress Association on the 30th August, 1979, to discuss their concerns. Given that this meeting is yet to take place I believe it is inappropriate to comment further on the situation at this time, other than to say the mining and management programmes to be submitted to the Government for approval on an annual basis are in course of preparation. At this time no mining proposal within the zone presently giving concern to the Dwellingup Progress Association is expected before 1985.

## QUESTIONS WITHOUT NOTICE

## RAILWAYS: ELECTRIFICATION

*Assessment Study*

1. Mr DAVIES, to the Minister for Transport:

(1) Was he correctly reported in the *Daily News* of Wednesday, the 22nd August, as having said he hoped the study of electrification by Queensland private consultants would be completed by the end of the month?

(2) Did he mean the report would be completed by the end of August this year; namely 10 days after his announcement that the consultants were undertaking the assessment?

(3) In view of the Commissioner of Railways' comments in a Westrail report that extensive investigations had to be carried out before a reliable cost estimate for electrification could be made, and this work could take up to two years, how can a study of nine days duration, at the most, be any more reliable or accurate than previous studies?

(4) Was he not also critical of the chief mechanical engineer's submission, which agreed with FOR estimates, on the grounds that it was prepared in too short a time?

(5) Will the consultants be discussing electrification with representatives of the Friends of the Railways?

Mr RUSHTON replied:

(1) to (5) I do not have a copy of this question but I have taken a number of notes and I trust I can answer in sufficient detail. In answer to the first part of the question I say, "That is so."

The Leader of the Opposition should have read the article more thoroughly as he then would have understood that the Commissioner of Railways indicated that the best assessment which could be done—short of undertaking a detailed design and the calling of tenders—has been done and the cost found to be $109 million. An assessment was done earlier by Wilbur Smith, who had the use of specialists in regard to electrification, and the assessed amount was adjusted to present-day values and it came to $120 million. I invite the Leader of the Opposition to read the article again, as he would find the commissioner did give an indication that the figure was $109 million. He stated that this was a responsible assessment. That is all one can do until one carries out a detailed design and calls tenders.

The figures used by the chief mechanical engineer were I understand Mr McCaskill's figures, which had been arrived at earlier and have since been escalated to present-day values. As I have already made known there was no detailed design work done at the time.

The report will be made available to me in a very short time. The Friends of the Railways will be informed, as will the Opposition. I have sent an invitation to the FOR group to meet with me. It is hard to find someone to speak to officially nowadays. Their spokesman has received Labor Party endorsement; so when one is speaking to the so-called convenor of FOR one is speaking to the Labor Party.

Mr Jamieson: You have endorsement for Dale.

Mr RUSHTON: I had believed I was dealing with people who would not bring this matter into the political arena; I understand people who were dealing with it in an impartial way. The invitation is for a meeting to discuss the findings of their submission. The group has not been good enough to respond yet.

The FOR group will be advised of the assessments made by the independent consultants.

## PRESSURE GROUPS

*Comments by Premier*

2. Mr TONKIN, to the Premier:

(1) In view of his weekend comments concerning mysteriously financed pressure groups, will he name these groups?

(2) If "No" to (1), will he withdraw his comments, because he has unfairly slandered many groups in the community who are funded by completely legitimate means?

(3) If he is concerned about pressure groups being mysteriously financed, why has he consistently refused to support public disclosure of donations to political parties?

Sir CHARLES COURT replied:

(3) I will deal with the last part of the question first. There is no relationship whatsoever in my opinion between the funding of political parties and the matter to which I was referring over the weekend.

(1) and (2) I will be only too pleased to give the member a considered answer to these questions if he places them on the notice paper. I have already given quite a lot of information about this.

## RAILWAY: FREMANTLE-PERTH

*Closure: Television Debate*

3. Dr TROY, to the Premier:

Is it a fact that he approached Channel 9 to get the member for Cottesloe included in a programmed debate last week between the Minister for Transport and the Friends of the Railways?

Sir CHARLES COURT replied:

I thank the member for his question as it enables me to put right in the public record something which for some reason or other does not seem to have got abroad in its proper form. Through a request to the member for Cottesloe it was arranged by Channel 9 that he would appear on the programme last Thursday night. After a day or two there was a degree of indecision as to what was going to happen. In the interests of meeting his commitment, the member for Cottesloe made contact with the station and found there was a degree of uncertainty, which developed more and more as the week went by, as to whether he would be required.

Members can imagine his concern—and my concern—when he was advised that he was not required to appear on the programme but that the endorsed Labor candidate for Cottesloe (Mr Grounds) was to appear. Originally there were to be two people from the FOR group, and I understand they could not get a second speaker.

Mr Davies: That was never to be—having two speakers.

Sir CHARLES COURT: There were to be two from the Government side and two from the FOR group; but for some extraordinary reason the station said the FOR group could not get a second speaker.

Without any ado at all the station put on the endorsed Labor candidate for Cottesloe and—without as much as a "kiss my foot" or "Bob's your uncle"—it left out the actual member for Cottesloe. I took it upon myself to protest to the management of the station, as I felt I should.

Mr Jamieson: You do a lot of that.

Sir CHARLES COURT: I regard this as very cavalier treatment by the station and a breach of the arrangement. Furthermore, after all this, the station then suggested that as the FOR group could not get a second speaker—and I do not know why—it would—"very magnanimously"—allow the member for Cottesloe to appear with the Minister for Transport. I said, "Not on your life." I knew what would happen next. People would say we had pressurised the station and had agreed to a debate on a two-to-one basis.

I said that either the station had a two-for-two debate or the member for Cottesloe—and this was after consultation with him—would not be there. This is exactly what happened and it is a good thing it is now recorded, because these events can do the station no credit.

## CONSUMER AFFAIRS

*Nutfarms of Australia*

4. Mr HERZFELD, to the Minister for Labour and Industry:

(1) Has the Minister received a report of specialist advice of the land acquired for the purpose of growing nut trees by a company called Nutfarms of Australia?

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

Mr OCONNOR replied:

(1) Yes.

(2) I request permission for the chairman's report to be tabled.

*The report was tabled (see paper No. 308).*

## MINISTER OF THE CROWN: PREMIER

*Parliamentary Leader of the Liberal Party*

5. Dr TROY, to the Premier:

My question arises to some extent from the answers already given to my previous question and also that of the member for Morley. It is well known now that Mr Grounds, who is the convener for FOR, has recently received endorsement by the Labor Party for the seat of Cottesloe. The question I pose to the Premier is: Does he consider it necessary in his capacity as Premier always to have to say that he is the Parliamentary Leader of the Liberal Party?

Sir CHARLES COURT replied:

I am tempted to seek the help of the Leader of the Opposition to have this question from his member clarified, but as I understand the question it asked why I have to make it clear that I am Leader of the Liberal Party. I think that is very well known and also it is very well known that I happen to be the Leader of the Government and the Premier. I cannot for the life of me fathom the import of the member's question.

Mr Tonkin: You missed the point.

Sir CHARLES COURT: If the member could clarify the question I will do my best to answer it.

## RAILWAYS: ELECTRIFICATION

*Assessment Study*

6. Mr DAVIES, to the Minister for Transport:

(1) Is he aware that the Queensland Government rejected some of the proposals put forth by the consultants he has hired at a cost of $7 000 because their proposals were too costly?

(2) If the Queensland Government found the consultants estimates to be too high, how can the Minister be sure that the consultants estimates for Western Australia will not also be too high?

Mr RUSHTON replied:

(1) and (2) I wonder whether the Leader of the Opposition is protesting too much. I suppose he feels he is getting caught.

Mr Davies: Not at all.

Mr RUSHTON: He realises he has been working on incorrect figures and is getting nervous.

Mr Davies: Not a bit.

Mr RUSHTON: I will ascertain the details regarding the Queensland Government's situation. Obviously Governments do not always accept the total submission of any consultant.

The Leader of the Opposition has given notice of his intention to debate this issue tomorrow. We will take on the Opposition because it is on shaky ground.

Mr Davies: You didn't have the guts to do it yesterday!

Sir Charles Court: Nice person!

Mr Davies: You were the one who chickened out.

## POLICE ACT

*Section 54B: Prosecutions*

7. Mr BERTRAM, to the Minister for Police and Traffic:

Further to his answer to question 1080, how many of the 39 persons charged under section 54B of the Police Act behaved in a manner which would have amounted to an offence against section 54B, if that section as now proposed, had been the law at the time such behaviour occured?

The SPEAKER: Order! That question is out of order because it is hypothetical and, further, it seeks an interpretation of a Statute by the Minister. I therefore rule it out of order.

## RAILWAY: FREMANTLE-PERTH

*Closure: Unions' Vote*

8. Mr McIVER, to the Minister for Transport:

(1) In view of the fact that representatives of the Locomotive Engine Drivers Union, Railway Officers Union, and the Australian Railways Union have all denied that Westrail unionists have held a vote on whether to strike over the closure of the Perth-Fremantle line, will he explain why he misled the House on this matter?

(2) Is he aware that Westrail unionists and the joint railway unions' executive have never met at any time to discuss the issue of striking over the Perth-Fremantle railway?

(3) Who is the "Westrail railway union" referred to by him in *The West Australian* of Wednesday, the 22nd August, taking into account that no such organisation is registered under the Industrial Arbitration Act?

Mr RUSHTON replied:

(1) to (3) I indicated to the House that the interested person who advised me indicated that the union voted on an issue which had a bearing on the subsequent possible support for the union movement on the Perth-Fremantle railway issue. Mr Hanley has spoken with me since and my understanding is that it related to a decision within the railway union movement regarding the national strike and a condition of the passing of that motion was that support be given to the TLC on that occasion. The inference was that there would be support coming back for the Perth-Fremantle issue. That is my understanding, but Mr Hanley will be talking to me later.

Mr B. T. Burke: Incredible!

Mr RUSHTON: The impression that I gained is that the union's executive directive did not truly reflect the members' attitude on the matter.

Mr Davies: That is double-Dutch.

## THE LATE LORD LOUIS MOUNTBATTEN

*Condolence Motion Debate: Behaviour of Member for Balcatta*

9. Mr HASSELL, to the Leader of the Opposition:

I believe that my question is in order under Standing Order No. 107.

Mr Davies: You do not have to quote Standing Orders. I will answer it.

Mr HASSELL: In view of the disgusting behaviour by the member for Balcatta during the debate on the condolence motion in regard to Lord Louis Mountbatten during which debate the member carried out audible conversation with at least three people and moved around the Chamber and spoke not only during the speech of the Premier—

Mr B. T. Burke: Get out of the gutter!

Mr HASSELL: —but also during the speech of the Leader of the Opposition, can the Leader of the Opposition tell me whether the Opposition was sincere in its support of the motion—

Mr B. T. Burke: You were picking your nose!

Mr HASSELL: —or whether the member for Balcatta supports the atrocities of the IRA?

Mr B. T. Burke: Pig-sty politics.

The SPEAKER: Order! That question is out of order. In the first place the responsibility in respect of the behaviour of members in the Chamber rests with me. I was unaware of the circumstances to which the member for Cottesloe alludes in his question and therefore I cannot make any judgment as to whether or not there was any sort of disorderly behaviour. I point out to members that at times there may well be some disorderly behaviour in the Chamber but it goes unnoticed by me because I cannot see everything that is going on.

Mr B. T. Burke: There was none.

The SPEAKER: Order!

Mr B. T. Burke: What is disorderly about going around the Chamber?

The SPEAKER: Order!

Mr B. T. Burke: What sort of attack is that?

The SPEAKER: The member for Balcatta will remain silent while I make a statement. The Standing Orders and the practice of this House place a responsibility on members to seek a ruling from the Speaker when they think there is something amiss, but that action has to be taken immediately the offence or alleged offence occurs in order that it may be ruled upon.

Mr HASSELL: I do not agree with your ruling and I say so clearly because it seems to me that the question as such is in order within Standing Order No. 107 as every other question without notice but also I point out that I could not bring the matter to your attention when the offensive behaviour—the disgusting and offensive behaviour—occurred.