(4) (a) Yes.

(b) No written authority is required for exemption from attendance at such voluntary seminars.

House adjourned at 5.35 p.m.

Legislative Assembly

Thursday, the 10th May, 1973

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

BILLS (3): INTRODUCTION AND FIRST READING

1. Land Control Bill.
2. Salvado Development Bill.
3. Land Commission Bill.

Bills introduced, on motions by Mr. Davies (Minister for Town Planning), and read a first time.

MURDOCH UNIVERSITY BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [11.06 a.m.]: I move—

That the Bill be now read a second time.

This Bill for the establishment of Murdoch University is one of the most important and, I am sure, the most welcome pieces of legislation to be brought down in this part of the session of Parliament.

The growth of the State in population and its increasing social, cultural, and industrial development have meant an increasing demand for tertiary education, with mounting pressures on the established institutions. This was recognised by the committee appointed in 1966 by the then Premier to report on the future needs of Western Australia in tertiary education, which recommended that a college of the University of Western Australia should be established in the metropolitan area, south of the Swan River, in 1975.

The Senate of that university later recommended that instead of this college a new university should be planned. The then Premier was informed that the Senate had been impressed by the significantly new approach to planning and development which had emerged where a university had been autonomous from the beginning and that its recommendations were based very much on the university's concern that full opportunity should be taken for a fresh approach to the role of the university today and how this role should be performed.

In the light of this recommendation, and having regard also for the decision that the fourth veterinary school in Australia should be established in Western Australia at the new university, the Brand Government, with the support of the then Opposition—the present Government—established in June, 1970, a planning board which was charged to develop plans for a university to be called Murdoch University in honour of the late Sir Walter Murdoch.

Under the Murdoch University Planning Board Act of 1970, the board was given the responsibility to plan for the first phase of development of the Murdoch University and to execute plans approved by the Minister and the Australian Universities Commission for that first phase.

The board was authorised to make appointments to Murdoch University and it was also required to make recommendations to the Minister on the form of legislation required to establish the university.

The stage has now been reached where academic, physical, and financial planning is well advanced and funds have been provided through the State and Commonwealth Governments for the implementation of plans for the university to open in 1975. A number of key appointments have been made and the appointees to foundation chairs are taking up their appointments; so the time is approaching when it will be appropriate for the planning board to be replaced by a body charged with a continuing responsibility for the development and activities of the university itself. The lack of full university status is in fact already creating some problems in relationships with other universities and with bodies such as the Australian Vice-Chancellors' Committee and the Association of Commonwealth Universities.

The planning board has carried out its obligation to recommend on the form of legislation to establish the university by presenting to me early this year a comprehensive report, on the basis of which the present Bill has been drafted. I must also acknowledge the advice given by the Tertiary Education Commission and the suggestions and representations which I have received from many individuals and bodies interested in the new university.

The most important parts of this Bill are those dealing with the government and organisation of the university. The Bill proposes the establishment at Murdoch University of the two-tier pattern of university government common to Australian universities and, in fact, to most universities in the English-speaking world. This pattern comprises a governing body, to be called the senate, supported by a senior academic body, to be called the academic council, which will be responsible to the senate for academic affairs. The senate

is to be a predominantly lay body with a membership which will ensure the representation of a range of interests throughout the community, while also giving an effective voice in the affairs of the university to both staff and students.

In this and in other respects the university will build on the experience of sister institutions, including the University of Western Australia and the Western Australian Institute of Technology. One particular feature of the composition of the senate which is, however, unique in this State, is the provision for direct parliamentary representation on the senate through the nomination of two members—one by the Premier and the other by the Leader of the Opposition. Two other positions will also be filled by the Governor on the nomination of the Premier and the Leader of the Opposition but these positions are specifically reserved for non-parliamentarians. Of the remaining members of the senate, four will be appointed by the Governor, three will be elected by members of the academic staff, three by students, and, in time, another three by convocation. Until convocation is established in 1980, the senate will have the power to co-opt three additional members who are graduates of recognised universities. In addition the senate will have a continuing power to co-opt up to three members.

In general, a member of the senate will be appointed, elected, or co-opted for a term of three years and will then be eligible for a further term of three years, following which there must be an interval of at least 12 months before he can again become a member of the Senate. It is expected that this provision will result in a beneficial infusion of new membership and new ideas into the senate, while at the same time allowing experienced members to renew their service after a short break. I do not, however, suggest that the same principle would be of value in this House.

It is proposed that the chancellor of the university should be elected by the senate, either from its own membership or from outside the senate, for a term of three years, and that if he were previously a member of the senate his election should create a casual vacancy.

The senate is described in the Bill as the governing body of the university and it is stated that subject to the provisions of the Act itself and the Western Australian Tertiary Education Commission Act, 1970, the senate "shall have the entire control and management of the affairs and concerns of the University and may act in all matters concerning the University in the manner which to it appears most likely to promote the object and interests of the University". The senate will have power to establish committees and to delegate. It will also have power to make subordinate legislation in the form of Statutes, by-laws, and regulations. The authority of Parliament is recognised in the provision for section 36 of the Interpretation Act to apply to Statutes and by-laws made by the university, while it is also provided that a proposed Statute must be approved by an absolute majority of the members of the senate at two meetings of the senate held not less than three or more than 10 weeks apart before being transmitted for the approval of the Governor.

The Bill provides that the convocation of Murdoch University should be constituted on the first day of July, 1980, after the university has been in operation for some five years, by which time it is expected that over 1,000 people will have graduated. These graduates, together with members and past members of the senate, members of the academic and, in some cases, nonacademic staff of the university, and other people will form the convocation which will act both as an electoral body and also as an advisory body for the university, with the power to make submissions to the senate on such matters with respect to the welfare of the university as convocation thinks fit.

As I stated earlier, the senate's major academic advisory body will be the academic council. The composition of the council and its procedures will be a matter for determination by Statute, but its functions are listed in the Act as including the discussion and submission to the senate of opinions and recommendations on academic policy, academic development, the admission of students, and other matters which, in its opinion, are relevant to the objects of this Act.

In student affairs the Bill follows the successful experience of the University of Western Australia and the Western Australian Institute of Technology in giving the students a very substantial degree of responsibility for their own self-government and for the provision of social, cultural, and sporting amenities. The Bill provides specifically that the guild of students shall be the recognised means of communication between students and the senate. As I remarked before, there is provision for three students to be members of the senate; one of these will be the president of the guild of students, while the other two will be elected for one-year terms. The extent to which and the ways in which students may be associated with decision-making in other aspects of the university's activities, including such diverse matters as course planning, library operations, discipline, and the provision of bookshops and food services, will be a matter for resolution within the university itself.

The remaining sections of the Bill, Mr. Speaker, embody a number of essentially machinery provisions concerning such matters as the power to vest certain lands in the university, dealings in land, powers of investment, trust moneys, and the guarantee of loans. The Bill concludes with provisions for the audit of the accounts of the university by the Auditor-General and a requirement that the senate shall prepare and furnish to the Minister an annual report on the proceedings of the university, with a copy of every such report to be laid before each House of Parliament.

Mr. Speaker, the objects of the university are stated very simply in the Bill as being the advancement of learning and knowledge and the provision of university education. The object of this Bill is to establish Murdoch University in the form which will best enable it to carry out those objects for the benefit of the people of Western Australia. I commend the Bill to members.

Dr. Dadour: Before you sit down, may I ask a question? Will you table the comprehensive report to which you referred?

Mr. T. D. EVANS: I will convey the honourable member's request to the Murdoch University Planning Board. If there is no objection, I will table the comprehensive report.

Debate adjourned, on motion by Mr. E. H. M. Lewis.

Message: Appropriations

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

SEED MARKETING ACT AMENDMENT BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.22 a.m.]: I move—

That the Bill be now read a second time.

Legislation known as the Marketing of Linseed Act was assented to in November, 1969. A referendum of growers had been conducted and the poll resulted in an overwhelming vote in favour of compulsory marketing.

At the time of proclamation the measure was restricted to the marketing of linseed and no other seed. In the main the Act provided for a marketing board comprising five members and for the appointment of licensed receivers to receive and deal in linseed on behalf of the board, as well as for the establishment and maintenance of a pool or separate pools for the marketing of the seed.

In 1971 an amendment to the title was passed and the Act then became known as the Seed Marketing Act. The board set up under the Act became the marketing authority for seeds other than linseed. This action was taken mainly because of the considerable areas of rapeseed then planted for use as a commercial product. An overseas market existed, particularly in Japan, and there was some local demand.

The amending Bill made provision for a fund known as the seed research fund which is administered by a committee recommended by the Western Australian Seed Board and approved by the Minister for Agriculture.

Section 27 of the Act provided that the Act shall remain in force for a period of three years after its coming into operation. The Act came into force by authority of a proclamation published in the *Government Gazette* of the 28th August, 1970, and its authority will therefore expire on the 28th August of this year.

The continuation of the operation of the Seed Board is most desirable to ensure orderly marketing of linseed, rapeseed, and other seeds, by the board.

The Farmers' Union supports the proposal and I am in full favour of the measure to extend the provisions of the Act for a period of three years. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Nalder.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

MR. BICKERTON (Pilbara—Minister for Housing) [11.26 a.m.]: I move—

That the Bill be now read a second time.

It is quite obvious that I am introducing the measure on behalf of the Minister for Labour. I assure members that he will handle the later debate on the Bill. I realise he will not have the complete right of reply, but nonetheless he will answer any queries raised.

Sir Charles Court: We may make more progress with you.

Mr. BICKERTON: A Bill to amend the Workers' Compensation Act was introduced in the spring session of Parliament last year but lapsed when Parliament rose. When introducing last year's Bill, the Minister for Labour announced that it was the intention of the Government to conduct an inquiry into all aspects of workers' compensation.

A committee was in the process of being established when the newly-elected Commonwealth Government announced that it also intended to conduct such an inquiry. This obviated the necessity of one by this Government. The Commonwealth Government has announced that it intends to establish a national compensation scheme which will include the eventual absorption

of all the various workers' compensation systems in Australia. In this context, therefore, the amendments proposed by the Government in this session should be viewed as an interim measure to remedy a number of needed wants.

In the speech delivered to the House last year, considerable time was devoted to explaining the Government's motive in proposing that weekly compensation should be increased to the level of a worker's normal wage.

The same reasoning applies today, but it is now also supported by moves made in Canberra and in other States. Tasmania has passed legislation to provide for compensation payments equal to a worker's pre-accident average weekly earnings including allowances and overtime.

In Queensland workers receive compensation equal to normal pay excluding allowances. Although there is no legislation on this subject the measure has been achieved through the administrative action of the State Government Insurance Office.

Workers' compensation insurance in Queensland of course guarantees that all workers benefit from this measure.

Last year the Commonwealth Government legislated to provide for payment of normal pay including allowances but excluding overtime, to all Commonwealth Government employees throughout Australia and to all workers in the Australian Capital Territory.

Systems of make-up pay, already widespread throughout New South Wales and Victoria, are spreading rapidly via award applications in those States which have not yet passed legislation.

The alternative to refusal by the Legislature to recognise this irreversible trend will be a recourse to the industrial arbitration machinery, which is not considered to be the proper place to deal with workers' compensation matters.

When the Bill was introduced last year the benefits provided for injured workers were equal to the best in Australia. This is in accord with the Government's belief that Western Australian workers should not receive entitlements less beneficial than those of workers elsewhere in Australia. It will be apparent that this Bill—substantially the same as the 1972 Bill—provides for weekly compensation to be paid at the level of ordinary time earnings only.

As previously mentioned, Tasmania has since legislated to raise weekly rates to average weekly earnings, including allowances and overtime. In March of this year the Commonwealth Government introduced a Bill to amend substantially the Compensation (Commonwealth Employees) Act, which included measures to increase weekly compensation to average weekly earnings.

In these circumstances it is apparent this Bill no longer satisfies the Government's desire to equate the benefits of the Western Australian Act to the best in Australia. It is therefore proposed during the progress of the measure through the House to amend the Bill to achieve the Government's objective in this respect. In the absence of the Minister for Labour it is not my intention to elaborate further on this matter.

I turn now to the Bill itself.

Clause 2: Interpretations—The interpretation "Disabled from earning full wages", has been inserted to remove any disagreement as to its interpretation. The definition of "Widow" or "Wife" in the Act has been widened to include the situation where the "Widow" or "Wife" has been living with the worker—although not legally married to him—for less than three years and there is a dependent child of the union between him and the woman.

The definition of "worker" is to be amended to include within the provisions of the Act clergymen of the Anglican Church. This has been done at the express request of the church to the Premier. Officials of other large churches have been approached and, as a number of them have expressed interest, provision has been made for inclusion quite simply at their request.

Clause 3: Journey Provisions—Cover is at present given only for accidents between work and only one place of residence. It is intended to extend this in the case of men working in camps who, if they are to maintain any semblance of family life at all, must make weekend or even less frequent trips to their true homes. This is not a large extension of the present position but it is felt to be an important one.

Clause 4: Noise-induced Hearing Loss—The addition of section 7A will rationalise the calculation of benefits due to workers who suffer noise-induced hearing loss. Without such a provision considerable disputation might occur as to the degree of compensation to which a worker is entitled.

Clause 5: Medical Boards—Medical boards established by section 8 (1d) of the Act to examine workers suffering from pneumoconiosis, mesothelioma, or chronic bronchitis in association with silicosis, are to be reconstituted to provide that one member each will be chosen by the registrar, the worker, and the employer.

Three specific questions have also been included which the medical board will be required to consider and determine when considering a worker's condition and fitness.

In addition, subsection (13) of section 8 is to be repealed. It is considered that the limitation imposed on the pneumoconiosis disease is anomalous and should be removed.

Clause 6: Special Provisions for Certain Conditions—There are three conditions which the Government considers warrant special provisions to protect disabled workers and their dependants. The proposed new section 8A places the onus on employers to prove that workers, severely disabled by pneumoconiosis and who subsequently die from natural causes, did not die from the pneumoconiosis condition. The beneficiaries of this provision are the worker's dependants who will be entitled to receive the usual benefits provided to dependants in the first schedule upon the death of the worker.

It is often difficult for a worker who suffers a cardio-vascular or cerebro-vascular "accident" due to activities performed during his employment, to prove the occurrence was work caused. The proposed section 8B seeks to remedy this deficiency in the current Act.

Proposed new section 8C provides that mineworkers who are suffering from silicosis in the advanced stage are to be deemed totally and permanently incapacitated for work, and they are to be entitled to compensation from the employer who last employed him as a mineworker.

Clause 7: Hernia—The repeal of section 10 will have the effect of removing the restrictive conditions placed on hernias under the current Act.

Clause 8: Regular Payments—The report of the Senate Standing Committee on Health and Welfare in May, 1971, recommended that urgent steps be taken to eliminate the long delays occurring in disputed workers' compensation claims. By adding the two new sections, 12A and 12B, Western Australia is merely implementing this recommendation.

Annual and Long Service Leave—Proposed new section 12C makes clear that if a period of compensable incapacity supervenes on a period in respect of which the worker is receiving or is entitled to receive payment for annual or long service leave, the worker is entitled also to his weekly payments of compensation.

Public Holidays—New section 12D stipulates payment of full rates for public holidays falling within any period of incapacity.

Employer to Provide Suitable Employment for Partial Incapacity—Proposed new section 12E provides that an employer shall provide suitable work for employees who are partially incapacitated for work, and upon failure to do so employers will be liable for payment of full compensation.

Recovery of Cost of Services Rendered—Although the present provisions have proved to be satisfactory in most ways complaints have been received from the medical profession and from hospitals that through the disappearance of the patient they are often left without payment. At present they have the power to claim only from their patient and they desire, and we think should be entitled, to claim direct from an employer or insurer in a proven or admitted compensation claim. The addition of new section 12F will enable this to be done.

Clause 9: Chairman of the Workers' Compensation Board—The Bill proposes that the chairman will have entitlements as if his service as chairman were service as a District Court Judge, and that he be entitled to the designation "Judge".

Clause 10: First Schedule—As previously mentioned the Bill, in its present form, does not satisfactorily convey the Government's intention. This clause will accordingly require amendment in due course.

Clause 11: Second Schedule—This clause also, in its present form, is unsatisfactory. The Commonwealth Bill is currently being examined and it is intended to update the second schedule benefits during the progress of the Bill through the House.

Clause 12: Third Schedule—Besides the addition of industrial deafness, which was included in the amending Bill last year, some additional diseases and their causes have been included to enable Western Australia to comply with the International Labour Organisation Convention No. 42. This convention, dealing with occupational diseases, was ratified by Western Australia 14 years ago. Upon the scrutiny of the I.L.O. committee of experts, it was considered the Western Australian Workers' Compensation Act did not comply with the terms of the convention. Although there is some room for other opinion on this point, the proposed amendments to the third schedule will meet the I.L.O. request.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. O'Neil (Deputy Leader of the Opposition).

FATAL ACCIDENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th May.

MR. R. L. YOUNG (Wembley) [11.40 a.m.]: This is a very simple Bill which seeks to amend the Fatal Accidents Act in relation to the policy that both Houses of this Parliament accepted last year as being reasonable. That dealt with illegitimate children.

It will be recalled that three Bills passed through this Parliament last year which amended the Property Law Act, the Administration Act, and one other. The amendments to those pieces of legislation dealt with the situation of illegitimate

children, the idea behind them being to place such children in the same position as legitimate children in regard to various estates and trusts. The philosophy of that policy was accepted by this Parliament as being reasonable, so I see no reason why the same policy should not be accepted in respect of the Bill before us.

The Bill specifically seeks to repeal subsection (3) of section 6 of the Act which contains provisions whereby no action may be brought under the legislation in respect of illegitimate children. It is proposed to repeal that subsection and to substitute the following—

> (3) Where in any action under this Act the question of illegitimacy arises in respect of any relationship, that relationship shall not be taken to have been proved unless paternity had been admitted by or established against the father during the lifetime of the deceased person.

Not only did this Parliament accept the philosophy that illegitimate children should stand in the same category as legitimate children under various trusts and estates, but also the philosophy that the father of the illegitimate child has admitted paternity during his lifetime, or alternatively, if he had not accepted or admitted paternity, paternity has been proved against him during his lifetime.

The reason for the amendment is obvious. I do not think that in a simple Bill like this one the views which have been expressed in the three pieces of legislation to which I have made reference should be canvassed again, because they were canvassed very fully last year.

Before I resume my seat and indicate my support of the Bill, I would point out that it is desirable for the wording of section 3 (2) of the parent Act to be altered slightly. In that provision reference is made to a reputed father. The intention of the amendment in the Bill is to avoid the necessity to refer to reputed fathers. Therefore under this Bill the father of an illegitimate child will be regarded as the father either on his own admission or by having paternity proved in a court of law. For that reason there should not be any reference to reputed fathers in the Act.

I have pointed this out to the Attorney-General, and he has agreed to look into the matter. On this occasion we cannot do anything to amend section 3 (2) of the Act, and as I have indicated to him I shall not attempt to move any amendment in that respect. I support the Bill with the very slight reservation I have mentioned.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.46 a.m.]: I thank the member for Wembley for his support of the Bill, and also for his courtesy in drawing my attention to the residue of subsection (2) of section 3. In view of his comments I shall have that part of the Act examined. If necessary—and the honourable member's argument seems to be cogent—a subsequent amendment can be effected when the legislation is next under review.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November, 1972.

MR. R. L. YOUNG (Wembley) [11.50 a.m.]: No doubt members are aware of the fact that I commenced my speech on this Bill over six months ago. I think a similar occurrence has not happened in the history of this Parliament, for a member to commence his speech in one year and to conclude it in the following year. I do not know whether it has happened in any other Parliament in Australia, and I am very interested to find out.

Sir Charles Court: Refresh our memory on what you did say.

Mr. R. L. YOUNG: The Leader of the Opposition has asked me to refresh the memory of members as to what I did say. I do not think I had better do that, because at the point I left off I had already been speaking for 1½ hours and it may take me as long to conclude it.

Members will recall that the Bill before us was introduced in order to bring the Western Australian company law into line with what is commonly known as the uniform companies law in the rest of Australia. At that time I pointed out that uniformity was not necessarily the most important principle to be considered. Since I commenced my speech something else has occurred; that is, a change of Federal Government. I do not think that ever before has a change of Federal Government occurred in the middle of a member's speech. Because of that change, some of the things I said previously may have to be reiterated to elaborate on the present situation in Canberra.

I understand that the new Federal Attorney-General has warned the various State Attorneys-General that he would like a Commonwealth companies Act introduced. As a result of that warning it is doubtful whether uniform company legislation throughout Australia is necessary, because obviously if a Commonwealth

Act is promulgated it would apply to all States and would override State legislation, in which case we need not worry about this Bill.

I would like to make clear my opinion of the suggestion of the Federal Attorney-General, which is that all practitioners of company law, all company directors, and, indeed, the registrars of the various companies' offices would like a system under which they knew exactly what the law was as it applied to every citizen of Australia. Nevertheless, despite that convenience, I still would not like the administration of company law centred in Canberra. I think that is not inconsistent with previous comments I have made when I commenced my speech over six months ago. If company law administration is to be centralised in Canberra under a Commonwealth companies Act, it would be a workable proposition only for those people in, say, Melbourne and Sydney, who could hop in their cars and drive to Canberra or take a short plane flight to that capital in order to discuss an integral and important complex matter within the company law as they can now do in respect of tax legislation with the Commissioner of Taxation.

We in Western Australia are not in that fortunate position and we would have to obtain information or opinions which perhaps only the Commonwealth registrar could provide. For that reason I would not like a Commonwealth Act to apply unless the State registrars had the same decision-making powers as they now have, subject to some form of overriding public information bulletin issued by the central registrar in Canberra to give the public guidance in respect of decisions which will be made on various aspects of company law.

Mr. Bertram: Could the situation be compared with that which applies under the income tax assessment legislation?

Mr. R. L. YOUNG: It is very similar and that is why I drew the analogy. People practising tax law at least are able to contact the various State Deputy Commissioners of Taxation who, in turn, are guided by the public information bulletins issued by the Federal commissioner in respect of the discretionary powers he may have. That is why I would like a similar situation to apply if a Commonwealth companies Act were promulgated.

I would now like to deal with special investigations. Under the Act a special investigation may be made if the Minister believes it is necessary because a *prima facie* case has been made in the public interest. However, such an investigation must be instituted in respect of all the affairs of the company. This provision is to be found in section 172 (3) of the Act and refers merely to "the affairs of the company". The use of the words "the affairs of the company" implies that all the affairs of the company must be investigated, and I am glad that under the Bill before us such a situation will not apply. Under the Bill, once the Minister has decided that an investigation is necessary, he can order an investigation to be made not into all the affairs of the company, which is a very expensive proposition, but only in respect of a specific small area of the operations of the company involved.

Special investigations are usually entered into firstly when a matter of urgency arises and makes it evident that something has gone wrong within the company; secondly, if it appears to the Minister from evidence he receives from time to time that a company's operations are not what they ought to be; or, thirdly, if there is an allegation of fraud. In those circumstances, under the Bill the Governor may institute an investigation on application to the Minister by shareholders, or if it appears to the Governor that such an investigation is necessary.

The provision to allow the Governor to order a special investigation of the affairs of a company if he believes such an investigation is necessary in the public interest is one which would have to be used with all the decorum the Minister could bring to bear on the subject, because on many occasions Governments would like to investigate a company's affairs for reasons other than in respect of company law. For instance, under the consumer protection legislation a Minister could investigate the affairs of a company and the same situation could apply to the Minister handling this legislation. He may have a desire to get his hands on information concerning a particular company and the provision could give the Minister itchy fingers in this respect.

Clause 170 (1) reads—

> 170. (1) Where it appears to the Governor that—
>
> (a) it is desirable for the protection of the public or of members or creditors of a company or of holders of debentures of a company or of interests made available by a company;
>
> (b) it is in the public interest because fraud or misfeasance or other misconduct by a person who is or has been concerned with affairs of a company is alleged; or
>
> (c) in any case it is in the public interest,
>
> to appoint an inspector to investigate affairs of a company, he may by instrument in writing appoint an inspector.

Members will have noticed the number of times the word "or" is used, thus providing a number of alternative reasons to

the Governor in respect of the appointment of a special investigator. One of these is the protection of the public. In making this recommendation to the Governor the Minister is not bound by any guidelines to determine what is in the interests of the public. Under that section he is not bound to consider the interests of the public as they are affected by a corporation within the meaning of the Act. Under that section he could say it would be in the interests of the public for the purposes of consumer protection that a company be investigated.

I am not for one moment suggesting that any Minister would do that. I am simply pointing out that provision will be made for the Minister to have that power. Great discretion would have to be exercised by the Minister to ensure that investigations do not go too far.

It is interesting to note that the cost of an investigation will be borne by the Crown unless the Governor is of the opinion that the company should bear all or part of the cost. That provision is reasonable, indeed, because it could well be that an investigation which appeared to be necessary may not prove to have been necessary when the investigation is complete. Therefore, it is reasonable that the Crown bear the expense of an investigation unless the Governor is of the opinion that all or part of the cost should be borne by the company.

The aim of investigations are fourfold. Firstly, the Crown Law Department may use the results of an investigation for the institution of criminal or civil proceedings. Secondly, the result of an investigation could provide—by its conclusion—grounds for the winding up of a company. Thirdly, the result of an investigation would be very helpful in forming the basis of reform. Law reform has often sprung from investigations carried out into the operations of very large companies. A fourth result of an investigation could be to arrest the deterioration of a company. If a huge undertaking—for instance, B.H.P.—began to deteriorate for some reason or other it certainly would be in the interests of the public of this country for the Minister in charge of the register to order an investigation into such a company. If it were necessary to look into the affairs of such a company it would also be in the interests of the public that any deterioration be arrested as soon as possible.

It is also interesting to observe that any report which states that in the opinion of the investigator criminal action should be taken as a result of the investigation, that opinion would form the basis of a separate report to the Minister. In other words, an inspector, during the course of his investigations, may come to certain conclusions. One of those conclusions could be that he was of the opinion that somebody should be charged with a criminal offence. If he so finds he must make that part of his report completely separate from the one he hands to the company.

A witness appearing before an investigator will be allowed to be represented by counsel, and that is quite proper. Times are changing. Some of the companies which were of only considerable size some 20 or 30 years ago are now large corporations, and are virtually cities in themselves. Some of those corporations—and I again refer to B.H.P. as an example—have fantastic turnovers which in some cases would be equivalent to the revenue of a State the size of Western Australia. When we consider the possibility of an investigation into a company of that size, and when we consider the powers of the investigator and the importance of the investigation, it is only right that people who are examined should have the right to be represented by counsel at the time of the investigation so that there is no miscarriage of justice. I am pleased to see that aspect covered by the Bill.

The Bill goes on to deal with takeovers. We read accounts in the financial pages of the papers, more and more every day, that takeovers of certain companies are imminent. It seems to me that the trend in the business world nowadays is for takeovers to occur more and more. The takeover syndrome has become a most important part of the financial juggling within the business world. To some degree, the reason for takeovers is an accounting doctrine known as the doctrine of conservatism which provides that an accountant, in the preparation of the accounts of a company, must go for conservatism—if there is any doubt as to value—when showing items on balance sheets. In other words, an accountant must write down the value of an article so that there is no longer any doubt regarding its value.

As a result of the conservatism of accountants over the years the assets of companies have tended to be understated. In many small public companies—and private companies—we find that real estate worth tens of millions of dollars may be shown in the books of a company at a figure of no more than a few hundred thousand dollars. This usually comes about because of the purchase of properties, over the years, at relatively cheap prices, and the value of those properties remaining on the books at the purchase value. The situation arises where the assets of a company which have been undervalued—and I refer particularly to goodwill and the value of patents or licenses—can represent tens of millions of dollars of real value to the company. However, the assets could be shown in the balance sheet at a very small value.

A shrewd businessman may become aware of such a situation in the small public company area. Of course, a large public company—and once again I refer to B.H.P. —could hardly be the subject of any sort of takeover unless it was by an organisation the like of which we certainly do not see in this country. However, this occurs time and time again in the case of small family-type companies where the assets are understated. A shrewd businessman is able to go in and take over the shares of such a company at market value on the Stock Exchange and is able to make a huge profit.

I have given that rather long-winded explanation of takeovers because I want to illustrate the importance, to the investing public, of the manner and nature of takeovers.

The takeover provisions contained in the Bill now before us—and in other uniform company law throughout Australia—are very stringent. It is necessary for them to be stringent for the very reason I have just pointed out. No longer will the takeover provisions apply only to corporations, as they do in the present Act; they will apply to natural persons also.

The Eggleston Committee, under the chairmanship of Sir Richard Eggleston, formed the basis of the amendments to company law in Australia. That committee made certain recommendations in regard to takeovers.

The committee used the following words in regard to what it thought was the general principle to be followed—

> 16. We agree with the general principle that if a natural person or corporation wishes to acquire control of a company by making a general offer to acquire all the shares, or a proportion sufficient to enable him to exercise voting control, limitations should be placed on his freedom of action so far as is necessary to ensure—
>
> (i) that his identity is known to the shareholders and directors;
>
> (ii) that the shareholders and directors have a reasonable time in which to consider the proposal;
>
> (iii) that the offeror is required to give such information as is necessary to enable the shareholders to form a judgement on the merits of the proposal and, in particular where the offeror offers shares or interests in a corporation, that the kind of information which would ordinarily be provided in a prospectus is furnished to the offeree shareholders;
>
> (iv) that so far as is practicable, each shareholder should have an equal opportunity to participate in the benefits offered.

That recommendation by the Eggleston Committee forms the basis of the provisions relating to takeovers in this measure. I think the principles on which the committee worked were sound indeed. The legislation before us will achieve those objectives.

Under this measure, a takeover by acquiring 33⅓ per cent. of the voting control of a company no longer applies. It will now become a takeover within the meaning of this provision if an attempt is made to gain 15 per cent. of the voting rights of a company. It is interesting to note that any person who makes a bluffing offer will commit an offence, unless he has grounds to do so. A bluffing offer comes about when a company is already subject to a takeover offer and somebody wants to stop that offer. He makes some sort of reference in the financial Press or perhaps a more pointed reference to the shareholders that he intends to make a takeover offer at a certain time. This sometimes has the effect of stopping the existing shareholders from accepting the offer before them until such time as the offer lapses. The offer made by the bluffing person never comes to anything, but that particular takeover is finished at that time. It will be an offence to make such an announcement under this measure unless a person has grounds to do so. I think that is quite fair.

The measure goes into considerable detail in respect of those who have an interest in shares. This is because takeover provisions in the legislation, naturally enough, must be very specific in regard to persons who actually hold shares and those who are making an offer for the shares. People who are holding shares on behalf of somebody else—or holding shares which are subject to the control of somebody else—must be defined.

Something which worries me is the reference to "associate" within the meaning of the legislation. It says—

> (5) The shares in a company to which a person is entitled include—
>
> (a) shares in which that person has an interest; and
>
> (b) shares in which an associate of that person has an interest.

It then says—

> (6) A reference in paragraph (b) of subsection (5) of this section to an associate of a person is a reference to—

One of the persons listed is—

> (f) a person who is associated with the first-mentioned person as provided by subsection (7) of this section.

Mr. O'Connor: What does that mean?

Mr. R. L. YOUNG: It then states—

(7) For the purposes of paragraph (f) of subsection (6) of this section, a person is associated with another person—

(a) if—

(i) he has an agreement, arrangement or undertaking, whether formal or informal and whether expressed or implied, with that other person; and

I am concerned about the inclusion of the word "undertaking" in the reference to, "an agreement, arrangement or undertaking, whether formal or informal and whether expressed or implied". It is impossible to have an informal or implied undertaking. A person either undertakes something or he does not. If he has undertaken something he has obviously entered into an agreement or arrangement which is covered by this provision. I think the word "understanding" should be used instead of "undertaking". It would make more sense to say—

A person is associated with another person if he has an agreement, arrangement or understanding whether formal or informal and whether expressed or implied, with that other person.

I will move an amendment in Committee to cover that aspect.

I will now compare the obligations of directors in regard to a prospectus, under the legislation, with the obligations of directors in regard to takeover bids. Section 46 of the principal Act makes a director liable for misstatements under a prospectus. It says, in part—

. . . or by reason of the wilful nondisclosure therein of any matter of which he had knowledge and which he knew to be material, that is to say every person who—

It then lists persons who are connected with a prospectus.

Before a person can be convicted under section 46—which remains intact under this measure—it is required that the omission or false matters contained within the prospectus must be a wilful nondisclosure. Proposed section 180J, which relates to takeovers, contains no mention of the word "wilful". It says—

180J. (1) Where there is false or misleading matter in a Part A statement—

I interpolate to say that this is the statement that must be made in regard to the takeover by persons making the takeover. To continue—

—given under section one hundred and eighty C or an omission from such a statement of any material matter, a person to whom this section applies is, subject to this section, guilty of an offence against this Act.

Penalty: Two thousand dollars or imprisonment for one year, or both.

We expect from the wording "subject to this section" that there will be some sort of let out within the section. It is not one I would like to see incorporated in the legislation and I have said this on a number of occasions. It says—

(5) It is a defence to a prosecution of a person for an offence under subsection (1) of this section if the person proves—

The person referred to is the defendant. This brings us back to the situation of a person being guilty until he proves himself innocent. I have spoken on this subject often enough for members to know my feelings on it. A person can put this forward as a defence only after proving certain points which are extremely difficult to prove, some of them being—

(a) that, when the statement was given, he—

(iii) in the case of an omission believed on reasonable grounds that no material matter had been omitted; or

(iv) in the case of an omission, did not know that the omitted matter was material; and

If the onus of proof is on the defendant to prove these points, he is in an awkward position. I do not intend to move an amendment but I consider it would be far more reasonable for the Crown to prove these points. After all, if a person is found guilty of this offence under the Companies Act he will lose all credibility in the business world and will be liable to a fine of $2,000 or for imprisonment for one year. It seems more reasonable to me that the Crown should prove that the person knew something which he deliberately omitted rather than that he should be guilty until he himself proves that he is not.

Mr. Bertram: It may be virtually impossible for the Crown to do that.

Mr. R. L. YOUNG: When there is an area of doubt it would be virtually impossible for the defendant to prove that he did not in the same way as it would be equally difficult for the Crown to prove that he did. Where there is an area of doubt like that, it seems to me the doubt must go in favour of the person who could end up in gaol.

Mr. Bertram: Is that a correct balancing of the situation? Would it not be more difficult for the Crown than for the defendant in that particular case?

Mr. R. L. YOUNG: No, because the Crown, in putting its case, would have available to it all the evidence, if any, the person could produce in his defence. Therefore, the judge or whoever tried the person would be in the situation that he could make a reasonable judgment whether or not the Crown had proved its case. Where there is an area of doubt, I would rather give it to the person who may be put in gaol.

There is one other proposed section in regard to takeovers to which I would like to refer; that is, proposed new section 180S on page 157 of the Bill. This relates to the power of the court to excuse a person for noncompliance with any provisions in this part of the legislation in regard to takeovers. The proposed new section 180S reads—

> 180S. (1) Where a person has failed to comply with a provision of this Part and the Court is satisfied that the non-compliance was due to inadvertence, mistake or circumstances beyond his control and—

That is the important word. It continues—

> —that, in all the circumstances, the failure ought to be excused—

The court may excuse him. It seems to me the word "and" should be "or", so that it will then read—

> Where . . . the Court is satisfied that the non-compliance was due to inadvertence, mistake or circumstances beyond his control or that, in all the circumstances, the failure ought to be excused . . .

This will give the court power to go a little further in cases where it may want to excuse the person for noncompliance. I cannot at the moment think of any instances but there are areas in which the court may want to excuse the person for noncompliance for reasons other than those stated in the legislation, but the court could not do so unless the word "or" was substituted for the word "and". I would like to see that matter cleared up. There may be a good reason for the present wording but I cannot see it at the moment.

Turning to the miscellaneous provisions, I refer to clause 45 (c), which has the effect of allowing the registrar to say, where a document must be lodged under the Act and the prescribed filing fee has not been lodged with it, that the document is deemed not to have been lodged until the fee has been paid. I can understand it causes problems for the registrar if the wrong fee is sent or no fee is sent and he must register the document and obtain the money from the person concerned later. But it seems to me the legislation is concerned with obtaining all the information which it is necessary for the public to know.

A few days ago I was in the board room of a company which was in a little financial trouble. It had failed to lodge documents, one reason being that it did not have the money. No-one else would pay the money because it would not be refunded. Is it not better for the public to know what is going on in the company —that there has been a change of directors or auditor, or something else that requires a document to be lodged with the registrar with a fee attached to it? It is better for the public to know that information than for the Companies Office to receive a fee.

The legislation is not a taxing measure. It is designed to give information to the investing public, and it seems to me to be a completely wrong premise that the document is not deemed to have been lodged until the fee has been paid. It goes against the whole basis of the Act, and I would like that provision to be deleted in the Committee stage. Obviously it is better for the registrar to become a creditor in the winding up of an insolvent company and have the public informed of all the facts than for the people not to be so informed.

Under clause 47, the Companies Auditors' Board may inquire into the conduct and character of an auditor. If the board thinks fit, it may refuse to renew the registration of an auditor. The Bill proposes that where the auditor's registration has not been renewed by the board the auditor will have the right to lodge an appeal. At the moment, the auditor has the right to lodge that appeal within three months of the refusal, but it is proposed in the Bill to reduce that period from three months to one month.

Although three months may be a rather long period, I think one month is a little short. It could well be that the auditor's livelihood is at stake and that the appeal is therefore of vital importance to him. He may want to seek advice in regard to the preparation of his appeal and, in fact, if it is so important to him, he should do so. With due respect to the members of the legal profession in this Chamber, and in fairness to all auditors and the public, I should point out that nowadays when one asks a lawyer to prepare an appeal in one month one has little chance of getting it done. The lawyer has far too much work to do. He procrastinates, probably because he is too busy to do otherwise. I do not think anyone could have this sort of document prepared properly within one month. I would therefore like that period to be increased to two months in order to give a person who looks as though he is staring at the loss of his livelihood the opportunity to present a properly prepared appeal.

In clause 51 of the Bill it is suggested that partnerships should be limited to 100 persons in the case of an association or partnership for the purpose of carrying on the professional calling of accountancy; other professional partnerships are limited to 50 persons. This question has not a great deal of consequence but I would like to know why firms of accountants can have 100 members in a partnership without having to become a corporation while others reach that situation at 50. It may well be that accountancy firms have to operate interstate for various audits and may need more members in the partnership, but it seems strange.

Clause 53 refers to the omission of the word "Limited" in the case of nonprofit organisations. At the moment, certain nonprofit organisations have the right to omit the word "Limited" from their name, with the permission of the registrar.

It is proposed to add to the list of organisations which may put in an application to omit the word "Limited" by adding after the word "charity" in subsection (1) of section 24 of the Act, the word "patriotism". The Act now reads—

> Where it is proved to the satisfaction of the Minister that a proposed limited company is being formed for the purpose of providing recreation or amusement or promoting commerce industry art science religion charity pension or superannuation schemes or any other object useful to the community...

And the subsection goes on to read—

> ...without the addition of the word "Limited" to its name.

It is proposed to add the word "patriotism" after the word "charity". It will then read—

> ...art science religion charity patriotism pension or superannuation schemes...

I would like to ask how on earth the Minister will decide which organisation is a patriotic one and which is not. One would need the wisdom of Solomon to make a decision of that kind. For example, the R.S.L. claims to be patriotic, and yet others opposed to the organisation say that their own organisations are more patriotic than the R.S.L., and these people can put forward certain reasons for the belief. No doubt 99 per cent. of the public would agree that the R.S.L. is patriotic, but in my opinion it would be impossible for the Minister to say whether or not it is more so than any other body. I would not like to make such decisions. Someone would have a tremendous job to attempt to define the word.

Clause 59 of the Bill deals with a matter which was the subject of a private member's Bill introduced by me and passed by the Parliament last year. It has taken so long for this legislation to be brought forward this year, I am very glad that the anomaly which existed in relation to unit trusts was resolved last year. In the Committee stage we will need to vote against clause 59 because the provision is now already incorporated in the Act.

I am a little concerned about clause 73. I would like to draw this clause to the attention of the Attorney-General, because I believe it has been incorrectly drafted. Apparently the person drafting the clause believed a new section was being added, whereas in fact the existing section is to be amended. This leaves proposed new subsections (2) and (3) swinging—no indication is given as to where they should go in the existing Act.

In regard to the principle of the provisions in this clause, I would like to ask the Attorney-General why an exempt proprietory company which requires only one director under the provisions of the present Statute is now required to appoint two directors. Private companies and particularly exempt proprietory companies usually work on a family basis. With all due respect to the statements made to the income tax department, invariably such a company is controlled by one person. The powers a director may have over the control of a company may not necessarily be readily shared with another person. He may wish to retain all the power, and in my opinion it is reasonable that he should do so. I understand no objection has been raised to the principle in any of the other States, but I would be interested to know why it is proposed.

Another interesting aspect of the Bill is contained in clause 27 which requires that a person, once having attained the age of 72, may not act as a director. Previously a person who had attained the age of 72 years was not permitted to be appointed or reappointed as a director of the company. However, if the legislation is passed, the situation will be that he may not even act as a director once he has attained the age of 72 years. As well as this being a philosophy which could be argued against, we must also give consideration to the manner in which a 72-year-old director must be elected at the present time. I will go into that later, but at the moment I draw attention to the fact that this clause appears to be in conflict with subsection (2) of section 121. The provision will now read—

> ...a person over the age of 72 years shall not be appointed or act as a director of a public company.

Subsection (2) goes on to say—

> The office of a director of a public company or of a subsidiary of a public company shall become vacant

> at the conclusion of the annual general meeting commencing next after he attains the age of seventy-two years . . .

This means that a director who attains the age of 72 years may not continue to act as a director but his office does not become vacant until the next annual general meeting. A company under its articles of association may be required to have a certain number of directors at any particular time. It may find that it suddenly has a casual vacancy by Statute but it would not have a vacancy within the meaning of the articles of the company. I believe subsection (2) may also need to be amended.

I now turn to the philosophy involved in the idea of arbitrary retirement of directors who attain the age of 72 years. I am not really convinced that a person of this age should not be permitted to carry on if he wishes to do so. I do not believe that the present voters and electors of the State would be happy with the situation where a Premier may attain the age of 72 years and remain in office and yet a company director would have to retire. Surely the Premier is at the helm of an organisation which would be at least as big as—if not bigger than—any corporation in the whole country. In making this analogy, I submit that the Premier would be in the position of chairman of the board rather than simply a director. Why should a director require three-quarters of the vote—not simply three-quarters of the vote of those voting, but three-quarters of the vote of those entitled to vote—to remain in office? I do not believe the principle in this clause is correct. However, it is contained in the existing Act and the philosophy has been accepted. I draw this to the attention of the House.

In paragraph (f) of clause 74, on page 201 of the Bill, a new section is proposed. This reads, in part—

> . . . where the articles of a company limited by guarantee provide for the holding of postal ballots for the election of directors . . .

And it then goes on to read—

> . . . in which—
>
> (a) the members entitled to vote have been given notice in writing by the company stating that a candidate is of or over the age of seventy-two years and reciting the age of the candidate;

The point I make is that I believe an addition should be made in these terms—

> . . . or will attain the age of seventy-two years before the next annual general meeting.

Otherwise an elector of a director to a board may find himself in the situation of voting for a candidate without being given any notice that the candidate is about to attain the age of 72 years. Having been elected, once the director attains that age—it could be in the following year or halfway through his term—he may not be able to act as a director any longer. I think that is wrong.

Section 77 of the principal Act is similar to clause 73 of the Bill which I think is badly drafted. The new subsection is left hanging, and no direction is given as to where it will be inserted into the principal Act. I draw that fact to the attention of the Attorney-General.

The Bill also requires that where a person has been a director of a failed company—that is, a company that has become insolvent—and he subsequently becomes the director of another company which becomes insolvent, that person may not take part in the management of any company for a period of five years after having those two strikes against his name. The court may not make an order of this nature unless it is satisfied, firstly, that the person was given notice of the application; secondly, that within seven years prior to his being given notice of the application he has been the director of two companies which have failed; and, thirdly, that the manner in which the affairs of the companies have been managed is wholly or partly responsible for the companies being wound up.

In other words, if a director was simply unlucky in having been the director of two companies which had to be wound up as a result of unfortunate circumstances not connected with management, then this provision would not apply. But if the insolvency of the two companies resulted from bad management, the provision would apply to that director.

The other point I wish to mention—and I have an amendment on the notice paper in respect of it—is that in the administration of certain private companies from time to time it becomes necessary to incorporate certain minutes in the book of meetings. With all due respect to those who administer some private companies, I am afraid that most of such meetings do not take place at all, as is evidenced by the minute book, because it is much easier for the accountant or secretary simply to phone the directors or shareholders—there may be only half a dozen of them—and to say it is necessary to hold a meeting before such-and-such can be done. He asks if they are in favour of the proposal and, if they are, rather than get all those concerned into the office he simply writes a minute and puts it into the book.

In 999 cases out of 1,000 that is not challenged; but unfortunately there will always be the odd occasion when it is,

and courtrooms have been held up for days by people trying to prove they did not take part in a particular meeting. However, more importantly, I think if a practice which is outside of the law becomes accepted as standard practice, then it should be recognised by the Act. If it becomes standard practice that a half-dozen members of a company accept the fact that minutes are entered in the books without a meeting having been held, then I think we should incorporate in the Act an amendment making it unnecessary for such people to attend these meetings when their attendance is not necessary. I shall refer to an amendment in this respect a little later after lunch.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. R. L. YOUNG: Before the luncheon suspension I was talking about an amendment I intended to move in relation to the minutes of meetings of companies. I referred specifically to exempt proprietary companies such as the small family concerns, or those where groups of friends owned all the shares and did not want to shoulder the burden of having to hold the various meetings as prescribed under the Act.

For that reason I have given notice to the Attorney-General that I intend to move an amendment to insert a new clause so that decisions made at any meeting of an exempt proprietary company, which must now be held under the provisions of the Act, can be made without actually holding a meeting as such. This could be done quite simply by the members of the company agreeing to a specific action and recording the action in the minute book of the company.

My amendment will require that three-quarters of the persons who are entitled to vote at such a meeting must agree to the resolution, that resolution must be signed by at least three-quarters of the persons entitled to vote at such meetings, and that they must hold at least three-quarters of the voting power to do so. Within a specified time—the time proposed in the amendment is seven days—of the minuting of such resolution the company will be obliged to send notices of that resolution to all persons who have not signed it; so that all members of the company who are not party to the agreement—that is, the remaining one-quarter of those entitled to vote—will receive notice of this resolution from the company.

Mr. Bertram: A directors' meeting or a general meeting?

Mr. R. L. YOUNG: It does not cover meetings of directors, but meetings of companies other than a general meeting which must now be held under the provisions of the Act. It would be wrong to build into the Act a provision to deny anybody who wanted to turn up at an annual general meeting the opportunity to have his views on the management of the company and on other matters recorded.

Having dealt with all the provisions of the Bill, and having put forward my suggested amendments, I would now like to say something about the Eggleston Committee which was appointed to formulate the basis of the legislation which is now becoming the law in most States of Australia. I believe it is law in all the States with the exception of Western Australia. I think that committee—and in particular Sir Richard Eggleston—is to be congratulated for the work it has done.

No doubt it was an incredibly difficult task to take the Companies Act of the various States, and attempt to arrive at a suitable piece of legislation which would incorporate the best features of those Acts, with a view to laying down guidelines for a uniform Companies Act. This committee has carried out its work exceptionally well. People who have spoken on the various uniform Companies Acts in the different States of Australia must surely have congratulated the Eggleston Committee, and I would like to add my congratulations to theirs.

It is rather unfortunate that in the course of this legislation passing through the various Parliaments of Australia, time and time again amendments were suggested by interested parties. Most of the Attorneys-General of the other States tended to take a fairly hard-headed line in respect of such amendments.

Despite the fact that the recommendations made by the various bodies which are interested in the Bill have been, in my opinion, very responsible—and they were suggestions which would certainly have made the various Acts easier for those who have to deal with the companies to understand—it seems to be a pity that most of the Attorneys-General have taken the attitude that the most important aspect of company legislation is the desire for uniformity, as distinct from the desire to build into the various Acts provisions which are easily understood, and which perhaps are clearer than the provisions that have emanated from the legislation that has passed through the various State Parliaments.

I hope that our Attorney-General will not take the same hard-headed attitude taken by the other Attorneys-General.

In passing it is rather interesting to repeat that from the commencement of my speech to its conclusion a period of six months has elapsed and the Federal Government has changed; and the new Federal Government has taken an attitude different from the one taken by the previous Government on company legislation. It could well be that despite the opinions of members in the various State

Parliaments, we could end up with a Commonwealth companies Act. This means of course that by the next part of this session when it is reasonable to assume we will deal with the Committee stage of the Bill, the Commonwealth may have instituted proceedings for an Australia-wide Act. Consequently the comments I just made in regard to the attitude of the Attorney-General to suggested amendments may not be important because we may let the whole Bill drop.

However, if that is not the case, I hope that having seen the legislation pass through all Houses of Parliament in this country, and having seen the arguments advanced and learnt of the desire of registrars and Attorneys-General to have uniform legislation, we will not run into the same problem when in Committee. To the great relief of members, that is all I have to say on the Bill. With the exceptions I have mentioned both last November and today, I support the Bill—

Mr. Brady: A very good address.

Mr. R. L. YOUNG: —with the reservation that I intend to move certain amendments when eventually we deal with the Bill in Committee.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.25 p.m.]: I would be most insensitive and it would certainly be most unusual if I did not commence by indicating I have been impressed by the considerable amount of study and research the member for Wembley has undertaken in his analysis of the Bill and the conclusions he has reached in so doing.

Members: Hear, hear!

Mr. T. D. EVANS: It is obvious that this Bill is one which mainly will be dealt with in Committee and therefore to the relief of members I indicate now that I do not intend to reply in any great detail at this stage. If one has regard for the fact that the speech of the member for Wembley was commenced six months ago, and has complete disregard for the interregnum occurring between the commencement of the speech and its conclusion today, one must certainly afford to him the all-time record for having made the longest speech in this Parliament. My response thereto may be equally regarded as the shortest reply on a Bill of this nature; but I trust members will not regard the brevity of my speech as being an indication of any disrespect on my part.

The amendments of which the member for Wembley has already given notice have been examined, but some of them will be better examined now in the light of his completed speech.

Mr. Hutchinson: The speech of the member for Wembley is a record one not only because of its length and quality, but also because it was spread over two Parliaments.

Mr. T. D. EVANS: The member for Wembley has paid a tribute to the subject matter of the legislation in the patience he has exercised as well as his diligence and the research he has put into the speech. However, one would expect such diligence on a subject as important as this one to the quality of life in our modern world.

At the last Attorneys-General Conference held in Sydney the Federal Attorney-General (Senator Murphy) indicated his Government's desire—not necessarily its intention, but its desire—to legislate for a national companies Act. However, let me hasten to assure members that the Senator made it quite clear that he did not intend to establish a bureaucracy operating solely in Canberra, but that he would rely heavily upon the assistance of the existing machinery within the States; and to that end he recommended—and the Attorneys-General readily agreed to the recommendation—that forthwith from that date a continuing conference should be held between the Commonwealth and State officers as to the best means of, firstly, ascertaining whether there was any doubt as to the Commonwealth's legislative confidence to legislate for a national Act; and, secondly, ascertaining the best means of implementing such legislation to ensure that the advantages—and there are distinct advantages flowing from a national uniform companies Act—would be made available to the citizens of Australia.

At the same time, because the Act would be of a national flavour and created by a national Government, we would need to ensure that we would not suffer from the fact that final decisions on some matters would have to be made by what one may call the national registrar of companies when, up to date, we have enjoyed local autonomy through the local Companies Office.

Senator Murphy made it quite clear he was anxious to win the support of the existing companies offices throughout Australia and was most anxious to ensure that, as far as possible, the registrar in each State—or the commissioner for corporate affairs as the office is designated in some States—would retain as much autonomy as would be possible consistent with the national companies Act. To that end it is expected that, at the next meeting of the Conference of Attorneys-General due to open in Perth on the 2nd July, a report will be forthcoming from the officers who have been charged with this undertaking.

Mr. Nalder: Is this the normal annual conference?

Mr. T. D. EVANS: Yes. The next one is to be held in Perth and is due to commence on Monday, the 2nd July.

I see one very interesting point in connection with this issue. Quite apart from the question as to whether the dictum handed down by the High Court in the

Rockler Cement Pipe case would be sufficient to enable legislation of this type to be enacted by a national Parliament, we have to realise that there are other essential and associated pieces of legislation in respect of which only the States would be competent to legislate. I refer to the business names legislation. By no stretch of the imagination could power to legislate in this regard be said to come under the corporations power, because individual natural persons often assume a business name and they are certainly not corporations.

This could well be in the interests of a national companies Act. If we can be assured that the virtues of decentralisation—if I may use that expression—will be retained I feel that the power to legislate for business names, for example, may well be one which could be referred to the national Parliament to assist in bringing about a desirable state of affairs.

I listened with a great deal of interest to the member for Wembley speaking in terms of a national companies Act being a *fait accompli*. The honourable member expressed the desire that the national registrar—in whom would be vested certain discretionary powers—might consider taking a leaf out of the book of his counterpart, the Commissioner of Taxation, by issuing an information booklet in regard to the exercise of his discretion. I would readily support such a proposition.

I confirm it is the Government's intention to proceed with the Committee stage of this Bill during the next part of this session of Parliament.

Question put and passed.

Bill read a second time.

SCIENTOLOGY ACT REPEAL BILL

Second Reading

Debate resumed from the 22nd November, 1972.

MR. MENSAROS (Floreat) [2.35 p.m.]: It has been almost six months since the Minister moved the second reading of this measure. Although I disagreed with his conclusion and with the motion for the second reading, I welcomed the way in which the Minister introduced the Bill. It was a marked difference from the almost theatrical debate—if I may use that expression—which took place some four years ago. That debate was led by the Deputy Leader of the Opposition of the time who is now the Deputy Premier. We were all subjected to tirades from him which, in my opinion, did not seem quite genuine but were more in the nature of an emotional rhetorical exercise. To a certain extent he ignored the main points in the Bill at that time as well as the interests of the people we represent.

In my humble observation, that was one of the many debates in which the Deputy Premier wanted to impress and persuade his supporters—and, undoubtedly, he gave a tremendous rhetorical performance—that he would possibly be the best man to succeed his leader. As the situation is at the present moment we know that such an attempt has failed.

When the Minister for Health introduced the measure now under discussion he at least tried to show that he wanted to be responsible. He spoke on the subject and at least put forward some arguments—although I think he showed a lack of enthusiasm in so doing—directed towards repealing the legislation. As I have said, I commend the Minister for the calm way he handled the issue and he tried very hard to make a good job of a case which was obviously bad. I realise the Minister acts on collective Cabinet responsibility. As long as he is a member of Cabinet there may be occasions when he has to advocate something in which he personally does not believe.

Over the past five years or so I have had experiences—which were mostly pleasant and enjoyable—of hearing the Minister argue cases with conviction, enthusiasm, and skill. I think I am not far off the beam when I say that I detected a lack of enthusiasm and conviction in the arguments he put forward when he moved the second reading of this Bill. It was his own speech, which he made off the cuff. I think this is to his credit as well. It is easy to imagine that the Minister did not want to place his public servants in the unfair situation of writing speech notes for him which went entirely against the views and convictions of those public servants.

However, the Minister went so far, within his collective Cabinet responsibility, that he took a view diametrically opposed to that of his chief public servant and adviser on this particular matter. In saying this, I am not advocating that we should place public servants, whether senior or not, on a pedestal where they are almost god-like. I am not saying that a Government, or indeed a Minister, cannot and ought not to proceed against the advice of his public servants if he feels this is the correct course to take. If this happens, the Minister has the responsibility to make the case out very clearly and to state his arguments either against the man or the case, or against both of them.

As far as my personal experience goes, in Dr. Ellis, as the head of the Mental Health Services, we have a man who is far above average. He is acknowledged, not only in Australia but throughout the world, as possessing great professional knowledge, organisational ability, and a very good record of achievements. I would ask members to cast their minds back to the state of affairs prevailing in regard to

mental health in this State before Dr. Ellis was appointed. If we compare this with the achievements since then in this field, we must surely acknowledge his contribution. Without doubt we have become the leading State in Australia in regard to mental health, and this is admitted by all specialists not only in Australia, but far outside our continent.

The Treasurer of the day may have found some difficulty with the demands of the department, but Dr. Ellis achieved what he set out to achieve, and so much more.

Most of the institutions administered by the department happen to be located within my electorate and the courtesy has always been extended to me that I may visit them. I have frequently done this, and I have a great admiration for the workings of these institutions. I therefore ask: What was wrong with Dr. Ellis and the advice he gave? Why is it that Dr. Ellis suddenly, in the opinion of the Minister—as expressed in his second reading speech—gave wrong advice about what is good and what is bad for the mental health of our community?

As the matter is not now *sub judice*, I would like to refer briefly to Dr. Ellis's comments. He said—

> I am of the opinion that the evidence collected and produced indicates that scientology is indeed a danger to public health and as such I believe that it would be very much against the public interest if the present Act were repealed.

Mr. Graham: Have you knowledge of any harm done to anyone as a consequence of the activity of this sect?

Mr. MENSAROS: Indeed, I have had occurrences of this nature within my electorate. I imagine quite a few of my colleagues and the Deputy Premier's colleagues would know of such cases also.

Mr. Graham: In the practice of the sect's religion? I am not talking about the campaigning; that is in a different category altogether. We have not banned the campaigning, only the practice of the religion.

Mr. MENSAROS: I am speaking within the ambit of the Bill. I believe insufficient evidence has been put forward on which to repeal the Act. The Act is not against the religion if it is properly exercised.

Mr. Graham: It definitely places a stigma on the sect and its adherents.

Mr. MENSAROS: This group of people have changed the name of the sect in any case.

Mr. Graham: It would be a peculiar law if we could reinstate something which has been banned purely by changing a name.

Sir Charles Court: I think the Deputy Premier has missed the point which the honourable member was trying to make.

Mr. MENSAROS: Having regard for this comment of the Director of Mental Health Services, I believe we should have very good and convincing reasons presented to us by the Minister before we decide that Dr. Ellis is wrong, and that the lay members of the Cabinet are right. I do not believe such reasons have been presented, but perhaps the Minister may still present these to us.

The Minister said that he could efficiently and effectively mount a debate either for or against scientology. I believe he probably meant to say, or he should have said, that he can mount a debate either for or against repealing the Act. That is the subject of the debate.

I shall attempt to put up a case against the repeal of the Scientology Act. I believe I may have some advantage over the Minister because not only can I argue logically, which he undoubtedly did, but also I can argue with conviction. On this occasion I believe his speech lacked conviction. If the Minister wishes to state he had conviction, then, comparing his speech with the ones he has made where he obviously had conviction, on this occasion he concealed his conviction very well indeed. As I said, I shall balance this handicap by using only the arguments which he brought up in his speech.

First of all we have to look at the Act which is to be repealed. This Act was not drawn up without a basis. Of course, this is an answer to the interjection made by the Deputy Premier. It was not the result of a personal or collective vendetta against any one person or group of persons. Scientology was a grave social problem. I need not dwell on the details of the problem, because all members must have seen results of some of its practices, such as broken marriages and mental cases. The Director of Mental Health Services has seen many more of these cases than we have, and he vouches for this fact. We have heard of instances of intimidation and even of suicide as a result of the exercise of scientology. These social problems arose in many countries and slowly the ideas of the sect were introduced to Western Australia, and we all know the results.

Upon advice the Government of the day wished to solve the social problem. The result was an Act which the present Government seeks to repeal. My first comment about the Act is to correct the ever-recurring misconception that the Act bans scientology. It does not ban scientology, and if reading the Act does not prove this to members, additional proof is available in the fact that scientologists are still here.

But it does not ban scientology, because it does not say so. So let us see what the Act actually does. It does four things. Firstly, it says that a person shall not practice scientology after which it describes what that practice means; secondly, the Act says that in relation to this practice no person shall receive a fee. This is not banning either, neither is it against any religion. I certainly do not know of any religion that compulsorily collects fees or which makes it a condition that unless one pays a fee one cannot practice the religion in question.

Thirdly, the Act says that a person shall not use a galvanometer. Fourthly, in section 5 the Act makes provision that every person who has in his possession any material or literature connected with scientology shall deliver it to the Commissioner of Police.

From all this the question arises as to whether we still consider that these practices, as described in the Act, whether or not well described—this was a subject of criticism by the Minister—from the point of view of possible prosecutions are still objectionable, or do we consider that the practices as described in the Act are no longer objectionable? A further question is: does the danger to the community —something against which the community ought to be protected—still exist or does it not exist?

If we say that no danger of these practices as described in the Act does exist we have no further argument. But I do not think we say that.

The Minister did not say there was no danger—not in the religion or in any given number of people who congregate—but in the practice of scientology as described in the Act. Therefore if we still consider that these practices are not desirable then the next question is whether they are still exercised; for if they are not then again we could dismiss further argument.

It is very difficult indeed—in fact it is almost impossible—to prove something negative; one cannot prove that such practices do not exist. If they did not exist that would only prove the effectiveness of the Act itself, which it is now sought to repeal.

I feel that leaving the Act on the Statute book cannot do any harm to anyone, provided we agree that these practices are objectionable; that they do not do any good to anyone in the community, but they may result in something harmful being done.

Furthermore, there is some proof that some of these practices still exist. In actual fact we have the very same people around under a different name. We have the same personalities. Then there is the question why suddenly they became a religion. May I just refer to one sentence from an article in *The Bulletin* of the 9th September, 1972, which says—

> Within the course of the Victorian inquiry scientologists asserted strenuously that theirs was a science not a religion.

The article then goes on to ask, "What changes have swept the organisation to turn it into a church?" I will go further and say the same intimidation and pressure tactics are being used; indeed a writ was issued against the Minister of the day. When it became public that the Director of Mental Health Services had a different opinion, a writ was issued against him.

Certain information was supplied to the Ombudsman—and I might say in parenthesis as I said during that debate that the institution of an Ombudsman would be the best opportunity through which to blackmail anybody in the Public Service.

Mr. Bertram: You do not give much credit to the Ombudsman.

Mr. MENSAROS: I am not speaking about the Ombudsman so much as the institution which is a hotbed and provides for the blackmailing of institutions, which the Ombudsman can investigate.

Mr. Bertram: There are different types of blackmail used in business every day. Do you include all these?

Mr. MENSAROS: We have the same people and we see them day after day; they were kind enough to send us wreaths when we disagreed with their contention.

It is interesting to know what the code of reform contains. There are four specific items mentioned which are as follows—

1. Cancellation of disconnection.
2. Cancellation of Security Checking as a form of confession.
3. Prohibition of any confessional materials being written down—it does not say "being taped".
4. Cancellation of declaring people Fair Game.

These are to be revoked, but it does not say "We will not use a galvanometer any more"; it does not say "We will not charge any fees of the people who are naive enough to enlist our services", if one could call them that.

It is rather difficult to remain serious when talking about religion in this connection. We hear about arguments that persecution occurs with every religion in its initial stage. Paul did not charge those whom he converted; at least there is no evidence of this. There is no guarantee that the provisions will be adhered to; at least the Minister did not give any guarantee of this. Because the Minister does

not guarantee that the practices will cease —and I am now referring to those specified in the Act—his suggestion that the Act should be repealed is to say the least based on a very limited and frail foundation.

Let us further consider the Minister's argument for having the Act repealed and see what he said in his second reading speech. With the Minister's permission I have placed his remarks in a more comprehensive sequence. The Minister has three arguments. Firstly, he says the Act is not enforceable; secondly that the Act is against the personal liberties of the individual—that it is restrictive and leaves the individual with no freedom or liberty—and, thirdly, the Minister says that public opinion is for the repeal of the Act. Let us consider these arguments one at a time.

Even if the first argument—that is, that the Act is not enforceable—were true, I do not think it is a valid and overall argument for repealing the Act and I will come to that in a moment.

It is a fact that the Act was effective. Members of Parliament received fewer complaints after the Act was promulgated. The fact also remains that the people who might otherwise have experimented, have not done so because of the Act which made the practice of scientology illegal. I imagine also that the scientologists themselves talked about reforms. Therefore the Act was effective in these respects and I do not think that its repeal would do any good whereas if we leave it on the Statute book it will certainly do no-one any harm.

With reference to the Minister's argument that the legislation is not enforceable, we have many Statutes which are in this category, but they are left on the Statute book purely to declare loudly the community's opinion about a certain moral or other issue. In many countries adultery is a criminal offence. This applies in Israel which is mainly a religious state and it wants to declare that it is against adultery despite the fact that the law is not enforceable and no prosecutions are taken under it. The question then is whether we condone or condemn these practices irrespective of whether or not the law is enforceable.

Twice in his speech the Minister said that we must not take anything in his speech as indicating he agrees with or approves of scientology. If this is so, what is his reason for the repeal? Regarding the argument that the legislation is not enforceable, the Minister claims the Act is only partly not enforceable. With due respect, I think this is only a matter of opinion and is just an escape for those who want to repeal the Act. My belief is, and always has been, that anything can be done and if someone wants to enforce the provisions of this legislation he can do so in many ways. As the Minister suggested, it could be done by the inclusion of a provision in the Health Act to deal with an E-meter. It could be done in many ways. Even this Act itself could be enforced.

I wonder whether the Crown Law Department, or whoever gave the Minister the advice that an enforceable drafting would be too difficult, knows of the practice which was in force some 2,000 years ago in Rome. The Romans had something which was called a *presumptio juris de jure*.

It was a presumption that if certain facts could not be proved they became facts by law. To give a simple example: if a child was born between 150 and 300 days after the death of the man to whom the mother was legally married, the law simply presumed that the child was legitimate until otherwise proved. This is a device which could have been used with this legislation. The Act could provide that if something is printed in a way which refers to Hubbard, this is sufficient proof that the material indeed is that to which the Act refers.

I know it is, in principle, often objectionable to reverse the onus of proof, but if one looks at the interest to be protected, this is one way to overcome the problem. It is a lazy solution to say that no Act could be drafted which would be enforceable.

Another avenue has been suggested which is simply to register psychologists. I refer again to the article in *The Bulletin* which states—

> The Australian Psychological Society has been plugging for registration for 10 years. A body of about 2000 psychologists with four or more years' university training and two of supervised practice, it plays a role parallel to the AMA's in regulating the profession from within.

These people would then have ethics to which they must adhere. It would be clear what charges are made and they themselves within their professional training would be able to decide what devices to use.

Again on the same argument concerning the ability to enforce the Act, another suggestion of the Minister was that the whole matter could be dealt with by incorporating it within the Criminal Code.

I wonder very much whether the Minister would consider these alternatives so that the Act could be repealed and the wrong practices could be eliminated in another way.

The second argument of the Minister was that the Act is against the liberty and freedom of the individual. This is a true argument and one with which I, of all people, agree. However, considering all the legislation various Governments have passed in

the last 10 to 20 years, I think the Minister must have been treating this argument as a joke; because members are all aware of how many restrictions successive Governments have placed on personal freedom and liberty under the guise of protecting the public. People are allowed to grow only a certain number of apples. We must wear seat belts; and painters must be registered. If we accept these restrictions, it means that it all boils down to a matter of preference. What is more important—a wall of a room which must be done by a painter who is registered, or the mental health of individuals?

The SPEAKER: Order! I must ask members to be quiet.

Mr. MENSAROS: It is a matter of preference.

The last argument of the Minister is that he believes the majority opinion is for the repeal of the Act, and he referred to 20 letters he had received against three individual letters. Of course we are all subjected to lobbying and pressures and we know very well that if an organised group is involved we might receive many more letters in support of the view held by that group in comparison with the number received for the other side of the question. The opinion of the public cannot be gained by weighing the letters to ascertain whether more are in favour or against a proposal.

No doubt members from both sides of the House have made inquiries among their constituents, and I would like to ask them if they feel it is, indeed, public opinion that the Act should be repealed. My own personal opinion, after having discussed the matter and after having listened to other comments on this question, is very much to the contrary. From my experience the vast majority of the people would seek to have the Act remain on the Statute book.

I go further and ask the Minister to make inquiries amongst his own parliamentary colleagues. He should ask some of the members on the back benches on the Government side whether they enthusiastically support the view that the Act should be repealed. Some time ago we heard the member for Mirrabooka complaining about certain activities called "motivaction". I ask: What is the great difference between what was said on that occasion and the activities of scientologists?

I conclude by saying that although we, on this side of the House, hold differing views—contrary to the discipline on the other side—we are free to express them. I am aware that some of my colleagues do not hold the same view as I hold, and they are prepared to get up and say so. However, personally I feel that no harm would be caused by retaining the legislation. I am not opposed to any organisation so long as it does not cause harm within the community. I accept the opinion of the Director of Mental Health Services that certain practices are harmful.

I can see that only harm will result from the repealing of this Act. Until we find an alternative to prevent the practice of scientology the Act should remain on the Statute book.

MR. W. A. MANNING (Narrogin) [3.12 p.m.]: The maximum enthusiasm I can generate for this Bill is to say that I will not oppose it. I need to say that at the outset because of the information I provided for members when the Bill was passed in 1968. However, I consider it necessary to cover, once again, some of the detail of the present situation to demonstrate why I feel, perhaps, that another opportunity should be given to these people.

I have in front of me an invitation to a victory party. I might say that it was not given to me personally, but by the person to whom it was sent. The invitation states "You are cordially invited to a victory party on the 28th April at the Royal Show grounds".

Mr. Bertram: In 1973?

Mr. W. A. MANNING: Yes, 1973. The invitation emphasises the confusion which exists as to whether or not the organisation is a religion. On one part of the card appears "Church of Scientology"; on another part appears "Church of the New Faith"; and in the document which arrived with the invitation, setting out certain details, there is reference only to scientology. I think that illustrates the utter confusion which exists.

Scientology was not a religion, originally. However, because of certain benefits which could be derived, and for convenience, it was eventually called a religion. I intend to read to members a message from Mary Sue Hubbard, which accompanied the invitation. The message was as follows—

> Scientology ministers are now permitted to practise freely in Australia.
>
> Labour Attorney General Murphy of Australia has just written the A/G Australia recognising Scientology under the Federal Marriage Act. This means no ban is legal or effective against Scientology in the whole of Australia.

The message refers to scientology, and not to the Church of the New Faith. To continue—

> This means the Guardian Office and all the dedicated Scientologists working to bring this about in Australia have finally won their long battle which began in 1963.

That was the year the organisation decided to call itself a church. To continue—

> This means honest politicians do exist and pre-election promises are kept. This means Australia can look forward to an exciting future under their present Labour Government, one that is not afraid to act on principle and correct the past errors of another government.
>
> Our sincere thanks, gratitude and admiration go to Attorney General Murphy, the new Labour Australian Government, the Guardian Office WW, the Guardian Offices Australia and last, but not least, all Australian Scientologists.
>
> There are no bans against Scientology in any country now.
>
> Mary Sue Hubbard

Mr. Lapham: What were the names of those three organisations?

Mr. W. A. MANNING: The Guardian Office WW, the Guardian Offices Australia, and all Australian scientologists. One wonders what they were really celebrating at the victory celebration. Because of the reference to Senator Murphy, who gave them the right to effect marriages, I will read some extracts from a reply given by him in answer to a question. I will quote from the Senate *Parliamentary Debates* of the 13th March, 1973, at page 343 as follows—

> . . . taking into account section 116 of the Constitution which, in effect, guarantees that there will be no discrimination between religions, it seemed to me that it is not the function of the Commonwealth to decide which are true religions and which are false religions and to start to discriminate between them.

That illustrates the thinking at that time. A little later Senator Murphy went on—

> There are religious sects which may earn the disapproval of many sections of the community, but it seems to me that under the Constitution the Australian Government has an obligation not to discriminate between sects. I think that this is a bad system. I think it is quite wrong that there should be incorporated in an Act of this Parliament some requirement that, in effect, the Government recognises religious denominations.

He is really saying that whether or not this organisation could be considered a religion he could not differentiate between what was right and what was wrong. A little later he continued—

> But while it is there, I believe that it should be carried out without discrimination between the various bodies which seek to avail themselves of the provision.

So Senator Murphy really had no enthusiasm whatever. He gave his decision because he felt obliged to, and he made it quite clear that he did not give the decision because of the merits of scientologists.

I will now refer to what our own Minister for Health thought of the situation, and I will refer to page 5103 of *Hansard*, 1972, where the Minister spoke as follows—

> I think I could effectively mount a debate either for or against scientology. A tremendous wealth of documentation on the practice or cult exists, but I think, all in all, my views come down in favour of repealing the restrictions.

Those words illustrate the enthusiasm of our Minister. At page 5106 he continues—

> Similarly, I hope the House does not interpret my action as meaning I am wholly in favour of scientology

There is not much enthusiasm there. On the same page the Minister went on—

> I point out that I am not arguing the merits of scientology; I am merely placing on record the fact that the Crown Law Department says the Act as it stands at present is not enforceable.

That is another example of the enthusiasm of the Minister! Finally, the Minister said—

> My action to repeal the Act does not in any way imply the endorsement or otherwise of scientology, as scientology, of course, is for the individual.
>
> I believe, however, that if an individual, or the adherents of any faith break the law there are civil and criminal remedies that may be invoked to enforce the law.

It will be seen that this celebrated victory does not mean very much because the right to perform a marriage ceremony was granted without enthusiasm and without any indication of the benefits to the organisation. The Minister made it perfectly clear he was granting it only as a matter of form.

Mr. Davies: Or justice.

Mr. W. A. MANNING: It is necessary to look at what has happened. Members who were here when the previous Bill was being debated in 1968 will remember I quoted a great deal of detail from original documents. I do not intend to repeat that but I will point out one or two features of scientology as it was at that time. I will read some letters which are different from those I read in 1968. I have a wealth of such letters.

The first one is from The Hubbard Association of Scientologists International—no mention of the church—and it reads—

> We have been informed by the "Sunday Times" of your attempts to slander Scientology through their newspaper.
>
> As a result, we wish to notify you that a full Investigation has been ordered into you and your activities, both before entering Scientology, during the time you were in Scientology, and also the period since you departed Scientology.
>
> This Investigation has already begun and the facts found will be submitted along with the ultimate findings, to the proper authorities for any legal action against you.

That letter was written in 1966, and such actions were among the reasons for the Act being passed in 1968.

I now read from another letter dated the 28th February, 1968, which was sent to a person who was declared to be in the condition of "enemy"—

> —SP Order. Fair Game. May be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed.

There is another condition of "liability", which means a person is something less than nonexistent, if members can imagine what that is. It is stated as being—

> Below Non-Existence there is the Condition of Liability. The being has ceased to be simply nonexistent as a team member and has taken on the colour of an enemy . . . It is a liability to have such a person unwatched as the person may do or continue to do things to stop or impede the forward progress of the project or organisation and such a person cannot be trusted.

Mr. Bertram: Would you call yourself an expert on scientology?

Mr. W. A. MANNING: I would not but I have studied it as well as most people have.

Mr. Bertram: You are quite well informed?

Mr. W. A. MANNING: I am telling members what I know, as I did in my speech in 1968.

I now read a letter addressed to an ex-scientologist—

> I will not further indulge in any communication of any kind with you. I have no affinity for you. A suppressive is a person I much rather do without.

That is a nice little letter to an ex-friend.

I now read a letter from Ian K. Tampion, who was previously the head of scientology in Western Australia and is now the head of scientology in Victoria. This letter was written in 1966—

> Since you have failed to restrain your own reactive dramatizations to the point of totally debarring yourself from ever achieving the beautiful state of total freedom I no longer wish to be associated with you in any way whatsoever.
>
> I thus cancel out totally and completely any A-R-C. that has previously existed between us. I have no desire whatsoever to ever even attempt to help you again.
>
> Mine and others' road to total freedom will be easier for this action.

Mr. Graham: What law was broken by writing that letter?

Mr. W. A. MANNING: I did not say a rule was broken.

Mr. Graham: What law was broken?

Mr. W. A. MANNING: I did not say a law was broken.

Mr. Graham: I am wondering in what way they have offended against the law, to make you want to persist with the action your Government initiated.

Mr. W. A. MANNING: I am pointing out what scientologists do. Does the Deputy Premier condone this sort of thing?

Mr. Graham: I am talking about the law of the land. I do not condone or disagree with the attitude of you people in many issues but I am not seeking to ban you and I do not think I should.

Mr. W. A. MANNING: If the Deputy Premier likes this sort of thing, and in view of the actions of the T.L.C.—

Mr. Graham: I do not like the attitude of some of your people towards workers, either.

The SPEAKER: Order!

Mr. W. A. MANNING: Some of the words I read out previously sound perilously close to the words in the T.L.C. document. If the Deputy Premier reads *Hansard*, he will find there is a comparison between the T.L.C. document and the extracts I have read.

Mr. Graham: You "Bible bashers" are all the same.

Several members interjected.

Sir Charles Court: Don't be insulting!

The SPEAKER: Order! Order!

Sir Charles Court: A little bit of it would not do you any harm.

The SPEAKER: Order! Members will keep order. The member on his feet is entitled to be heard. Other members are entitled to speak in their turn. The member for Narrogin.

Mr. W. A. MANNING: I have given illustrations of the activities of the scientology movement prior to the introduction of the previous Bill which it is now sought to repeal. There has been a very distinct change since then.

I now quote from a letter dated the 15th November, 1972, and addressed to me by The Church of the New Faith (Inc.), 37 Cleaver Street, Perth, following a telephone call. It says—

Thank you for your call yesterday.

The Reform Code is as follows:—

CODE OF REFORM

1. Cancellation of disconnection.
2. Cancellation of Security Checking as a form of confession.
3. Prohibition of any confessional materials being written down.
4. Cancellation of declaring people Fair Game.

This Code has been fully accepted and adopted by the Church of the New Faith, and in fact on the 13th of March, 1969, the Board of Trustees unanimously passed the following resolution:—

"That the Church fully adopts the Code of Reform as firm and permanent policy both now and in the future."

Furthermore, the Board of Directors of the Church of Scientology have fully adopted the Code of Reform and have made it known that they have no intention whatsoever of re-introducing these policies.

L. Ron Hubbard, the Founder of Scientology, wrote to the New Zealand Inquiry on the 26th of March, 1969, in the following terms:—

Saint Hill Manor,
East Grinstead,
Sussex.
26th March, 1969.

The Commission of Enquiry into Scientology in New Zealand.
Gentlemen,

With regard to the practice of disconnection, I have taken this up with the Board of Directors of the Church of Scientology, and they have no intention of re-introducing this policy, which was cancelled on the 15th of November, 1968.

This was about the time we were debating the Bill to ban scientology. The letter continues—

For my part, I can see no reason why this policy should ever be re-introduced, as an extensive survey in the English speaking countries found that this practice was not acceptable.

(Signed) L. Ron Hubbard,

Then follows a note from the Reverend Michael Graham, B.Sc., who is the President of The Church of the New Faith in Perth at the present time—

The New Zealand Inquiry into Scientology acknowledged and accepted the Code of Reform, and recommended that no legislative action be taken against Scientology.

David Gainan, the Chief Spokesman for the Church of Scientology, World Wide, has given an assurance to the South African Inquiry that the Reform Code has been adopted as permanent policy.

So—as you can see the Reform Code has been adopted seriously and permanently. It's adoption is a responsible action by Scientology.

I too state, as President of the Church of the New Faith, that the Code of Reform has been adopted as permanent policy by the Church, and that these policies will not be reintroduced.

If you would like any further information, please do not hesitate to call me.

That is the position at the present time.

The reason I feel the best I can do in regard to this Bill is not to vote against it is that the Act we have at present is ineffective. On the 17th April, 1973 I asked the following question of the Attorney-General—

(1) How many cases have come before courts for breaches of sections 3 and 5 of the Scientology Act?

(2) What penalties have been imposed in each case?

To which the Attorney-General replied—

(1) (a) Sixteen for breach of secion 3.

(b) None for breach of section 5.

(2) Nil. One conviction reversed on appeal. Accordingly, it appears that the remaining 15 cases were subsequently withdrawn.

That is so. An appeal was made which was upheld not because of the merit of the case, but because of a technical pint that it was impossible to prove that the scientology being practised in Perth was in fact the scientology as founded by Hubbard, which is the wording in the Act.

Mr. Hartrey: Would not a defence like that have some merit?

Mr. W. A. MANNING: I said it had no merit because it was a technical apeal based on the wording of the Act; and the wording was not quite correct inasmuch as it did not positively identify the body. The honourable member will know, if he has studied scientology at all, that the scientology of Ronald Hubbard is in fact being practised in Perth, but that cannot be

proved to the satisfaction of the court. Therefore the appeal was upheld. That is about as technical as one can get.

The other reason that I do not oppose the Bill is that there has been a change of atmosphere included in the code reform. Some of the previous practices which warranted the introduction of the Act have been reformed as a result of the very existence of the Act. So I do not apologise for voting for the legislation in 1968. It was certainly needed then and the fact that it was needed is proved by the change of attitude on the part of scientologists.

I believe this profound effect should be recognised. If these people are responsible I hope this Bill will prompt them further to reform their activities. In any case, if the present Act is ineffective, what is the use of continuing with it? I feel that as the position has changed we should allow scientology to continue, and if we find that it has an ill-effect on the minds of people, then it is up to the Parliament to impose further restrictions at a later date. Perhaps the thought of that will prompt scientologists to maintain their ideas of reform. Certainly I congratulate them on the reforms they have carried out at the moment, although I am not in a position to say how beneficial they will be. If they carry out what was stated in the document I read to the House then the Act will have been effective.

Scientologists have been granted the right by the Commonwealth to marry people, which is a recognition that scientology is a religion; our present Act is not effective; and scientologists have shown an inclination to reform and have promised it will be permanent. For those reasons I see no need for me to oppose the Bill.

Mr. Graham: There is no need for it, but you are sadistic.

MR. BERTRAM (Mt. Hawthorn) [3.34 p.m.]: I think it is good to have the Country Party onside with us in regard to this measure. Members of that party do not support it, but do not oppose it. In the circumstances I think that is good enough. The member for Narrogin said, in effect, that he adopts a similar line to that adopted by Senator Murphy, and thereby places himself in good company.

Mr. W. A. Manning: Oh, don't do that.

Mr. BERTRAM: He pointed out firstly and very clearly that Senator Murphy is not very enthusiastic about scientology or about the administrative move he recently made; but nevertheless he made it. That same attitude has been amply expressed by the honourable member. He was also at pains to quote the remarks of the Minister in four or five places, and thus put himself in the same category as the Minister. If anybody questions my remarks in this regard I invite him to study the speech of the honourable member in *Hansard* and he will see I have placed the proper construction upon it; that is, the member for Narrogin places himself clearly in the same position as the Minister for Health and Senator Murphy.

Mr. W. A. Manning: That is right; I was pointing out how confusing and how indefinite it is.

Mr. BERTRAM: I am basing my remarks on what the honourable member said, and not what he thinks he said. He then proceeded, with all due modesty—although his comments to the member for Boulder-Dundas underlined it—to show that he is quite an expert on the subject of scientology. If that is taking it a shade too far perhaps I could say he is very well informed: he has studied the matter, read letters, and so forth.

Mr. W. A. Manning: Are you debating my speech or scientology?

Mr. BERTRAM: I am merely quoting the honourable member's remarks and agreeing with them. I acknowledge his expertise in this matter.

Mr. W. A. Manning: Thank you.

Mr. BERTRAM: The honourable member's modesty does not acknowledge it, but if it is not actual expertise it is at least a good, solid knowledge of scientology from 1963 to the present time. Can one do better than have an expert on scientology onside with one in regard to the measure? He was not just spruiking away and waffling on; he drew a conclusion based on facts and knowledge. So it is good to have the Country Party, led by the member for Narrogin, onside with us. Clearly he has placed himself in the same compartment as the Minister and the Commonwealth Attorney-General.

He did, of course, indicate disapproval of the practice of name changing and said that one document refers to the matter as scientology but in the next line it is referred to as The Church of the New Faith. I doubt whether it lies in his mouth to argue from that position. Is not his Federal Country Party leader talking about changing the name of his own party, possibly for the same reason? I forecast now, as I did before the 2nd December, that another so-called Liberal Party—

The SPEAKER: I do not think that comes under the Bill.

Mr. BERTRAM: Well, the honourable member referred to the question of changing the name; I simply conclude that the name of his party will be changed as time goes by. That is a certainty, or near to it.

I agree with the Minister, who said, as members of the Government when in Opposition in 1968 said, "We are not pro-scientology". We underlined that during the whole of the debate and did not shift our position. We still have not shifted it.

Mr. Hutchinson: You were unconcerned then about the practice which they later changed.

Mr. BERTRAM: I will deal with the contribution of the member for Cottesloe to the debate in an adequate fashion as I proceed.

Mr. Hutchinson: You were unconcerned at the time.

Mr. BERTRAM: I believe the legislation introduced in 1968 was bad legislation and because of our conscientious and sincere opposition to it at that time the people of Western Australia are perfectly entitled to expect that we should do what we are now doing, and keep faith with them by repealing the measure—which should never have become law in the first place. It is because of the opposition we presented in 1968 that the comment of the member for Floreat does not stand up. He tried to put the Minister gently on the spot, and said he realised that the Minister does not have to follow the advice of his under-secretary. That is his perfect right, but if he does depart from it he needs to put up a case.

On this occasion the case is a simple one. The law should not have been passed in the first place. To justify the law being placed on the Statute book an exceptionally strong case for repression and oppression should have been put up. At the time I talked about a certain section of the community being suppressed, subjugated, and sent to Siberia. They are right enough words, and a case was not made out at that time.

I go further and say that no serious attempt was made to make out a case then. It is very important for members who were not here in 1968 to know what was said. Having said what I have said I am sure members will expect me to back up my case with facts.

Touching on the point that no case was put up, I would remind the member for Katanning of something he said the other evening. The reason the Scientology Bill of 1968 became law was that the Government had the numbers. The degree of merit was not present to justify this type of legislation which is analagous to the type of legislation one would expect to find in South Africa dealing with questions such as apartheid, and the sort of legislation which we in Australia had to tolerate 20 years ago when seeking to suppress communism. That legislation is of the same type and can be placed in the same category. It is a type of legislation which we cannot afford to have in this country, and for those reasons we opposed it.

I think the Minister in the previous Government found himself in some sort of agreement—perhaps it was perfectly *bona fide*—with a Minister of another State to commit himself to legislation of this type, but found he was so far in that he was unable to back out.

Furthermore, he misdirected his mind on the matter, because if we look at document No. 469 of the 2nd November we find that the previous Minister was supposed to have said—

> As Minister for Health one of my responsibilities is to safeguard as far as possible the physical and mental health of the community. It is with this thought in mind that I propose to bring in the Bill for an Act to prohibit the practice of scientology in this State.

That was not the responsibility of the Minister for Health. His job was to protect the health of the community "as reasonably and practically as possible". That was his obligation.

No useful purpose is served by bringing in legislation which will not operate because it is oppressive and contains all sorts of principles which are not democratic. So the Minister was setting the target for legislation with a misdirected mind, and the difficulties which have arisen from that are natural.

The Bill was supposed to have been introduced to protect the health, but more particularly the mental health, of the people. Let us have a look at that aspect I invite members to look at page 2638 and the following pages of the 1968 *Hansard* where they will find that steps were taken at that time almost vainly to get the statistics before the Parliament—statistics which were supposed to be the basis of the Act.

Simple questions were asked, the answers to which could have been given in two or three lines. However, when one answer was given after some days of delay it was buried in a little over two foolscap pages. One wonders why that should be the case. It is generally concluded by members in this House that if one gets long answers then those answers have to be looked at very carefully and very cautiously. "Buy the real thing in the verbiage" is often the technique used.

Sitting suspended from 3.45 to 4.03 p.m.

Mr. BERTRAM: Prior to the suspension I had made the statement that the 1968 Scientology Act was said to have been rendered necessary by the Government's purported desire to protect the health—particularly the mental health—of the public. I was about to say—as I now will—that no case at all was put forward to support that argument. In other words, there was no basis for the Act and no reason for its existence. This is particularly so when we put such evidence as there was against the action which was taken. The action was out of all proportion and in the nature of being hideous in the eyes of people who concern themselves with the preservation of democracy.

Before I proceed further, it is desirable that I should mention for the benefit of those with no knowledge at all of scientology that people who have come within its ambit—by practising it or in some other way—are said to have had a sojourn with scientology. Having said that, members will better understand what I am talking about.

In 1968 I asked the Minister questions on this subject. At the time he appeared to have great difficulty in answering them. I asked—

> How many people have been treated at mental institutions and hospitals following upon, and in consequence of, a sojourn in scientology?

It is reasonable to assume that this should have been a simple question to answer. The Minister could have given a short answer, such as, 3,000, 20, or whatever. He elected not to do that. He gave an answer which went on for over two typed foolscap pages. Buried in the centre of the verbiage were the words—

> In Western Australia, departmental psychiatrists advise of the following recently seen: Havelock clinic 3; Claremont 3; Selby clinic 1; Heathcote 6. These figures do not include the epileptic referred to in answer to a recent question.

That meant that 13 people were said to have been "recently seen". I ask members to take particular note of the words "recently seen". I subsequently asked the Minister another question as follows—

> (1) Will he state the actual period of time covered by the words "recently seen" in his answer on the 24th October, 1968, to my question on scientology and people treated in mental hospitals; if "Yes," what is the actual period?

I have said before—and I repeat—that people were completely staggered by the answer. The Minister said that by the words "recently seen"—in the answer to which I previously referred—he meant five years. I asked a further question as follows—

> (2) What was the total number of new cases treated at mental institutions and hospitals over the same period as that referred to in (1) above?

The answer was—

> (2) For the last two years new admissions have not been statistically collated separate from readmissions. The total number of admissions, including readmissions, for the five-year period was 11,029.

Over a period of five years there were over 11,000 admissions and readmissions to mental institutions and hospitals and, of that number, 13 were said to have been admitted or readmitted by reason of a sojourn with scientology. It was on that evidence that the measure was passed. This was supposed to be its basis.

Surely this is sufficient and it is not necessary to go further. The Act had no proper basis. It was not designed, *bona fide*, to protect the health of the public. If it was meant to protect the health of the public no case was ever put before the Parliament. If some committee outside the Parliament had evidence—and I deny it—the Government of the day did not bring that evidence before Parliament which is the place where evidence should be presented.

Now and previously we have heard a lot made of the fact that scientology injures people. I have provided members with the statistics. One member who spoke today mentioned that people commit suicide. Many activities within this world cause people to commit suicide. There are many organisations in the world—good organisations which we would not be without—which, like the best of laws, occasionally hurt people. I am sure there will never be a law which does not adversely affect someone. It would be almost impossible. Similarly, organisations and bodies which operate generally for the good of people often have an oblique side effect which hurts other people. The same applies with scientology.

It is fair to those who are scientologists to say—as I said in 1968—that people have been helped by scientology. I am not referring to irresponsible people in saying this because I obtained statutory declarations to this effect from responsible people. One was a bank manager and another a professional man who said that scientology had lifted him from despair and defeat and enabled him to reinstate himself in his professional position.

It does not matter whether you, Sir, or I go along with that view. These were conscientious people who said, in statutory declarations, that they had been helped. The people of whom I am speaking are not the type to run around making statutory declarations unless they are serious in what they are saying.

If we assume that adverse consequences have been experienced by people who have had sojourns with scientology, we must equally acknowledge that other people have been assisted by scientology. In recent times I have been in the homes of people who practice scientology and I was impressed by their general demeanour, objectiveness, and so forth. I was also impressed by their character and attitude.

Perhaps the member for Narrogin acknowledges that type of position. It is a wonderful thing that he said, in effect, "Let us assume that they were wrong at a certain time. What evidence is there that

there is any malpractice now?" The member for Narrogin said that, as there is no attempt to say that there is malpractice now, we should give people the opportunity to practice scientology if they wish to do so. On this ground alone, he is prepared to see the Act repealed and obviously expects that there will be no need to relegislate along these lines. His remarks warranted comment.

It is—I think—accurate to say that Victoria is the only State which is satisfied with its present law although that may be an over-statement—at least, Victoria has no immediate intention of repealing the legislation. I understand steps are being taken in South Australia to repeal legislation in that State. I do not think any of the other States have this type of law and they appear to be getting along well without it.

Furthermore, there is a refreshing attitude in the community these days in that people are less inclined to accept this type of legislation than they were perhaps years ago. We acknowledge that this attitude is current in the society today, particularly amongst younger people. For this reason, the repeal of the legislation should be supported.

I do not think there is need to proceed further. As I have said, I support the Bill and think its introduction was inevitable. The Government virtually had a mandate to bring the measure before the Parliament. As I have already said, the measure will be supported by the member for Narrogin who obviously has given a great deal of thought to this question. To use his own words, he is not actually supporting the Bill but he will not oppose it.

Debate adjourned until a later stage of the sitting, on motion by Mr. Harman.

(Continued on page 1641.)

QUESTIONS (22): ON NOTICE

1. RAILWAYS

Perth-Armadale: Overcrowding

Mr. BATEMAN, to the Minister representing the Minister for Railways:

(1) Is he aware of the ever increasing number of people using the train service between Perth and Armadale to travel to work?

(2) If so, is he also aware of the increased overcrowding during peak hours—morning and night?

(3) If "Yes" will he increase the service during peak hours to lessen the dangerous overcrowding which currently exists?

Mr. MAY replied:

(1) Yes.

(2) The Railways are aware that some passengers are required to stand on certain trains.

(3) The situation is not one of "dangerous overcrowding" but it is being watched. Should this trend emerge then steps will be taken to overcome it.

The Member will appreciate that during peak hours all suburban rolling stock is utilised to the limit.

2. *This question was postponed.*

3. THORNLIE, CANNINGTON, AND ROSSMOYNE HIGH SCHOOLS

Enrolments and Overcrowding

Mr. BATEMAN, to the Minister for Education:

(1) Will he advise enrolment numbers for—

Thornlie Senior High School:

Cannington Senior High School and

Rossmoyne Senior High School?

(2) Does he consider these high schools are overcrowded?

(3) If "No" what is average class numbers?

Mr. T. D. EVANS replied:

(1) Enrolments at March 1973

Thornlie High School	1,071
Cannington Senior High School	955
Rossmoyne Senior High School	1,312

(2) Cannington Senior High School is very comfortably accommodated and staffed.

The accommodation at the Rossmoyne and Thornlie High Schools is fully utilised but special consideration has been given to the staffing. Further stages of the building at Thornlie will be undertaken and the establishment of the new Lynwood High School in 1975 will relieve Rossmoyne.

(3) Average class sizes in seconday schools can be misleading because of the many optional subjects involved and consequential subdivision of classes.

On the basis of the number of students in each year divided by the number of classes allocated, the average class sizes are:—

		Rossmoyne	Cannington	Thornlie
Year	1	32·2	27·4	29·1
	2	32·1	29·7	30·9
	3	32·5	31·3	28·5
	4	28·0	24·3	....
	4 (Terminal)	....	32·0	....
	5	21·5	16·6	....
Special Classes		One additional class to assist with Noalimba children from 1st, 2nd and 3rd year.	19·0	....

4. LYNWOOD SCHOOL

Extensions

Mr. BATEMAN, to the Minister for Education:

(1) In view of the ever increasing housing development in the Lynwood area which is causing concern and overcrowding at the Lynwood school, when will tenders be called for the building of a six-room cluster unit?

(2) If immediately, how long does he consider this will cater for the school's needs, especially in view of the housing development in Lynwood?

(3) Are plans to build another primary school envisaged for Lynwood?

(4) If so, in what particular locality?

Mr. T. D. EVANS replied:

(1) Early in July.

(2) The situation will be reviewed when numbers come to hand later this year, but it is expected that the three clusters will be able to accommodate the enrolments for 1974. Temporary accommodation will be provided if necessary.

(3) Yes.

(4) Velgrove, located between Glencairn and Cavendish Ways.

5. COUNTRY HIGH SCHOOL HOSTELS

Commonwealth Subsidy

Mr. MENSAROS, to the Minister for Education:

(1) Has he received, as reported in *The West Australian* on 8th May, 1973, a submission by the Country High School Hostels Authority to alleviate the problem arising from alleged tardy payments of Commonwealth subsidies which replaced in the current school year the State living-away-from-home allowances?

(2) If so, could he describe the main points made in the submission and/or could he table the submission?

(3) Is it a fact that the Commonwealth appropriate authority has not paid any subsidy as yet to parents for the 1973 school year?

(4) Has he or will he make representation with the Federal Minister in this respect?

(5) What were or will be the substance of his representation?

Mr. T. D. EVANS replied:

(1) Yes.

(2) The submission drew my attention to the financial hardship being suffered by a number of hostels because of the changeover to Commonwealth assistance. Hedland and Esperance hostels were mentioned in particular.

The submission also referred to the fact that under the State scheme, allowances could be paid direct to the hostel whereas the Commonwealth made payments to parents. As this is the full basis of the submission it is not necessary for it to be tabled in the House.

(3) No. The Commonwealth Department of Education in Perth despatched 5,600 applications to parents in mid March 1973. To Monday 7th May, 1973 only 1,672 had been returned and already 1,083 cheques have been despatched to parents. The balance of the claims received has either been approved or is under consideration.

(4) and (5) In view of the prompt action taken by the Commonwealth authority in approving claims and despatching cheques to such a high percentage of applications received, representations to the Federal Minister, in regard to payments, are not necessary. The State Education Department has discussed with the officer-in-charge—that is, in charge of the Commonwealth Department of Education in Western Australia—the desirability of direct payments being authorised to the hostels. The Commonwealth is considering this request.

6. *This question was postponed.*

7. RAILWAYS

Sleepers

Mr. MENSAROS, to the Minister for Forests:

(1) Has he made, and if so, when, any representation with the Commonwealth Minister for Transport in respect of the reported endeavour by the Commonwealth Railways to use concrete sleepers instead of the presently used Western Australian hardwood ones?

(2) What was the result of his representation?

(3) Has the Commissioner for Commonwealth railways called for tenders for—

(a) maintenance of the Trans-Australian railways;

(b) new line constructions such as was announced between Tarcoola and Alice Springs?

(4) Were these tenders, if any, called for timber or cement sleepers, or both?

(5) If they were called for both, what size was specified for timber and cement sleepers respectively?

Mr. H. D. EVANS replied:

(1) The member is referred to my answer to a question without notice in the Legislative Assembly on Thursday, 29th March, 1973.

(2) The Minister for Transport has undertaken to examine sleeper specifications in the light of Western Australia's submissions.

(3) (a) Yes.

(b) No.

(4) Tenders were called for both timber and concrete.

(5) Treated timber sleepers were specified as 8' 3" in length and 9" x 6" or alternatively 10" x 5" in cross section. Concrete sleepers 8' 3" in length with varying cross section approximately 9" x 6" at the rail seat.

I am continuing in my endeavours to have Western Australia's case fully considered and propose to make further personal representation to Mr. Jones, the Commonwealth Minister for Transport and Civil Aviation, on Friday, 18th May in Canberra.

8. YUNDURUP CANALS DEVELOPMENT

Government Guarantee

Mr. MENSAROS, to the Premier:

(1) What is the Government's policy regarding transferring the loan and guarantee from the present owner to a new purchaser of the Yundurup canals project?

(2) More particularly, is the Government's policy to make only a decision after transfer has been executed or to decide during negotiations for transfer and let parties know of its decision before they execute a transfer?

Mr. Graham (for Mr. J. T. TONKIN) replied:

(1) The matter of transfer of the Government financial assistance would be considered in the light of the circumstances of any such proposal. As there has been no submission of this kind to the Government, the question is hypothetical.

(2) Answered by (1).

9. TOWN PLANNING

Subdivisions: Sewerage and Water Supply

Mr. RUSHTON, to the Minister for Town Planning:

(1) Have any applications to subdivide within the metropolitan region been approved without deep sewerage and depending upon underground local water supplies for reticulated water?

(2) If "Yes" will he describe the areas and number of blocks involved?

(3) Does the Metropolitan Water Board or the private developer have the responsibility of installing, reticulating and rating these water supplies, and who are the persons, firms or companies involved?

(4) Under what Statute or regulation is a private developer empowered to install the reticulation system and rate the local residents?

Mr. DAVIES replied:

(1) Yes.

(2) Information is not readily available for older subdivisions, but within the last two years 1,311 lots have been approved at Yanchep and Two Rocks.

(3) In the cases mentioned the developer has the responsibility for the installation and reticulation of the supply. As this is a private water supply, the question of rating does not arise, but I understand the developer is making a charge for the service by arrangement with the purchasers of the lots. The firm involved is the Bond Corporation.

(4) This matter is currently being investigated by the Crown Law Department on behalf of the Public Works Department.

10. VERMIN

African Love Birds

Mr. RUSHTON, to the Minister for Agriculture:

(1) Is it intended to declare the three species of African love bird (the masked, peach face and nyassa) vermin?

(2) If so, for what reason is this decision being taken?

(3) Under what conditions will these birds be allowed to be kept, or are they to be exterminated after a proclaimed date?

Mr. H. D. EVANS replied:

(1) They have already been declared vermin.

(2) All three species are known to be pests of agriculture in Africa.

(3) It will be possible to keep these species in approved aviaries.

11. TOWN PLANNING

Trotting and Dog Racing Complexes

Mr. RUSHTON, to the Minister for Town Planning:

(1) Has the concept of the Byford trotting complex and the practical development to date been acclaimed as a sound decision by the local authority, the M.R.P.A., Town Planning Department and the trotting fraternity?

(2) If "Yes" would a similar development be suitable for greyhounds?

(3) Which shires have zoned special areas for the keeping of greyhounds?

(4) What consideration has been given to zoning complexes for greyhounds?

Mr. DAVIES replied:

(1) The Byford trotting complex has the support of the Shire of Armadale-Kelmscott and the Town Planning Department. The matter has not been considered by M.R.P.A. The attitude of the trotting fraternity is understood to be one of support.

(2) A similar proposal for greyhounds would be considered on it merits having regard to such factors as its size and location relative to existing or proposed residential development.

(3) The Shire of Gosnells is the only shire which has a special zone for "kennels" in which the breeding of greyhounds would be permitted.

(4) A specific zoning complex for greyhounds has not been received for consideration by the Town Planning Department. Any proposals would need to be promoted by the local authority.

12. TOWN PLANNING

Cottesloe Scheme

Mr. HUTCHINSON, to the Minister for Town Planning:

(1) Will he advise when the new Cottesloe town planning scheme, which I understand has been before him for some time, will be approved?

(2) If he is unable to state the exact date, will he advise whether the scheme will be approved or dealt with before Monday, 4th June?

Mr. DAVIES replied:

(1) The matter was considered by the Town Planning Board at its meeting on 8th May, 1973, but it was not possible for the board to finalise its recommendations. This cannot be done until the route of the West Coast Highway extension and other planning matters are resolved. Discussions are proceeding, but I am unable to indicate when preliminary approval can be given.

(2) Because of the statutory times prescribed in dealing with schemes, final approval could not be given before Monday, 4th June. For the reasons indicated in (1), it is doubtful whether preliminary approval could be given by that date.

13. SOIL EROSION

Survey

Mr. W. G. YOUNG, to the Minister for Agriculture:

In view of the serious soil erosion occurring in some of the farming areas of the Gnowerangup, Ravensthorpe and Esperance Shires would he—

(a) have a complete survey carried out by the soil conservation section of the Department of Agriculture to establish just how widespread and how serious the problem is;

(b) consider buying in properties that come on the market with a view to regenerating them with a reforestation programme, thus establishing windbreaks, or, alternatively, assist farmers financially to establish windbreaks on fence lines to prevent further erosion;

(c) in the short term make finance available to purchase stock feed until such times as winter pastures are established?

Mr. H. D. EVANS replied:

(a) to (c) The situation is currently being assessed by the Department of Agriculture and subsequent action will depend on the results of this investigation.

I should add for clarification that the chairman of the drought committee is in the area now, and the preliminary examinations of the area have been undertaken by the field staff and preliminary reports have been received by the department.

Mr. W. G. Young: Will you make the report available when you receive it?

Mr. H. D. EVANS: Yes.

14. NOISE ABATEMENT

Legislation and Regulations: Operation

Mr. HUTCHINSON, to the Minister for Health:

Is he able to advise approximately when the provisions of the Noise Abatement Act and the regulations made thereunder will become effective?

Mr. DAVIES replied:

Regulations are being prepared to control community noise and it is expected that the Act will be proclaimed within three months.

15. ELECTRICITY SUPPLIES

Koorda and Kalannie Areas

Mr. McPHARLIN, to the Minister for Electricity:

(1) What progress has been made on the contributory electricity extension scheme in the area north of Koorda?

(2) Have any submissions been made applying for extensions from Pithara or Dalwallinu to Kalannie?

(3) If submissions have been made what is the position in regard to these at the present time?

Mr. MAY replied:

(1) Construction is about to commence on the first stage of a contributory extension north of Koorda. This stage will supply 36 farms extending approximately 20 miles north west of Koorda.

(2) No formal submission but the prospect has been raised in discussion.

(3) For technical reasons it will be necessary to supply Kalannie from Koorda.

16. *This question was postponed.*

17. BASSENDEAN BRIDGE

Widening and Additional Structure

Mr. BRADY, to the Minister for Works:

(1) What is the latest planning for widening the Bassendean bridge to relieve traffic congestion building up at the Bassendean bridge in early morning and evening peak hours?

(2) Is there likely to be any proceeding with a bridge over the river to run off Walter Road through to Swan Street Guildford to avert to northern and eastern districts? the necessity of all traffic being diverted around Bassendean oval through James Street, Guildford

Mr. JAMIESON replied:

(1) Duplication of the bridge is planned, but programming will dedepend upon other priorities and the availability of Commonwealth funds.

(2) No.

18. ROADS

Overways: Midland

Mr. BRADY, to the Minister for Works:

Are any plans being made to build overhead bridges in the Lloyd Street area and West Midland area to avoid build up of vehicular traffic in early morning and evening peak hours caused by vehicles waiting for rail traffic to clear road crossing at these points?

Mr. JAMIESON replied:

Long range plans for possible future overpass over the railway at West Midland have been discussed with the local authority. However, as the project would be costly and would involve considerable land acquisition, no commitment has been made to proceed.

There are no plans for a rail overpass at Lloyd Street.

19. ROADS

Midland Area: Upgrading and Programme

Mr. BRADY, to the Minister for Works:

(1) Is there any planning to upgrade the main roads in the Midland area?

(2) Are any by-pass roads being planned to divert vehicle traffic around the shopping area?

(3) Will he state what are the projected works in the Midland area?

Mr. JAMIESON replied:

(1) There are no proposals for early upgrading of main roads in the Midland area.

(2) Bypass proposals have been discussed with the Swan Shire Council and previously the Midland Town Council. At this date no firm decision has been reached.

(3) Subject to agreement with the local authority, it is hoped to construct the following channelisation works during the next financial year:

Great Eastern Highway-Lloyd Street.

Great Northern Highway-Morrison Road.

20. EDUCATION

Free School Books Scheme: High Schools

Sir CHARLES COURT, to the Minister for Education:

(1) Is it still the intention of the Government to extend the provision of free text books to secondary schools, and, if so, when is it proposed to commence?

(2) If the answer to (1) is in the affirmative, is it intended that schools will retain the freedom to select their own lower secondary school courses and, if so, will the required text books be paid for by the Education Department?

(3) If a school is already committed to a particular course as in (2), will it be permitted to continue with this course and have the necessary text books paid for by the Education Department?

Mr. T. D. EVANS replied:

(1) to (3) The Government accepts the principle of assisting parents in meeting the heavy costs incurred in providing text books and materials at both primary and secondary levels.

At the present time implementation of the policy is restricted to the free text book scheme for primary schools. The implications at the secondary level have been considered but detailed analysis of any scheme has not been undertaken. In the meantime the Government will continue its existing subsidy payments.

21. ABATTOIRS

Midland and Robb Jetty: Dismissals

Mr. McPHARLIN, to the Minister for Agriculture:

(1) What were the number of workers dismissed from the Midland and Robb Jetty abattoirs from 1st January to 30th April for the years 1970, 1971 and 1972?

(2) What were the reasons for the dismissals?

(3) At what period of the years referred to were the abattoirs operating at full strength?

Mr. H. D. EVANS replied:

(1) and (2) A perusal of available records at Midland indicates there were no dismissals between 1st January and 30th April in each of the three years referred to. There would have been resignations during that period.

At Robb Jetty there were no dismissals in any of the three years referred to between 1st January and 30th April.

(3) At Midland there are slaughtering floors for each of the three types of animal—mutton, beef, pigs. The mutton floor has worked to capacity in the Spring months in each of the years 1970, 1971, 1972.

At Robb Jetty the abattoirs were operating at full strength for the period referred to until June 1972 when over-aged workers were retrenched and others sent on leave.

22. *This question was postponed.*

QUESTIONS (9): WITHOUT NOTICE

1. TRANSPORT WORKERS' UNION

Blackmail and Intimidation: Allegations

Sir CHARLES COURT, to the Acting Premier:

(1) What action is proposed to give protection to the Curtis brothers from intimidation by representatives of the T.W.U. following the distressing experience of these traders yesterday and today?

(2) Will he undertake to have a full report made to the House at its sitting next Tuesday on action taken by the Government to investigate, and take follow-up action, where appropriate, following the cases of intimidation by the T.W.U. previously brought to the notice of the Government by the Opposition?

Mr. GRAHAM replied:

First of all let me say that I deplore the unwarranted accusation levelled at the Transport Workers' Union—namely that representatives of that union had intimidated certain people yesterday and today.

The circumstances are that the secretary of the union in the interests of a member of his asked a certain store owner whether he would agree to obtain milk supplies from the previous source unless he had something against the company, as a falling off of custom could result in a driver losing his employment.

Mr. O'Connor: They gave him the good oil.

Mr. GRAHAM: Upon the store owner insisting that he wished to continue patronising the recently engaged milk vendor the union secretary's interest in the case concluded. There was no pressure

whatsoever and certainly no intimidation as exaggeratedly promoted by the Leader of the Opposition.

The secretary of the union has informed me that he knows nothing whatsoever of the incident of oil being poured over empty milk bottles as reported in today's Press. The union suspects this to be the work of some elements seeking to discredit unionism or to gain political advantage.

Sir Charles Court: Here we go again.

The SPEAKER: Order!

Mr. O'Neil: We wanted your answer, not the secretary's answer.

Mr. GRAHAM: It is to be hoped there is no significance in the fact of this being an incident at which there were present simultaneously a Liberal member of Parliament, a Press photographer, a Press reporter, and no doubt television coverage as well.

In further answer to the question I would point out that—

(1) Following a complaint received by Morley police that tarlike substance was thrown over milk bottles in front of Curtis Bros.' store in Walter Road, Morley, this morning, inquiries are currently being made by the police into the matter. The area is still receiving police surveillance.

(2) This matter is one which I understand is being handled personally by the Minister for Labour, who is at present absent from the State. I will discuss it with him on his return.

2. TRADE UNIONS

Blackmail and Intimidation: Allegations

Mr. O'CONNOR, to the Acting Premier:

In view of the deferment of question 16 on today's notice paper does this indicate that the Government has done nothing regarding the inquiry suggested, and that it intends to do nothing about it; or does it mean that no other Minister is capable of answering questions on behalf of the Minister for Labour?

Mr. GRAHAM replied:

I have no personal knowledge of this matter. It is a question which properly should be handled by the Minister for Labour.

It is perhaps unfortunate that the Minister is absent from the State at the moment on State business.

Mr. O'Neil: Who is acting in his stead?

Mr. GRAHAM: I have no doubt the Minister for Labour will be in a position to answer the question on Tuesday next.

3. TOWN PLANNING

Regional Growth Centres

Mr. COOK, to the Minister for Town Planning:

(1) What reports and/or studies have been submitted to the Australian Government on the question of regional growth centres in Western Australia, and what towns and/or areas in the State have been submitted as suitable for growth centres?

(2) When is a decision of the Commonwealth expected on growth centres for Western Australia?

Mr. DAVIES replied:

(1) Two reports were submitted to the Australian Government, one of which dealt with development which has been publicised and which affects the area north of Perth. The other was a composite report dealing with Albany, Geraldton, and Bunbury.

(2) I do not know when a decision can be expected from the Australian Government, but according to Press reports such a decision is imminent.

4. MILK VENDORS

Cost of Milk Deliveries

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

(1) What is the current price considered reasonable for a milk vendor to pay for milk delivered to stores?

(2) What would be the financial loss to Mr. Neil Locan if he had to hand over at no cost to Masters Dairy the 65 gallons weekly delivered to Curtis store (as indicated in the *Daily News* on Wednesday the 9th May, 1973)?

(3) Does he feel it reasonable that small vendors should have to hand gallonage of this size and value to large treatment plants at no charge?

(4) Should a shopkeeper be able to purchase from a legal source of his own choice?

(5) Have instances occurred where Masters Dairy has taken shop orders away from vendors at no cost?

Mr. H. D. EVANS replied:

I thank the honourable member for the ample notice he gave me and I reply as follows—

(1) Maximum prices to be charged by milk vendors for milk in various containers sold to other milk vendors (milkmen) are fixed by the Milk Board. In the metropolitan area the maximum price to be charged by milk vendors for milk in 1 pint bottles sold to other milk vendors (milkmen) is at the rate of 72.25c per gallon. The Milk Board does not control a price per gallon paid for milk trade consisting of delivery to shops.

(2) The margin on 65 gallons of milk in 1 pint bottles purchased at 72.25c per gallon and sold to a milk shop at 82.25c per gallon would be $6.50.

(3) It may be, depending on customer preference and service.

(4) Yes.

(5) The Milk Board does not record these instances. They may occur as a result of customer choice of licensees for the particular district.

5. DROUGHT RELIEF

Freight Concessions

Mr. W. G. YOUNG, to the Minister for Agriculture:

I apologise for giving no notice of this question but it follows on question 13 today. Could the Minister indicate whether any freight concession will be available to farmers who have to cart grain and hay into areas affected by wind?

Mr. H. D. EVANS replied:

In all honesty I cannot give a firm and decisive answer until such time as the Chairman of the Drought Consultative Committee is able to make a full asssesment of the total position.

6. TRADES AND LABOR COUNCIL

Publication "The New Deal"

Sir CHARLES COURT, to the Attorney-General:

(1) Will he undertake an investigation either through his own department or in conjunction with any other appropriate Minister to ascertain whether any of the advertisements in the publication *The New Deal*—which purports to be the official organ of the T.L.C. and its May Day 1973 issue—were inserted without the specific authority of the advertisers concerned?

(2) If these advertisements were inserted without the specific authority of the advertisers concerned, is an offence committed, and what is the nature of the offence?

Mr. T. D. EVANS replied:

(1) and (2) While I acknowledge some notice of the question I must point out that the notice has been inadequate to permit me to process the question and examine the appropriate law on the subject. Accordingly I ask that the Leader of the Opposition place the question on the notice paper.

7. MILK

Consumption

Mr. NALDER, to the Minister for Agriculture:

I hope the Minister will acknowledge sufficient notice of this question because I sent it out about midday. It is as follows—

(1) How many gallons of milk, including cream in terms of milk, were sold for consumption in Western Australia in the years 1960-61, 1965-66, 1970-71, and 1971-72?

(2) What was the percentage increase in consumption during those years?

(3) Was there a reduction in consumption and, if so, what percentage when there was a price increase in the years 1965, 1971, and 1972?

(4) How long did it take sales to recover following price increases in 1965, 1971, and 1972?

Mr. H. D. EVANS replied:

(1) Sales in Western Australia under the Milk Act—

1960-61 — 16,343,332 gallons.
1965-66 — 18,250,959 gallons.
1970-71 — 24,208,281 gallons.
1971-72 — 24,690,967 gallons.

(2) 1960-61 — 0.47% increase.
1965-66 — 0.33% decrease.
1970-71 — 3.87% increase.
1971-72 — 1.99% increase.

(3) Following the price increase in July, 1965, sales for 1965-66 decreased by 0.33 per cent. compared

with 1964-65. Following price increases in February, 1971, and May, 1972, there was no decrease in annual sales.

(4) Six months approximately following the 1965 price increase.

8. TRANSPORT WORKERS' UNION

Blackmail and Intimidation: Allegations

Sir CHARLES COURT, to the Acting Premier:

Before he gave me the written text of the answers to my question without notice regarding the Curtis brothers, he gave us an outburst regarding the incident to which we referred. In view of the fact that he referred entirely to the answers and information he received from the secretary of the T.W.U., are we to take it that he sought verification from the secretary of the T.W.U. only and that he took no action to verify the facts from the other parties involved, because we regard the whole incident as very un-Australian?

Mr. Hutchinson: Very un-Australian? It was disgraceful!

The DEPUTY SPEAKER: Order! Members will keep order.

Mr. GRAHAM replied:

The depth of the sincerity of the Leader of the Opposition can be gauged by the fact that so heinous is the offence of "intimidation" which commenced yesterday that it took till some time after 2.00 p.m. today for the Leader of the Opposition to submit the question to me.

Sir Charles Court: I gave notice of a motion yesterday.

Mr. GRAHAM: I was handed the question after 2.00 p.m. today.

Mr. O'Neil: It was handed in yesterday.

Mr. GRAHAM: To be dealt with and answered on Wednesday.

Mr. O'Neil: Because the Government was determined it would not answer it today.

Mr. GRAHAM: This is all extraneous to the point.

Mr. O'Neil: You wanted to answer it next week because you can't answer it today.

Mr. GRAHAM: Wednesday is private members' day. I did not think the conceit of the Leader of the Opposition would be such that he would think the Government would cast aside its political programme to deal with his witch hunting. The Government does not propose to do that.

Mr. Jones: What will be your next move?

Sir Charles Court: Personal freedom is involved.

The DEPUTY SPEAKER: Order! Members will keep order!

Mr. GRAHAM: Because of the circumstances already outlined, and because the question relates to a subject outside my own portfolio I made such inquiries as I could and the Leader of the Opposition relied entirely upon *ex parte* statements from a person who exaggerated the position.

Mr. O'Neil: How do you know?

Sir Charles Court: Who are you to judge?

Mr. GRAHAM: So I went to the other party in order to ascertain the situation.

Sir Charles Court: I took some action to obtain verification.

Mr. Bertram: A by-election coming on!

Sir Charles Court: This has nothing to do with a by-election. It is personal freedom.

The DEPUTY SPEAKER: Order! Members will keep order!

Mr. GRAHAM: Surely if there is any sincerity in the approaches being made, the Leader of the Opposition should be satisfied with the fact that action is being taken and will be maintained by the police. At this stage it is not known who was or might have been responsible. In my opinion I can say there are some indications of political collusion.

Sir Charles Court: We know who was responsible for the confrontation yesterday, admitted by the secretary.

The DEPUTY SPEAKER: Order!

Mr. Graham: No it was not.

The DEPUTY SPEAKER: Order! Members will keep order!

Sir Charles Court: It was admitted to Channel 7.

The DEPUTY SPEAKER: Order!

9. MILK VENDORS

Cost of Milk Deliveries

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

(1) In view of the Minister's comment in his answer to my question, is he implying that, as Minister for

Agriculture, he has no idea of the cost a vendor would charge for transferring a gallon of milk or 100 gallons from one vendor to another for sale?

(2) If not, would he tell us what the figure is per gallon?

Mr. H. D. EVANS replied:

(1) and (2) I would prefer the honourable member to place his question on the notice paper.

Mr. O'Connor: I did give you some notice of it but you did not answer it.

Mr. H. D. EVANS: I ask the honourable member to place it on the notice paper so I can have a full appraisal to answer in the manner he seeks.

Mr. O'Neil: The answer is that he does not know.

FIREARMS BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. May (Minister for Mines), read a first time.

SCIENTOLOGY ACT REPEAL BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. McPHARLIN (Mt. Marshall) [4.51 p.m.]: To clarify the situation involving the comments made by the member for Mt. Hawthorn and to leave no doubt in his mind that I do not want my name to be connected with that of Senator Murphy —he indicated he was connecting the name of the member for Narrogin with that of Senator Murphy because the member for Narrogin did not adopt an enthusiastic attitude towards scientology—

Mr. Bertram: I did not connect it. He did that himself.

Mr. McPHARLIN: —I want to make it quite clear from the start that I am opposing the Bill. I believe the member for Mt. Hawthorn clearly established a good case in support of the existing Act; that is, the legislation introduced in 1968 by the previous Government. The member for Narrogin read a letter in which the scientologists say they agree not to engage in those practices which were found to be offensive and undesirable before the legislation was passed. The scientologists have said they will drop those practices and have agreed not to be as offensive as they were before.

The contents of that letter in themselves are sufficient to justify the claim that the legislation has had the desirable effect for which it was introduced.

A great deal of debate ensued in 1968 when the Bill was introduced. One of the points made by the Minister who introduced it at the time was that always a great deal of thought had been given to ways by which people could be protected from high-pressure salesmen who were unscrupulous. The scientologists, whom I hope have changed, came into that category and it was necessary for some form of protection to be given to those who were not aware of the dangers in which they could become involved.

On page 2030 of the 1968 *Hansard*, the then Deputy Leader of the Opposition said—

> I have already indicated privately to the Premier that on account of the nature and the seriousness of this Bill, it will be necessary for me to speak at considerable length.

Mr. W. A. Manning: Four hours.

Mr. McPHARLIN: We then faced a barrage of four hours and 17 minutes from the then Deputy Leader of the Opposition covering something like 40 pages in *Hansard*. This clearly indicates that the Opposition was wasting an awful lot of time. This is one instance where the finger can be clearly pointed at the present Government in regard to how it took advantage of a debate in order to waste the time of the House. The then Deputy Leader of the Opposition, the present Deputy Premier, spoke from 9.41 p.m. to 2.07 the next morning.

Mr. Bertram: The Bill should never have been introduced, of course.

Mr. McPHARLIN: Very clearly that speech was designed to waste the time of the House; so on any future occasion when the Government feels prompted to accuse us of wasting time in the House it should stop and think of the action it took when the previous Government was in office.

Mr. Bertram: Nonsense.

Mr. McPHARLIN: After the scientology legislation was passed and became law a number of members of the then Government received some recognition for their support of the measure which banned scientology. I have in my hand a small wreath which was sent to members of the Government at that time. Members of the then Opposition did not receive one, but only those who supported the legislation. It is quite an attractive little thing. It has on it a quotation which I will not read. Only a sect as they call themselves—I cannot agree that they represent a religion—with some peculiar practices could do this sort of thing because they did not agree with the legislation passed by Parliament, which is the highest court in the land, and its members discharge their responsibility according to their consciences.

Sir Charles Court: You are lucky you received a pretty one. I received a black one.

Mr. May: There must be a message there somewhere.

Mr. McPHARLIN: I cannot see it. Perhaps the Minister for Mines will enlighten me.

Mr. May: I think the Leader of the Opposition got the message all right.

Mr. McPHARLIN: I suggest that as the Deputy Premier has the record for having made the longest speech in the House—

Mr. May: No he hasn't.

Mr. Bertram: Nowhere near it.

Mr. McPHARLIN: It is the longest speech made since I have been in the House except for the speech of the member for Wembley who beat it with a six-month effort, but the latter speech was interrupted. I think it would be a nice gesture if perhaps we presented the wreath I received—not the black one received by the present Leader of the Opposition—to the Deputy Premier on his retirement from Parliament because he certainly supported the cause.

Mr. Graham: Thank you for your generous gesture.

Mr. McPHARLIN: I can see the Deputy Premier smiling so apparently I have not offended him.

On the 22nd November, 1972, the member for Cottesloe when reading from a report on scientology by the Director of Mental Health Services on page 5575 of *Hansard* of that year commented as follows—

> It is true that "No-one is forced into Scientology", but Scientology attracts the ignorant, weak, credulous, and emotionally unstable, and once contact is made such persons find it very difficult to break away from the cult because of the insidious pressuring techniques used.

From the information we had obtained, it was obvious that pressuring techniques were adopted, but the letter read by the member for Narrogin today indicates that the scientologists will not engage in such practices in the future. However, in view of their actions in the past I am afraid that I am one of those who do not believe they will adhere to what they have said. I hope they will, but I cannot believe they will. They have changed their name and made these claims for their own benefit. I think it can be fairly said that the leaders are in the organisation to make an easy living by persuading people to part with their money.

From memory, when the Minister was speaking to this Bill to repeal the Act, he mentioned a letter which he had received from Superintendent Parker. Apparently Superintendent Parker recommended, on the matter of scientologists, that the question of bringing in a law or regulations should be referred to the Public Heath Department.

An interjection inquiring whether the Minister agreed or disagreed with that suggestion was unanswered.

Mr. Davies: I disagree with it.

Mr. McPHARLIN: The Minister is indicating that he disagrees?

Mr. Davies: I disagree.

Mr. McPHARLIN: I intended to ask the Minister to comment on the point when he replied to the debate. I want to indicate I am not at all convinced that the repeal of the Act will do any good. I am not convinced that the scientologists will mend their ways as they have promised to do. I wish I could believe what they have said, but I am afraid I am unconvinced.

I register my opposition to the Bill because I do not believe the repeal of the Act would be beneficial. If I thought it would be of some benefit I would be ready and willing to support it. However, I cannot bring myself to do that so I oppose the Bill.

MR. HARTREY (Boulder-Dundas) [5.03 p.m.]: I do not propose to delay the House for very long on this subject. It cannot be denied that scientology has been declared to be a recognised religion, and its church has been authorised to celebrate marriages under the Marriage Act as a result of action taken by the Commonwealth Government.

I, for one, would have to think seriously before I supported any kind of legislation which imposed a limitation upon a recognised religion. Persecution of religion is a feature which revolts my soul. To the best of my ability I adhere to my own faith. I was brought up by my Irish father, a long time ago, to have the utmost respect for the religions of other people, and to credit every man with honest intentions with respect to religious beliefs.

Since scientology is declared by the Commonwealth Government to be a recognised Australian religion, I, for one, would certainly vote in favour of repealing any legislation which imposes any kind of discrimination against it or any disability upon it.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [5.04 p.m.]: I desire to record my views on this particular piece of legislation for a number of reasons. First of all, let me indicate I am opposed to the Bill.

Mr. Graham: There was never any doubt.

Sir CHARLES COURT: Secondly, I want to explain that I have had a large number of representations from within my electorate seeking my support for the repeal of the legislation. In view of the large number of representations I have had from within my electorate and elsewhere —some as the member for Nedlands and some as the Leader of the Opposition— I believe it would be quite wrong to vote on this Bill without declaring where I stand. It would be easy to sit back and say nothing but in view of the fact that I am the Leader of the Opposition, as well as the member for Nedlands, I feel I should make some observations.

At the outset I want to say I resent very strongly, and feel very deeply, about the comments made by the Deputy Premier in respect of the member for Narrogin. I think those comments illbecome the Deputy Premier, and they did this place no good. I, for my part, make no bones about the fact that I came from a family which would meet the description of that given by the Deputy Premier to the member for Narrogin, and I am rather proud of the fact.

Mr. Graham: Many of us have had a close association with churches. However, to pontificate is to go the opposite way to Christianity.

Sir CHARLES COURT: This is not a question of acting in a contrary manner. The Deputy Premier acted in an un-Christian manner, and is un-Christian in his attitude towards people who might have strong views about biblical matters.

Mr. Graham: The Leader of the Opposition heard what the member for Cottesloe said about these people. His remarks were echoed by the Deputy Leader of the Country Party.

Sir CHARLES COURT: He was talking about scientology. The Deputy Premier was ridiculing, in a nasty and cynical way, people and their biblical practices.

Mr. Graham: And who were acting contrary to the Bible.

The DEPUTY SPEAKER: Order!

Sir CHARLES COURT: We have had two outbursts from the Deputy Premier today, and they do not become his position.

Mr. Graham: You are a champion smearer.

The DEPUTY SPEAKER: Order! Order!

Sir CHARLES COURT: I do not believe the question here is freedom of religion and worship at all. I have probably seen as many different forms of religion and worship as most people. Some forms are a bit hard to accept; nevertheless I have never questioned the sincerity of those who may practise something which appears to be a genuine religion. I have observed religion at school, while growing up, while at the war, and while travelling in other countries and I would be the first to defend the rights of others. However, this is a different question.

This was something so cynical and diabolical that many people throughout the community were moved to have something done about it, and something was done about it. It has been claimed that the legislation has no real legal force, and I will not question that view because I do not know enough about the law. However, I will say in practice it had a mighty effect. It was obviously feared by those who thought they were legally bound, or had a moral obligation, to take notice of the law and the opinions expressed by the Parliament.

Mr. Jamieson: It made them write more letters.

Sir CHARLES COURT: I believe it would be wrong to remove the Act from the Statute book. I acknowledge that the Commonwealth Government has complicated the situation by giving these people the right to conduct marriages. I read what Senator Murphy had to say about the matter and I was amazed. His attitude towards religion is either that he considers it to be somewhat unimportant or he has his own personal views about it; because his statement at the time could be interpreted only as a coldness and indifference towards scientology as such, or towards religion as such. However, the Commonwealth has taken action and some people interpret that action as being a signal that this law should be removed from the Statute book.

Scientologists will then be free to carry on with the practice of their religion or cult—call it what one will. I suppose the most damning thing, so far as those who opposed the original legislation are concerned—and I refer to people on the other side of the House, and specifically to the comments made by the member for Mt. Hawthorn today—is the fact that the scientologists have been prepared to write a letter stating that in future certain things will not be practised. These practices were quite diabolical but they have now decided to cease those practices. They have given a solemn undertaking, for what it is worth, that in future they will not continue these practices. To say their practices were not the best would be the kindest way of putting it. I can remember the Labor Party trying to support a move by the then Leader of the Opposition to make sure that scientologists could continue these practices. That would have been the effect of the move.

Mr. Bertram: That is not true.

Sir CHARLES COURT: It is true. Members opposite opposed the Bill brought down by the Brand Government. The fact that members opposite opposed the Bill so vehemently means that they are prepared to condone what the scientologists were doing. I ask members opposite whether they are proud of the fact that they supported them.

The organisation has made four promises in a "code of reform". They are, cancellation of disconnection; cancellation of security checking as a form of confession; prohibition of any confessional materials being written down; and cancellation of declaring people fair game.

Mr. Jamieson: A number of other groups adopt similar practices but you never objected to them.

The DEPUTY SPEAKER: Order!

Sir CHARLES COURT: As I said, I am not impressed by the fact that the Commonwealth Government has seen fit to give scientologists the right to conduct marriage ceremonies. That does not change my viewpoint. If that is the viewpoint of the Commonwealth I can do nothing about it.

Mr. Hartrey: Except to remove the disability in this State.

Sir CHARLES COURT: I want to make an observation on the representations which have been made to me on this occasion. They have been of a much more temperate nature than they were on the previous occasion. I have not yet received a wreath on this occasion but the letters I have received, I must admit, have been written in a more temperate way than the previous ones. If the group wanted legal recognition previously they should have purchased a copy of Dale Carnegie's book, *How to Win Friends and Influence People*. To say the least, some of their phone calls were insulting to the nth degree but on this occasion the letters written to me, in the main, with one or two glaring exceptions, have been of a more temperate nature. The letters acknowledge that the former practices were not good, and that the four practices previously referred to will not be continued in the future.

It is our democratic right to make a judgment and we have to decide within our own consciences whether or not we made the right decision. I do not regard the organisation as religious, and I do not think it is a form of worship. I am not impressed with its undertaking not to continue the four diabolical practices. The members of the organisation may still practise them but we have to accept what they have written in good faith, and we hope they will have seen that many people object, both in and out of Parliament, and do not like what has been done.

I sincerely hope that as a result of the experiences they have had the people who are responsible for the organisation of this cult or religion—call it what one will—will see that if they continue to indulge in some of these undesirable practices they can expect that at least some members of this Parliament will object on behalf of the citizens of this State and try to bring about legal action by way of Statute.

Mr. Lapham: There is no record of their marrying lesbians.

The DEPUTY SPEAKER: Order! Order!

Sir CHARLES COURT: I do not think that remark is appropriate here, but it might be interesting to see whether this cult will go that far. Let me hasten to say that I do not agree in any way with what that reverend gentleman—referred to by the member for Karrinyup—did or proposes to do in the near future.

Mr. Hartrey: When Nero threw Drusus to the lions it was not recognised as religion.

Sir CHARLES COURT: The member for Boulder-Dundas surprises me at times. A man of his intellect, training, and experience comments in that manner in an attempt to be clever. However, in that case there was a straightout question of recognised religious persecution.

I hope I have made my position quite clear in opposing this legislation. I believe it should be left on the Statute book. I sincerely hope that if the Bill gets through the other place—and Liberal members there are free to vote according to their consciences, not like the people opposite in this House—the organisation will keep its word. The fact that members opposite are bound in their vote shows just how much they think of religion.

Mr. Graham: It is a very important principle.

Sir CHARLES COURT: Members opposite do not have a choice in their vote.

Mr. Bertram: How will members vote in the other place?

Sir CHARLES COURT: They will vote according to their principles and consciences, so I cannot answer the question raised by the member for Mt. Hawthorn. The matter will be dealt with in another place.

Our members have the right to vote according to their consciences and I hope they will exercise their vote in that way. I oppose the Bill.

MR. DAVIES (Victoria Park—Minister for Health) [5.15 p.m.]: I thank the several members who have taken part in the debate over an extended period. Members may recall that last year the member for Cottesloe made a speech but he

was somewhat limited in his remarks because of the pending action before the court. As a result of this action, we were unable to continue at that time with the passage of the measure.

I note particularly a change of attitude, be it ever so slight, in some of the speakers. I also note, for the record, a hardening of attitude on the part of some other speakers. Irrespective of what arguments we may advance or the time which has elapsed we would be lucky indeed to persuade some members to change their minds.

It was interesting to hear the Leader of the Opposition say that members of his party—and I presume he means members of the Liberal Party and not Liberal-Country Party members—are free to vote according to their consciences.

Sir Charles Court: I meant members of the Liberal Party.

Mr. DAVIES: I wonder why members of the Liberal Party were not afforded the same opportunity in 1968 when the legislation went through.

Sir Charles Court: We have freedom in our party.

Mr. DAVIES: At that time a decision was taken in the party room that the party would support the banning of scientology.

Sir Charles Court: Who says our members were stopped from voting as they wished?

Mr. DAVIES: To a man, the Government voted to ban scientology in 1968.

Sir Charles Court: Who says they were directed?

Mr. DAVIES: Now, the same members are espousing this "holier than thou" attitude which we hear so often in this place. Nevertheless, I thank members who took part in the debate. The most thought-out contribution came from the member for Floreat. It was obvious that he had put a great deal of thought into what he would say. I could pick as many faults in his argument as he did in mine.

I want to refer to one point which has been mentioned by several speakers during the course of the debate. When I introduced the measure I did so off the cuff. I knew what I wanted to say and I did not want anyone to write notes for me. In any event, departmental officers do not write all my speeches. I could easily have asked someone within the department, or within the Government, to write a suitable speech but it was not necessary. Members have drawn attention to what they say was a lack of enthusiasm on my part because I did not express an opinion for or against scientology. I did this deliberately after a great deal of forethought because I wanted the matter to be considered in low key. I did not want 4½-hour speeches or impassioned pleas. I did not want long sittings on the debate but simply wanted to point out that the measure was ineffective according to the best advice from the Crown Law Department. Crown Law said that the section referring to galvanometers could be kept if it could be proved that they were harmful, but there was some doubt about this. I sent a memorandum to the Commissioner of Public Health saying—

> Could you advise urgently re this matter. Should use or banning of "E" meter be placed under the Health Act?

The Commissioner of Public Health replied—

> There is no point in retaining section 4.

I spoke privately to the Commisisoner of Public Health and asked him why there was no point in retaining section 4. My concern for Standing Orders is the only thing which prevents me from repeating some of the words he used in connection with the whole matter. However, that is by the way.

I deliberately played it in low key, as I said, because as far as I was concerned that was the only point to be considered.

Let me say here and now that I am strongly in favour of scientology on the basis of all the evidence I have seen. I am not in favour of it from a philosophical point of view because I have not studied it. However, all the evidence I have seen indicates that the wrong decision was made at the time. I refer to all the evidence on my files and on other files which I have read—evidence on which the legislation was brought down in 1968. I refer to the evidence which has come forward since that time to the Mental Health Services, the Public Health Department, and the Medical Department. I refer to representations which have been made to me and to private conversations which I have had on the subject of scientology. On all this evidence—not on the philosophy—I am strongly in favour of the scientologists.

Sir Charles Court: You amaze me.

Mr. DAVIES: I do not want to pursue that argument because there is no point. The Government has been told by the Crown Law Department that the Act is ineffective. As a result of that advice—and because the Government believes it is the right thing to do and made it clear before the last elections that we would do it—we have a responsibility to repeal the legislation and, furthermore, we have a mandate to do it. The Bill has been brought forward for these reasons.

Many matters were mentioned during the debate but I do not think I should deal with them individually because the question has been fully discussed. As I have said, it would be impossible to change some people's views. Others have already indicated that they feel the legislation has had some effect. Be that as it may, the fact remains there is legislation on our Statute book which is completely ineffective. A clear undertaking has been given by the Government and this is why the measure is before the House.

Members may recall that the previous Government set up a Statutes Review Committee, I think it was called, which went through all the Acts of Parliament. As a result of that committee's work the Government repealed a great number of Acts which were ineffective. If the Statutes Review Committee were operating now I believe it would recommend that this legislation be repealed because it is ineffective.

Sir Charles Court: It was the most effective piece of ineffective legislation ever carried.

Mr. DAVIES: That is only an opinion but apparently the Leader of the Opposition believes it has had some effect.

Sir Charles Court: It stopped that correspondence overnight.

Mr. DAVIES: With proper communication the same effect could have been achieved without legislation and without wasting the time of the Parliament. Evidence on my files indicates, I regret to say, that requests by scientologists to talk to Government members and officers on this matter were not acceded to. Had there been a confrontation and had the Government said, "We believe this is wrong and if you do not do something we will do something" I am sure the organisation would have done something.

An inquiry was held into this matter in New Zealand and, in 1969, Sir Guy Powles published his report. I have previously referred to that document.

Sir Charles Court: Do you know why Government members had to stop interviewing these people when the previous Bill was mooted?

Mr. DAVIES: Tell me.

Sir Charles Court: It was because some of the attitudes of the people concerned were unfair, embarrassing, and threatening. Any Government member who wasted his time with them was being completely unrealistic.

Mr. DAVIES: I cannot vouch for that, but I can vouch for the evidence on the files which indicates that there was a reluctance, at the proper level, to talk to these people.

My support for scientology is based on the documents in the official files. I ask members to feel free to look at the files at any time; I will be pleased to make them available.

I could comment on many of the points which have been made but if I took issue on them that would negate my original intention which, as I said, was to play the whole thing in low key. I wanted to point out the embarrassing position in which the Police Department found itself, quite apart from the Crown Law Department. I wanted to take the necessary action to remove this embarrassment. If the legislation has had some effect and has pleased members of the Opposition, I am glad about that. I repeat that I believe the same effect would have been accomplished without the legislation which we are now seeking to repeal had discussion taken place at the proper level.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

HOSPITALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th April.

DR. DADOUR (Subiaco) [5.28 p.m.]: I am sure the passage of this Bill will be a little smoother than that of the previous one. At the outset, I indicate that we support the Bill before us and I am sure the Minister will be pleased to have a little reprieve.

The measure seeks to extend the powers of the Government to guarantee the repayment of borrowings by any religious or charitable organisation where the money has been borrowed for a project connected with a private, nonprofit hospital or nursing home.

The DEPUTY SPEAKER: Order! There is far too much talking in the Chamber.

Dr. DADOUR: It should be noted that the Government already has the power to repay, in part or in whole, the interest on moneys borrowed by such organisations. The measure goes further than that and gives the Government the power to guarantee the repayment of moneys borrowed by such organisations.

The measure has been introduced to assist, in particular, the St. John of God Hospital, Subiaco, where major alterations and additions are planned. The hospital wishes to improve its facilities which are

already over-taxed. It would be desirable to make the St. John of God Hospital a teaching hospital. This would be of great value to the State.

This was one of the reasons advanced by the Minister in justification for the measure. I agree with him that there are many other reasons to justify the powers sought under this Bill.

If the House will bear with me I will try to help the Minister and explain the position as I understand it. I have a very deep feeling of gratitude to and admiration for the Sisters of the Community of St. John of God, and I am most proud to be associated with them. I am sure the Minister and all members of the Chamber feel the same way.

Historically, the Sisters of the Community of St. John of God have been caring for the sick in Western Australia since 1895. They commenced in a small cottage in Adelaide Terrace with three beds for patients, and also performed domiciliary visits; that is, they cared for sick people in their homes. In 1897 they established their first cottage hospital at Subiaco, comprising 40 beds, an operating theatre, and a dispensary. It is wonderful to think that in just two short years the Sisters were able to establish the first part of their hospital at Subiaco, and it contained 40 beds—quite a number for those days.

The Sisters were also involved in nursing miners during the typhoid epidemic, and in the 1930s they nursed smallpox cases. One nun, whilst nursing a smallpox patient, contracted the disease and ultimately died. Members will appreciate how closely involved in the growth of Western Australia have been the Sisters of St. John of God.

Turning to the picture today, we find that the nuns have an "A"-class hospital at Subiaco comprising nearly 400 beds for both general and maternity cases. That is quite a large hospital when one considers the other teaching hospitals. It is one of the largest private hospitals in Australia to my knowledge. Is that correct, Mr. Minister?

Mr. Davies: Yes.

Dr. DADOUR: The hospital incorporates diagnostic and treatment facilities, including a department of radiotherapy and a department of nuclear medicine. Not many people have heard of nuclear medicine, but most cases requiring such treatment are able to be treated at the hospital, apart from some very specialised brain and heart surgery, which is centred at other teaching hospitals.

I can say quite categorically that the State of Western Australia needs the Sisters of St. John of God. They have performed a great service and are continuing to perform it. I feel—and I am sure all members feel—that they are worthy of the assistance for which they are asking at the moment. If we consider the total activities of the Sisters of St. John of God in Western Australia alone—they are in other States also—we find they have hospitals at Rivervale, Kalgoorlie, Bunbury, Geraldton, Northam, and Subiaco. They also conduct clinics, leprosariums, and mission schools at Broome, Beagle Bay, Balgo Hills, and Derby. A total of 41 Sisters are in those centres in the north. That is a large number of nuns to be working in centres in the north-west of Western Australia where, as members are aware, life, is not easy.

I would like to say probably not one member of the House has not benefited from the nursing care of the Sisters of St. John of God, either personally or in relation to some member of his family. The St. John of God Hospital is run as a non-profit hospital and costs the State little or nothing. It has been able to carry on over the years and to do a wonderful job and to expand to the fine buildings at present in use. The contribution made by the Sisters of St. John of God to the care of the sick is immeasurable and in my opinion is sufficient justification for the powers sought in the Bill before us.

Further, the St. John of God Hospital, Subiaco, has always been a training centre for nurses in both general and midwifery nursing. Until 1961 this training was provided merely for the Sisters of the Community, but in 1961 it was extended to include non-religious students in midwifery, and in 1962 it was extended to include non-religious general nursing students. Today the hospital turns out 52 midwifery and 40 general nurses each year—a total of 92 nurses. The young women who are trained at the hospital attain a very high standard and on a number of occasions have topped the State. My personal opinion of these young women is that they are very well trained, well mannered, and often possess charm and confidence combined with a little humility. When one sees these young women enter the hospital for training and then sees them after they have completed their training, one realises that a little of what the nuns do rubs off onto them. They are a credit to the Sisters.

The cost of nursing education has spiralled in recent years for three reasons. Firstly, it has spiralled as a result of our old enemy, inflation. Secondly, increased time is spent in the classroom. It must be remembered that trainee nurses attend lectures and tutorials during working hours; no longer must they do that in their own time. The result is that they spend less time in the wards and a greater number of staff must be employed to man the wards for 24 hours a day. Thirdly, under the new nursing regulations the ratio of tutors to students has been increased. The number of tutors and clinical supervisors required to train a given number of nurses has been increased.

Let us consider two other points. Firstly, the St. John of God Hospital, Subiaco, trains nurses not only for its own use, but also for the rest of the State and, indeed, the whole of Australia, because only one or two religious nurses are trained each year out of the total of 92. The rest of the nurses disperse throughout the State, throughout Australia, and even throughout the world. The second point is that all other schools of nursing in Western Australia are maintained by the Government, as the Minister well knows.

In the 12 months preceding December, 1972, 152 nursing students entered Royal Perth Hospital. In the same period 88 students entered Princess Margaret Hospital. I have not been able to extract the figures I would like to quote, but the cost of salaries for tutorial staff alone at Royal Perth Hospital—not including floor space, lecturing fees paid to doctors and other personnel, cleaning, etc.—amounted to $217,000 in the 12 months ended December, 1972. The salaries for tutorial staff at Princess Margaret during the same period amounted to $57,000. So it cost $217,000 to turn out 152 nurses from the Royal Perth Hospital, and $57,000 to turn out 88 nurses from the Princess Margaret Hospital. Yet, it does not cost the State a cent to run the St. John of God Hospital.

Here is an area of great need, and it is obvious that the Government should provide a subsidy to prevent the possible closure of the nurses' school at that hospital. Should it be closed it would be a great loss to the State. The Minister realises this, and I know he will treat this matter as one of great urgency. I am sure he will come up with an answer before very long.

No longer can we afford to take for granted the good Sisters who run this hospital. It is only as a result of these matters being brought to our attention that the great difficulties which they are experiencing have become evident.

I need not remind the House that the St. John of God Hospital is a nonprofit organisation. In the past any surplus money has been put back into improvements to the hospital. As a result of this the Sisters have taken every available opportunity throughout the years to expand the hospitals under their control and to develop their efficiency to the highest modern standards, in caring for the health of the community of Western Australia. They have been doing this for many years, and it has cost the State almost nothing to have these facilities available to the public.

It is only as a result of inflation and the other factors I have enumerated that the Sisters find themselves in need. What they have achieved up to this stage has resulted from their dedication and devotion. That is the way in which they have been able to provide these things.

I have already outlined how much it costs to run teaching hospitals and State hospitals; yet up to this stage St. John of God Hospital has been run on what the Sisters have been able to obtain from fees. However, to keep the hospital up to date and supplied with the modern sophisticated equipment has become almost an impossible task with inflation creeping on as it is. Any reduction in the present standards would be intolerable and would not be acceptable to the Sisters.

I am only speculating when I say this; but if St. John of God Hospital were to close down there would be chaos, because there would be 400 fewer hospital beds. We all realise that hospital beds are at a premium, and any reduction in the number will create a grave difficulty.

I would impress on the House the manner in which help should be provided. Under the present charges imposed by St. John of God Hospital it is possible for that institution to make a profit on the short-stay patients, but in the case of the long-stay patients who have to be treated with sophisticated equipment it becomes unprofitable. In keeping abreast with modern standards and in maintaining a high level of efficiency the hospital has found that it is operating unprofitably, and in fact it is running at a loss at the present time. The Minister is aware of this, although other members may not be.

I have established the fact that the hospital conducted by the Sisters of St. John of God does need help, and wherever possible we should provide assistance. Apart from the Bill that is before us, I am sure the Minister will render other assistance. There are other areas of need, to which I wish to make reference. The operating theatre of the hospital needs rebuilding. The X-ray department is functioning only as a result of the devotion of the staff, because the very sophisticated equipment that is in use takes up a great deal of space; the kitchen is able to function only through the devoted services of the staff; and the laundry service needs to be improved. If possible with the establishment of the central State laundry in the near future it is hoped that the facilities will be made available to St. John of God Hospital.

If we take all these factors into account it is obvious that immediate help in the form of a subsidy for the training of nurses must be provided, and the necessary legislation for this purpose must be passed. It was my intention to amend the Bill with a view to extending the provisions

beyond what the Minister intended. However, I think it is more expedient not to do so, because I have come to realise through the Medical Superintendent of the St. John of God Hospital that the Minister is aware of the difficulties and is doing something about them.

There is need for us to agree to the Bill before us, but there is one point to which I wish to draw attention. In no way should we attempt to alter the autonomy of the Sisters over their hospitals. I know this is not the intention of the Minister, but the Sisters need reassuring.

If St. John of God Hospital, Subiaco, were to become a teaching hospital the processes of acceptance must be slow. Pilot schemes will have to be introduced, and careful analysis and investigation made. With the way in which St. John of God Hospital has been run over the years what worries me is the effect on the basic human right of the patients. This is one of the great stumbling blocks.

The DEPUTY SPEAKER: There is too much talking in the Chamber.

Dr. DADOUR: These basic human rights of the patients are a choice of doctor, a choice of hospital, and the chance to be treated when they desire, if possible. These are the basic rights under the present medical scheme.

In regard to autonomy being retained by the Sisters, I would point out that many precedents have been set in the other States, and agreements with teaching hospitals have been drawn up with the State. Under these the Sisters have been given autonomy. The Government has a representative on the council of the hospital, and that has been found to be sufficient. I know that in the other States the parties to such agreements are extremely happy.

To summarise my remarks we on this side of the House support the Bill, but feel it does not go far enough. As there are areas of critical need which must be met to benefit the State we feel that further legislation is necessary. Let us get this further legislation passed, so as to meet the needs of the people.

There is sufficient justification for this legislation without St. John of God Hospital becoming a teaching hospital. A great deal of planning has to be undertaken before this can be achieved. Of course, the Sisters are well aware of the urgent needs of the State. They have offered their help, but at the same time we should bear in mind that the few points I have raised must be cleared up.

I am certain that the Minister and I are on exactly the same wavelength on this occasion. I am not trying to push him into anything because I know his thought processes are identical to mine. Therefore, with no further ado, I support the Bill.

MR. DAVIES (Victoria Park—Minister for Health) [5.50 p.m.]: I thank the member for Subiaco for conveying in greater detail what I might have said when I introduced the measure which is designed to enable loans to nonprofit-making or charitable hospitals to be guaranteed. I instanced St. John of God because I had received representations from that organisation concerning its plan to rebuild and those representations highlighted the fact that we could not guarantee such a loan under the Act. The first necessity is to gain the right to guarantee.

The hospital has been studying some of its requirements and has made tentative submissions to me. I agree the Government does not want to take over any additional hospitals. It is very delighted with the extra beds available and as long as the hospital is efficiently run and no complaints are received from the public, as is the case with the hospital in question, we are quite happy to let it go on in its own way, but with such help as it requires. The Medical Department has enough to do to look after its own hospitals.

As has been mentioned, the hospitals in the Eastern States have Government representation on the boards of management and we are quite willing to provide the link if it is desired. I believe it is necessary because we should communicate so that each knows what the other is thinking.

I agree there should be a choice of doctor and hospital and this is, to a large degree, the position, although unless a person goes to Royal Perth Hospital as an ordinary patient he does not have a selection of doctors. A patient at Mt. Newman or Broome Hospitals is treated by whichever doctor is in attendance at the time. The fact remains that some people desire to be treated by their own doctors and we hope to enable this practice to continue.

One of the difficulties at present is the uncertainty of the future of hospitals because of the recently published paper dealing with health services. Many matters must be cleared up before the position is clarified.

I know that the St. John of God Sisters have been anxious to extend what they feel is their traditional role which they commenced in 1897. They have been anxious to return to domiciliary nursing and community health centre nursing. They belive there are deficiencies because the State is unable to meet all requirements and that this is part of their function and calling. I have a great personal regard for them because of the experience of my own family. As the member for Subiaco stated, probably every member in the House has the same regard for them.

We are looking very closely at their requirements and we hope we can formulate a plan very soon so that they and others in nonprofit-making organisations might take advantage of guarantees.

I thank the honourable member for his remarks which have been noted, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 5.56 p.m.

Legislative Council

Tuesday, the 15th May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

MINING ACT AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

QUESTIONS (5): ON NOTICE

1. LONG SERVICE LEAVE

Applications to Industrial Commission

The Hon. A. F. GRIFFITH, to the Leader of the House:

During the last five years what applications have been made to the Industrial Commission to amend Industrial Awards or Agreements in the matter of Long Service Leave provisions?

The Hon. J. DOLAN replied:

In 1967, an application for Long Service Leave of 13 weeks after 10 years service was claimed by Unions who were parties to a new Iron Ore Mining Award. The claim was based on the Long Service Leave arrangement granted by the Western Australian Court of Arbitration in the Iron Ore Mining (Yampi Sound) Award in 1956. This claim was successful.

Since that decision only one application (in 1969) for amended Long Service Leave entitlements in a proposed new award to have application to workers employed in the Iron and Steel Industry at Kwinana was argued before the Western Australian Industrial Commission. This claim was argued on the grounds that the more favourable entitlements prescribed under the Iron Ore Production and Processing Award should be applied to a group of workers employed in a different, though related part of the iron processing industry. When issuing the new award in February, 1971, the Commission refused the claim. The decision of the Commission was as follows:—

> "I have not been satisfied that I should, on this occasion, depart in this award from the standard Long Service Leave provisions"—which referred to those provisions included in an earlier existing general consent agreement having application to private industry awards in Western Australia between the respective employer and employee organisations and not to a previously argued application before the Court.

2. BRUCELLOSIS

Eradication Campaign

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) If, as was stated in the reply to my question of the 8th May, regarding Brucellosis eradication, that the testing of blood samples is placing some limitations on the programme—

(a) how many laboratory staff are employed;

(b) how many additional staff would be required to test all cattle in the State within the next two years;

(c) what would be the annual cost of salaries for this additional staff;

(d) what qualifications would this additional staff require;

(e) what efforts have been made to obtain this additional staff;

(f) what extra equipment and laboratory space would be required for this staff;

(g) what would be the cost of this added equipment and space?

(2) Are there any new developments on the testing of blood samples which could be utilised to step up testing of samples?