Legislative Assembly

Wednesday, the 12th September, 1973

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

NURSES ACT AMENDMENT BILL

Message: Appropriations

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

WORKERS' COMPENSATION ACT AMENDMENT BILL (2ND.)

Personal Explanation

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [2.18 p.m.]: I seek the indulgence of the House to make a personal explanation relevant to a document I quoted yesterday.

The SPEAKER: The Deputy Leader of the Opposition seeks leave to make a personal explanation. Is there a dissentient voice? As there is no dissentient voice leave is granted.

Mr. O'NEIL: I think I was guilty of a technical error when I said yesterday that the document from which I quoted came to me through the mail. In fact it was attached to a letter addressed to me, but delivered to me by hand. I am sure the House will appreciate that this was a technical error and not one of malicious intent. It is unfortunate that the Minister for Labour is not present, because I understand certain action is in train to advise him of the source of the document from which I quoted.

QUESTIONS (22): ON NOTICE

1. NON-GOVERNMENT SCHOOLS

Per Capita Grants

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

(1) What was the (if not exact, approximate) number of students in independent—

(a) primary;

(b) secondary,

schools in Western Australia who were receiving per capita aid from the Commonwealth Government under the existing system?

(2) Could he please tabulate the approximate number of students referred to in (1) in the following breakup—

(a) those attending so called "systemic Catholic schools";

(i) primary;

(ii) secondary;

(b) those attending "non-systemic non-Government schools" separately in each of the Karmel categories A. to H. within each category—

(i) primary,

(ii) secondary students?

Mr. T. D. EVANS replied:

(1) (a) and (b) The Education Department is not in a position to state the number of students in non-Government schools for whom the Commonwealth Government has paid per capita grants. However, to date in 1973, State grants have been paid for 24,718 primary and 17,458 secondary students. These figures could be taken as an approximate indication of the information sought.

(2) (a) and (b) The details would need to be derived as a special undertaking from the August census, which is not yet complete. Under normal circumstances the Education Department would have no need to undertake this special analysis because it would not be necessary for the payment of State grants.

2. EDUCATION

Commonwealth Financial Allocations

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

(1) Could he inform the House how the Commonwealth finances for education for 1973-74 will be expended in this State, in particular, which part—if any—of the finances (detailed in the document entitled *Australian Government Outlays on Education* and incorporated in Federal *Hansard* of the House of Representatives on 23rd August, 1973) will be expended and administered by State departments, and which parts will be directly allocated to educational institutions by Commonwealth authorities?

(2) Could he also show whether and which of the finances that are going to be expended and/or administered by State departments will be included in the State's—

(a) revenue Budget and votes for expenditure;

(b) loan Budget?

Mr. T. D. EVANS replied:

(1) Details of funds to be allocated in this financial year to this State are set out in the Australian Government publication entitled *Payments to or for the States 1973-74,*

copies of which are held by the Parliamentary Library.

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

3. TOWN PLANNING SCHEME

Cottesloe

Mr. HUTCHINSON, to the Minister for Town Planning:

As the Cottesloe Town Council wishes to inform Cottesloe people of its revised town planning scheme and secure their views on it as soon as he gives preliminary approval under the law as laid down, will he explain the reasons for the delay?

Mr. DAVIES replied:

The processing of Cottesloe town planning scheme has been delayed whilst consultation has taken place between the Town Planning Board and Cottesloe Town Council, particularly having regard to the scheme's highway proposals. The board considered the scheme at its meeting on 11th September, and I am therefore now in a position to determine it. I will do this as soon as I have studied the scheme documents.

4. RURAL RECONSTRUCTION SCHEME

Accelerated Repayments

Mr. NALDER, to the Minister for Agriculture:

(1) Is it correct that a letter has been sent out to farmers who received assistance under the Rural Reconstruction Scheme by the authority urging them to repay their loans at an earlier period or accelerated repayment than laid down by agreement?

(2) Who was responsible for sending out the letter?

(3) Who issued the instruction?

(4) What was the reason for sending out the letter?

(5) Is it correct that the authority has power to request repayments before the due date?

Mr. H. D. EVANS replied:

(1) Yes.

(2) The authority.

(3) The administrator at the direction of the authority.

(4) The generally improved rural economy resulting in many applicants' financial positions being greatly improved with a consequent ability to increase repayments.

(5) Yes.

5. ABATTOIRS

Weighing Scales

Mr. McPHARLIN, to the Minister for Consumer Protection:

As it was reported in *The West Australian* of 25th August, 1973 that an abattoir had been fined $100 for false scales—

(a) has a check of all abattoirs scales been ordered;

(b) if not, will he consider having this done;

(c) if it is found that at other abattoirs the scales are faulty, will he give instructions that suppliers of stock who were short paid be reimbursed?

Mr. Bickerton (for Mr. HARMAN) replied:

(a) Abattoir scales as with all other scales used for trade are checked and verified during the normal course of routine inspections. It has not been necessary to order a specific check of all abattoir scales.

(b) Eleven inspections have been carried out in the three major metropolitan abattoirs during the past 12 months, and there has been no evidence to indicate that a special check should be conducted at this time.

(c) Under the Weights and Measures Act, an order for restitution may be requested, where it can be shown that a person might be disadvantaged by faulty scales. There is no way of determining when scales commence to weigh incorrectly, and such order consequently can only be applied to a specific weighing.

6. IMMIGRATION

Intake from Eastern Europe

Mr. McPHARLIN, to the Minister for Immigration:

(1) How many immigrants have arrived in Western Australia from Czechoslovakia, Rumania and Russia since 1st January, 1970?

(2) How many from each country have been naturalized and are still living in Western Australia?

Mr. Bickerton (for Mr. HARMAN) replied:

(1) The latest figures available from the Commonwealth Bureau of Census and Statistics referring to

permanent and long term movement are—

Arrivals into Western Australia from 1/1/70 to 31/12/72—

Czechoslovakia—32.
Rumania—4.
Russia—13.

(2) It is doubtful if the arrivals mentioned above would be qualified as yet for naturalisation. Statistics supplied by the Commonwealth Immigration Department show the following have been naturalised over the period 1/1/70 to 31/12/72—

Czechoslovakia—54.
Rumania—2.
Russia—10.

There is no record kept of the State in which naturalised Australian persons reside.

7. VETERINARIANS

Engagement by Department of Agriculture

Mr. McPHARLIN, to the Minister for Agriculture:

(1) How many veterinary surgeons are employed by the Department of Agriculture?

(2) At which towns are they located?

Mr. H. D. EVANS replied:

(1) 52.

(2) Albany.
Bunbury.
Bridgetown.
Derby.
Esperance.
Fremantle.
Geraldton.
Katanning.
Kununurra.
Manjimup.
Merredin.
Moora.
Narrogin.
Northam.
South Perth.
Three Springs.

8. EDUCATION

Teachers' Tribunal: Appeal

Mr. E. H. M. LEWIS, to the Minister representing the Minister for Education:

Further to question 35 of 7th August, what was the decision of the tribunal with respect to the first clause of the teachers' union's appeal?

Mr. T. D. EVANS replied:

The decision of the tribunal with respect to teachers' salaries has not yet been handed down.

9. CHALLIS ROAD SCHOOL

Site

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

(1) Why were negotiations for acquisition of the Challis Road primary school site delayed until July this year?

(2) Why has it been necessary to acquire a large portion of one of the highest producing citrus orchards for a school site when alternative sites were available?

(3) Are alternative sites still being pursued?

Mr. T. D. EVANS replied:

(1) The total school site will comprise portions of several properties. Negotiations with some owners have been protracted.

(2) The school site as defined was included in the comprehensive proposals for the south-east corridor.

(3) Yes.

10. YUNDERUP CANALS DEVELOPMENT

Sale Offers

Mr. RUSHTON, to the Premier:

(1) Is he aware of the sale offers being made in Hong Kong for part or the whole of the Yunderup canal land?

(2) Will he obtain and table a copy of the offers being made available to the public in Hong Kong?

(3) Is he aware of the Commonwealth Government's total ban on foreign investment in Australian sizeable land projects?

(4) (a) Has he or his Government made representation to the Commonwealth Government for special dispensation to allow foreign investment in the Yunderup canal project; or

(b) has the Commonwealth Government offered to waive the foreign investment restrictions for this project?

Mr. J. T. TONKIN replied:

(1) I understand that sales are being promoted in Hong Kong but I have not sighted a copy of the offers.

(2) No. Private business transactions are no concern of mine.

(3) Yes, but I understand the ban would not apply to an investment by an individual in a block of land for his own use while employed in Australia, or on retirement.

(4) (a) No.
(b) Not that I am aware.

11. DEVELOPMENT

Steel Mill in Pilbara

Sir CHARLES COURT, to the Minister for Mines:

(1) With reference to the answers given to my questions on Tuesday, 7th August (*Hansard* page 2314, volume No. 11) and 8th August (page 2391, volume No. 11) about a steel mill in Pilbara, has the Government completed its study of the request for areas and, if so, what decision has been made?

(2) (a) If a decision has been made to grant additional areas, what are these areas and on what conditions;

(b) who were previous holders of the areas?

Mr. Taylor (for Mr. MAY) replied:

(1) and (2) The Government has not yet completed its study of the request for areas and, therefore, no decision has been made.

12. MINERAL SANDS

Rail and Road Cartage

Mr. O'CONNOR, to the Minister representing the Minister for Railways:

Regarding transport of mineral sands in containers from Capel to Fremantle—

(1) When did this commence?

(2) Has road cartage of these mineral sands ceased, and if so, when?

(3) Why has this transport ceased?

(4) Have haulage contractors contracts with any shipping companies in connection with the mineral sands?

(5) Have complaints been received from shipping companies regarding road haulage being no longer permitted?

Mr. TAYLOR replied:

(1) March, 1969.

(2) Yes, as from 1st June, 1973.

(3) Railway facilities are available to cater for the traffic.

(4) It is understood that at least two transport companies had contracts with shipping companies.

(5) Yes.

13. MINERAL SANDS

Rail and Road Cartage

Mr. O'CONNOR, to the Minister representing the Minister for Transport:

(1) What is the cost of transporting mineral sands from Capel to Fremantle by—

(a) road;

(b) rail?

(2) What tonnage is normally carried annually?

(3) What is the normal rate per ton from Capel to Fremantle?

(4) Is rail cartage of mineral sands from Capel to Fremantle profitable?

(5) What is the estimated profit or loss annually on these sands?

Mr. JAMIESON replied:

(1) (a) Road $110 per container of approximately 18 tonnes.

(b) Rail $133.50 per container of approximately 18 tonnes, including handling charges at Fremantle.

(2) 3,500 tonnes.

(3) If the value is $100 or less per tonne—$4.80 per tonne.

If the value is over $100 and less than $150—$7.30 per tonne.

The major portion of mineral sands exported through Fremantle has a value under $100 per tonne.

(4) Yes.

(5) In accordance with normal business practices, it is not desired to make available such information.

14. *This question was postponed.*

15. TRADES HALL BUILDING PROJECT

Government Guarantee: Signatories

Mr. O'CONNOR, to the Attorney-General:

(1) Will he advise who signed the agreement on the new Trades Hall issued on behalf of—

(a) Trades Hall;

(b) the Government?

(2) Are all trustees of Perth Trades Hall Incorporated also members of the State Executive of the A.L.P.?

(3) Which members of the Western Australian Parliament are also members of the A.L.P. State Executive?

(4) Has he studied clauses 32 and 34 of the Constitution Acts Amendment Act?

The SPEAKER: Parts (2) and (3) of this question are inadmissible. These matters do not come within the administration of the Attorney-General and do not refer to public affairs for which he is responsible.

Mr. T. D. EVANS replied:

(1) A copy of the agreement was tabled in this House on the 14th August, 1973—paper number 271—and the information sought by the Member can be obtained therefrom.

(2) and (3) *The Speaker ruled that these questions were inadmissible.*

(4) Yes.

16. DOGS

Distemper Vaccine

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

(1) Would he consider making distemper vaccine freely available for use by primary producers on their own properties?

(2) If not, why not?

Mr. H. D. EVANS replied:

(1) No.

(2) Under the Stock Diseases (Regulations) Act and Poisons Act canine distemper vaccine as a live virus vaccine is only available for use by registered veterinary surgeons.

It is considered that primary producers should be able to make satisfactory arrangements for the vaccination of their dogs by veterinary practitioners.

17. INTRASTATE AIR TRANSPORT

Withdrawal of Subsidy

Mr. RIDGE, to the Premier:

(1) Has he ascertained which country air services will be affected by the Commonwealth Government decision to withdraw subsidy payments?

(a) if "Yes" will he give details;

(b) if "No" will he seek the information urgently and inform the House?

(2) What was the value of subsidies paid in 1972-73 in respect of the following services—

(a) Kimberley station service;

(b) Port Hedland, Marble Bar, Hillside, Nullagine;

(c) Carnarvon, Denham;

(d) Kalgoorlie, Leonora, Laverton?

(3) Considering the importance of the services and the probability of an added financial burden for a comparatively small number of people who are already disadvantaged by isolation, will he seek to have the Commonwealth decision reversed?

Mr. J. T. TONKIN replied:

(1) to (3) This matter is completely under the control of the Commonwealth Department of Civil Aviation. The Minister for Transport will confer with the Commonwealth department and let the Member have the information requested as soon as possible.

18. DERBY HIGH SCHOOL

Air-conditioning

Mr. RIDGE, to the Minister representing the Minister for Education:

(1) Has the Public Works Department completed its investigation with respect to the feasibility and cost of air-conditioning the Derby Junior High School?

(2) If "Yes" does the report indicate that the provision of air-conditioning is feasible and warranted?

(3) If "No" will he expedite completion of the investigation and the early submission of a report on it?

(4) When does he anticipate calling tenders for the air-conditioning of the school?

(5) Has the West Kimberley Shire Council indicated that the Derby power supply can adequately cope with air-conditioning at the school?

Mr. T. D. EVANS replied:

(1) to (5) The investigation of all aspects is nearing completion and every endeavour will be made to expedite the report.

19. ROADS

Commonwealth Aid Roads Funds: Distribution

Mr. I. W. MANNING, to the Minister for Works:

(1) What amount of Commonwealth Aid Roads moneys was paid to each local authority in the metropolitan area for the years 1971-72 and 1972-73?

(2) What amount was expended by the Main Roads Department from the Commonwealth Aid Roads Fund in each metropolitan authority for the years 1971-72 and 1972-73?

(3) What grants have been allocated for the years 1973-74—

(a) to local authorities in the metropolitan statistical division;

(b) to be expended in the metropolitan area by the Main Roads Department?

Mr. JAMIESON replied:

(1) and (2) *The answer was tabled (see paper No. 319.)*

(3) (a) $7,031,564.

(b) $14,235,800.

To conform with the definition of "urban area" under the Commonwealth Aid Roads Act 1969, it has been necessary for the Main Roads Department to adopt the Perth statistical division for record purposes.

The Perth statistical division includes the metropolitan traffic area plus the Shires of Wanneroo and Kalamunda and the portions of the Shires of Swan and Mundaring outside the metropolitan traffic area. The statistical information in this answer has been compiled on this basis.

20. COMMUNITY HEALTH CENTRES

Financing and Staffing

Mr. BLAIKIE, to the Minister for Health:

(1) Have discussions been held between the State Government or his department and the Federal Government regarding Federal Government financed community health centres and, if so, would he give details of the intention of the Federal Government?

(2) Has he or his department had any discussions with the Western Australian pharmacy guild, the Department of Community Welfare or representatives of any group associated with staffing proposed clinics?

(3) If "Yes" to (2), would he give detail of when discussions commenced and which bodies have been represented?

(4) Would he advise which towns of the State are likely to have Commonwealth Government medical health centres?

Mr. DAVIES replied:

(1) Discussions are proceeding and the Australian Government's decision is awaited.

(2) No.

(3) Not applicable.

(4) Initially Busselton and Mandurah.

21. TOWN PLANNING

Land Tenures Inquiry: Submission

Mr. RUSHTON, to the Minister for Town Planning:

(1) Has a further submission been submitted by the State to the Commonwealth land tenure commission in addition to the preliminary one already tabled?

(2) If so, will he now table the comprehensive submission as previously agreed?

Mr. DAVIES replied:

(1) No.

(2) Not applicable.

22. LICENSING COURT

Policies

Sir CHARLES COURT, to the Premier:

(1) Does the Government concur in the statements made by the Chairman of the Licensing Court and widely publicised in recent weeks, about policies and practices to be followed by the Licensing Court in future?

(2) If the Government does not concur in the statements and policies and practices enunciated by the Chairman of the Licensing Court, in what particulars is the Government in disagreement?

Mr. J. T. TONKIN replied:

(1) and (2 Pursuant to the Liquor Act, which is an enactment of the previous Government in 1970, the Licensing Court is not prohibited from publicly expounding policy based on the provisions of the Act.

If and when the Government is of the opinion that any policy enunciated by the Licensing Court is not in accord with the Act, it will take appropriate action.

However, when any policy is expressed whilst sanctioned by the Act, but with which the Government does not agree, the Government would then consider whether amendment to the Act is necessary.

QUESTIONS (5): WITHOUT NOTICE

1. BUDGET

Introduction

Sir CHARLES COURT, to the Premier:
Has he yet made the decision as to when he will introduce the State Budget into Parliament?

Mr. J. T. TONKIN replied:
No definite date has been fixed, but I am aiming to introduce the Budget in the first week in October.

2. WOOD CHIPPING INDUSTRY AGREEMENT ACT AMENDMENT BILL

Environmental Protection Report

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

(1) Why did he mislead the Assembly on Tuesday, the 21st August, by saying in his second reading

speech on the Wood Chipping Industry Agreement Act Amendment Bill that "the Environmental Protection Council and the Environmental Protection Authority have considered the implications of the proposed development and have expressed their satisfaction at the adequacy of the measures provided for environment protection" when they had included reservations in their report which has now been tabled at my request?

(2) Why was the report not presented when introducing the legislation?

(3) Will he apologise to members for misleading them?

Mr. TAYLOR replied:

(1) The principal agreement was assented to on the 29th September, 1969. Following new representations from the company advice was first exchanged on the projected industry by the Environmental Protection Authority in April of this year.

As a result of close collaboration with the Environmental Protection Authority and the environmental council since that date, a number of very important amendments has been introduced into the body of the variation agreement and into the schedule which sets out the conditions of the forest produce (chipwood) license. These measures were explained fully by me in my second reading speech and were taken with the knowledge and endorsement of the Environmental Protection Authority and everything that could be done has been done within the framework of the existing legislation to protect the environment. Further, as a result of E.P.A.'s recommendations the necessary machinery has been implemented to ensure adequate and satisfactory management of the industry.

(2) The interim report as tabled on Tuesday last had not at the time of the presentation of the Bill been available. If I remember correctly, it was dated the 24th August, which was after the Bill had passed through the House.

(3) I do not consider that I have misled members.

3. NURSES' REGISTRATION BOARD

Purchase Price for Premises

Mr. BATEMAN, to the Minister for Health:

Would the Minister advise the purchase figure being paid by the Nurses' Registration Board for premises at 1140 Hay Street, West Perth?

Mr. DAVIES replied:

From memory, I believe the amount is $68,000.

4. WOOD CHIPPING INDUSTRY

Tabling of Environmental Protection Authority Report

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) Why was the Environmental Protection Authority report into the wood chipping industry not tabled on the same day as the industry Bill was debated, as requested by me?

(2) Has the Commonwealth Government's intrusion into the State's responsibilities for environmental protection caused concern within the State's Environmental Protection Authority and Council?

(3) Will he advise the House of the present position and relationship between the Commonwealth and State environmental protection authorities over the wood chipping industry and other aspects of State responsibility?

Mr. DAVIES replied:

(1) Because it was not available at the time.

(2) The fact that guidelines for environmental impact statements are only in draft form does cause some uncertainty as far as our position goes.

(3) This matter is presently under consideration.

I might add that we have been trying to get some guidelines on environmental impact statements ever since the Australian Environmental Council was formed under the previous Australian Government.

5. TRADES HALL BUILDING PROJECT

Government Guarantee: Signatories

Mr. O'CONNOR, to the Speaker:

I seek your guidance, Mr. Speaker, regarding the answer to question 15. You ruled that parts (2) and (3) of the question were inadmissible.

In view of the importance of this matter would the supply of the information come within your jurisdiction?

The SPEAKER replied:

No.

TOURISM

Standard of Accommodation: Grievance

MR. W. A. MANNING (Narrogin) [2.37 p.m.]: I want to express a grievance on a matter which could seriously affect our tourist industry. I think the Minister for Health might be able to supply members with some advice regarding this particular problem.

A few days ago I met two married couples who had come to Western Australia from Victoria. They had hired a drive-yourself car and were to tour the southern parts of our State. When they arrived in Perth the two couples rented a furnished flat for which they paid $79. The flat was situated in Cottesloe. I do not intend to name the people concerned, or give the address of the flat, because I do not think that information should be stated at this stage.

When the people arrived at the flat they discovered it had not been swept since the departure of the previous occupants. The bed linen had not been washed, and no bed lights were supplied. The second bedroom was an enclosed patio and was so damp it could not be used. One couple had to sleep in the lounge room.

Mr. T. D. Evans: The member for Cottesloe should do something about it!

Mr. W. A. MANNING: The blankets and sheets had to be aired before they could be used. Entrance to the bathroom and toilet was through the main bedroom. Apparently the whole set-up was a disgrace. I would have liked the opportunity to look at the flat myself, but I have already reported the matter to the Tourist Bureau which is concerned with the complaint.

It seems to me there is a need for some form of health inspection. Somebody should be responsible for ensuring that premises which are let to people from other States are of a certain standard. Visitors to this State do not have an opportunity to inspect accommodation before they rent it and they should not suddenly be thrust into premises such as those I have described. I ask: Who sets the standard for such flats?

Mr. Hutchinson: Did the honourable member say who was responsible for letting the flat?

Mr. W. A. MANNING: They booked through the Government Tourist Bureau and, of course, I have taken the matter up with the bureau. It is the bureau's responsibility but it booked the accommodation in good faith depending on somebody else's word.

I want to know who is responsible for the standards set for such accommodation and for ensuring it is maintained and regularly inspected.

Mr. Hutchinson: Did the people resolve to stay there?

Mr. W. A. MANNING: They were booked into the accommodation before they left Victoria.

Mr. Hutchinson: Yes, but when they arrived at the place did they stay there?

Mr. W. A. MANNING: Yes, they stayed under those conditions.

Mr. Jamieson: They had no choice.

Mr. W. A. MANNING: That is right. The accommodation had been booked for them and they had nowhere else to go. I suppose they could have walked out and gone somewhere else.

Mr. Hutchinson: Did they ring the tourist bureau?

Mr. W. A. MANNING: It was booked through the tourist bureau.

Mr. Hutchinson: But did they ring the tourist bureau back?

Mr. W. A. MANNING: I could not say but I have rung the bureau which has the matter in hand. How do people get away with letting a flat in such a condition at such a price to people who have no opportunity, prior to going into it, to see what it is like? This is my concern. I hope the Minister for Health can give the House some information on this point so that this does not happen again and some correction can be made.

MR. DAVIES (Victoria Park—Minister for Health) [2.41 p.m.]: I thank the member for Cottesloe for posing several questions which were in my mind. I hope he does not consider he is in any way responsible because the accommodation happens to be in his electorate.

Frankly, I cannot say who is responsible for ensuring that furnished flats are up to standard. Had I been the person concerned I would have gone to the local health inspector. Had that attempt failed I certainly would have contacted the Public Health Department.

Mr. Nalder: The people may have arrived at the weekend.

Mr. DAVIES: After-hours numbers for public health inspectors are listed in the phone book. Very likely there could be some difficulties with this and I think it is more of a legal question. As I see it, the people had been offered a certain flat at a certain standard and, in good faith, had contracted accordingly. It is obviously a breach of contract, I would say, although I am not a legal man. The accommodation did not come up to the standard expected or paid for.

I am pleased that the member for Narrogin has taken up the matter with the tourist bureau and I would be grateful to hear what the bureau has to say. I am sure the bureau must be embarrassed by what has happened. To let a flat at $79 a week and to find it in the condition described would surely cause embarrassment to the bureau.

I do not know of any law coming within my portfolio which would give the Public Health Department any right to control such flats. Of course there is inspectorial control over boarding houses, hotels, hospitals, and the like.

This could be a new venture. To unscrupulous people, it could be a lucrative venture and I certainly feel sorry for the visitors concerned. I do not know what the circumstances were but I would have been inclined not to take occupancy. and then sue for recovery of the money. However it can be a nasty business to go into litigation.

I will certainly make inquiries to see whether there is any law existing of which I am not aware. If the practice becomes prevalent or if action is needed we will look to amending legislation to give honest people some protection.

DEVELOPMENT

Bunbury: Grievance

MR. SIBSON (Bunbury) [2.44 p.m.]: I rise to make known the situation in Bunbury. I have mentioned previously in the House—and repeat now—that Bunbury still appears to be missing out on all the development which has been promised in the past. During the by-election campaign many promises were made, particularly by the Premier. One was that Bunbury would be a great growth centre but, as yet, nothing has happened. We now hear of a $3,500,000 growth centre finance allocation but I can find no reference to Bunbury in this. It appears that most if not all of the money may be going into the metropolitan area or the Salvado plan, with Bunbury once again missing out.

My election promise was to fight for the development of Bunbury, and that is what I am endeavouring to do. However in the last two or three years there has been very little development of any kind in Bunbury and very little Government money has been spent there. We are experiencing trouble with certain projects—even with Alwest. It has been said many times that Alwest is a "goer"—it is away—but the Government of this State has not been able to overcome the problem caused by the Federal Government's 25 per cent. imposition on all moneys brought in from outside. I thought it would be the responsibility of this Government to overcome the problem so that the project could go ahead.

Bunbury has also lost its promised courthouse during the term of the present Government. The courthouse went to another town. This has been another blow to Bunbury, not only because it lost the building project but also because at the remodelled courthouse, and particularly at the Children's Court, there is nowhere for people to stand except out in the rain.

In addition, funds for Leschenault Inlet were to be included in the Estimates but, in answer to questions I have asked about this matter, I have been informed that has not been done. This is another project for Bunbury which has not materialised this year. Perhaps it will come into being next year, when another Government may be in power.

About the time of the by-election campaign certain promises were made. The ex-Minister for Development and Decentralisation said in Bunbury that Bunbury was on the "short list" for a shipyard. I do not know what the "short list" is, but I would have imagined Bunbury would come to the top very quickly. The ex-Minister elaborated on how a yard of this type in Scotland employed 1,500 people. Bunbury was very happy about the prospect, but since that statement was made early in April nothing more has been heard about it.

During the by-election campaign in Bunbury the Premier said that as soon as the patent rights for the Laporte waste scheme were approved a pilot plant would be built in Bunbury. The pilot plant has not been built and we have not heard anything about the patent rights. I do not know how long it takes to obtain patent rights, but we have heard nothing further about that promise.

Another matter which concerns me and many people in Bunbury is that the sewerage scheme is not growing quickly enough to keep up with the demand; yet, because Commonwealth funds have dried up, 15 men have been put off the scheme in the last couple of weeks, although on the 23rd August we read in the Press that sewerage for Perth had been given a great boost with an allocation of $3,800,000. I draw attention to a Press report of what the Minister for Urban and Regional Development (Mr. Uren) said about this matter. The report reads—

> He stressed the figure was only the minimum amount which might be forthcoming this financial year.
>
> "We have deliberately kept it at a minimum," he said.
>
> "We did not want to overtax our resources at this stage. And by resources I mean men and materials—not money."

The reverse situation applies in Bunbury, where we have the men and no doubt the materials could be found, but we have no money. Yet Perth will receive $3,800,000. Surely some consideration could have been given to the scheme in the Bunbury area. It appears to me that Bunbury has been completely left out in regard to the areas from which it was thought it would benefit.

The Premier also said that a decentralisation study was being made and Bunbury would benefit. We also heard the previous

Minister for Development and Decentralisation, when he opened the new Perth Building Society offices in Bunbury, throwing his hands in the air and saying, "Bunbury is going to be a great growth centre. Many things are going to happen in Bunbury, and I am very proud to see that the Perth Building Society has confidence in Bunbury and confidence in our Government."

Government members: Hear, hear!

Mr. SIBSON: And yet, all these promises, along with the ex-Minister, have gone. I do not wish to be over-critical, but I believe the town of Bunbury has been completely left out in the open. The member for Albany told us during the debate on the Supply Bill—and I am very pleased that he was able to do so—just how much had been done for the town of Albany. That is very good, and I am pleased to know that Albany is getting some consideration.

Mr. Cook: It didn't under the 12-year term of the Liberal Government.

Mr. SIBSON: We will not go into that argument—it may be right or it may be wrong.

Mr. T. D. Evans: It is right.

Mr. SIBSON: The point is that the Government of the day promised Bunbury many things. Not one of these promises has been fulfilled, with the exception of a few additions to the technical school.

Mr. Hutchinson: That is because the Government has written off Bunbury electorally.

Mr. SIBSON: Irrespective of whether or not it has been written off electorally, I believe it is the Premier's responsibility and the Government's responsibility—the member for Collie may laugh but—

Mr. Jones: I have not laughed at that. I am only laughing because South Bunbury is not in the football finals. It is a wonder you have not mentioned that.

Mr. Jamieson: You have mentioned everything else.

Mr. SIBSON: It is the responsibility of the Premier and of the Government to ensure that all these towns, and particularly the towns set aside to be growth centres, are looked after.

The SPEAKER: The honourable member has two minutes.

Mr. SIBSON: The Government must consider not only the town itself but the whole of the region which has a population of 80,000 people. This matter is most important to my electorate and to the surrounding electorates. Therefore, I am absolutely amazed to see that all the promises have been made but not one of them has come to fruition. What is more, no follow-up has been undertaken by the Government.

MR. TAYLOR (Cockburn—Minister for Development and Decentralisation) [2.53 p.m.]: I believe the comments made by the member for Bunbury require some answers. Regrettably the Premier is absent, and the former Minister for Development and Decentralisation—referred to so scathingly by the member for Bunbury—is also unable to make a comment. I would like to rise, as a Government member who made a promise to Bunbury, and remind members that very shortly after the election I kept that promise by a grant to the tourist industry in Bunbury. The honourable member did not refer to this at all. Requests for such a grant were made to the previous Government on many occasions.

Mr. Hutchinson: How much was involved?

Mr. TAYLOR: A sum of $25,000 was set aside to put the *Leschenault Lady* on the track and to bring both locomotives up to standard. The grant was made subsequent to the election.

Mr. Hutchinson: What about the sewerage?

Mr. TAYLOR: One does not blame the member for Bunbury, after such a very short time in the Chamber, for endeavouring to consolidate himself. No doubt his comments will make good reading when and if they appear in the local Press.

Mr. Jamieson: They will be in this afternoon.

Mr. TAYLOR: Work on the Port of Bunbury commenced before the term of the present Government. This work is progressing well at the moment. The honourable member must be aware of the second dredge which is being brought into operation by this Government.

Mr. Jamieson: At extra cost to the Government.

Mr. TAYLOR: That is so. The Minister for Works should know because this is his department. He would also know of the rearrangement of railway network in the area and the replanning of the railways. Bunbury is now the most developed centre outside the metropolitan area, and the Government is planning more development.

Let me give an example. The Bunbury Technical School was planned by the former Government, and opened in 1971 just after we became the Government; and within 12 months extensions were made to it. Does that sound like a centre which is not growing?

Sir Charles Court: It is natural growth.

Mr. TAYLOR: Does it sound like a centre to which we are paying no attention? The answer is there; within 12 months of that technical school being opened additions were made to it. Housing which was built by this Government is empty in Bunbury, but at least the town

is further ahead in respect of housing than many other centres. The reason for this is that we believe Bunbury is to be the growth centre for the south-west. It is the most important centre outside the metropolitan area.

To go a little further, the member for Bunbury referred to $3,500,000 to be set aside by the Commonwealth for growth centres in Western Australia. This is a matter which is outside my portfolio, but I am privy at least to the recommendations which went forward to the Commonwealth; and the honourable member should know about them because they have been made public often enough. The recommendations referred to one centre adjacent to the metropolitan area and to three other country centres as being worth while for development as growth centres, and one of those was most assuredly Bunbury.

Mr. Hutchinson: Will the Minister in charge answer the sewerage aspect?

Mr. TAYLOR: I understand from comments made to me by the Minister for Works a few moments ago that something like $232,000 has been spent on sewerage works in that area.

Mr. Jamieson: This was from Commonwealth unemployment money, and no other town has had that much put into its sewerage scheme.

Mr. TAYLOR: Apart from the metropolitan area, Bunbury has had more money spent on sewerage than any other town. So to comment that nothing is happening in Bunbury and that it is being left because it cannot be won by the Government is so much political poppycock.

The matter of the shipyard site is one for the future. Had the member for Bunbury been in this House a little longer he would have been keeping his eye on the oil industry and the development of the north-west shelf, because a great deal of construction must take place when production begins up there and Bunbury is one of the areas being considered for the construction of off-shore rigs. This work may not go to Bunbury, but certainly Bunbury has not been bypassed.

I think the comments of the member regarding the courthouse were also a little astray. He spoke about a promise of a new courthouse. I am unable to comment on that promise as being made during the election, but I am informed by the Attorney-General, who was in Bunbury one week after the election to attend a meeting of justices in the area, that he and the justices were shown over the Bunbury courthouse, and the renovations which have been done and the work which has been carried out there were pointed out to them with pride. Magistrate Fisher and the clerk, Mr. Owen Smith, showed them over the building; and I suggest that the member for Bunbury check with those gentlemen. Certainly they indicated their satisfaction to the Attorney-General. I do not think the member has any right to criticise the Government for not constructing a courthouse at the very moment he feels it is needed.

Mr. Bickerton: The only thing Bunbury has missed out on is a Labor representative.

Mr. TAYLOR: Finally, the Bill to ratify the wood chipping industry agreement has been passed by the Legislative Assembly, and the member would know what is planned for Bunbury in that respect. He would have seen the discussions on television in Bunbury regarding what is hoped for in the area.

I think if one looks back over the past two years one must accept that the present Government—as did former Governments—has certainly played its part in the development of Bunbury by its expenditure of capital moneys in the area. I feel that the comments of the member for Bunbury probably will look fine in the local newspaper, but they do not sound well in this place.

Sir Charles Court: The Minister's remarks will not look well.

The SPEAKER: Grievances noted.

BILLS (5): INTRODUCTION AND FIRST READING

1. Pay-roll Tax Act Amendment Bill.
2. Pay-roll Tax Assessment Act Amendment Bill.
3. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.
4. State Electricity Commission Act Amendment Bill.
5. Coal Mine Workers (Pensions) Act Amendment Bill.

Bills introduced, on motion by Mr. Taylor (Deputy Premier), and read a first time.

EDUCATION

Karmel Report Recommendations: Motion

MR. MENSAROS (Floreat) [3.04 p.m.]: I move—

> That in the opinion of this House, the Government should make strong representations to the Commonwealth Government that the recommendations of the Report of the Interim Committee for the Australian Schools Commission (Karmel report) be reconsidered and not applied in their present form to Western Australia; particularly in its trends, tendencies and inevitable ultimate results—
>
> (1) to centralise educational policy decisions and in due course administration;

(2) to discontinue with the fair and commendable policy—originated by the Liberal Government—of elastic, per capita grants to all private schools, based on the cost of education in Government schools;

(3) to differentiate with allocation of grants between so called "systemic" and "non systemic" non-Government schools thereby sowing the seeds of religious divisions in our community;

(4) to discriminate against certain "non systemic" private schools penalising parents who made more sacrifice for educating their children.

Further, it is the opinion of this House that the Government of Western Australia, having regard to the Constitution of the Commonwealth of Australia, is better suited and equipped to make decisions and administer education policy, and hence it should press the Commonwealth Government that the finance recommended as special grants by the Karmel report should be added to the general grants given to Western Australia.

Briefly, what I seek is the approval of this House and the tangible expression of that approval—of my view—by this Government that the recommendations of the Karmel report be not implemented in their present form in this State and that the quite obviously available large sum of money should be given to the State Government of Western Australia so that it, with this Parliament, shall decide how to improve education in our State and implement its decision.

In giving reasons for my request to this House and to the Government, I shall follow the line of thoughts as expressed in the motion I have just read to the House. At the outset I wish to say that this is not a motion of no confidence; it is not even an attack on the State Government. Rather, it is a motion which is meant to encourage the Government to take a positive line within its own constitutional powers and duties in the field of education, using the one good feature of the report; namely, the availability of large sums of money.

The recommendations of the Karmel report and their acceptance by the Federal Government prove at least one point; that is, that successive Federal Governments collected more money than was necessary to make laws for the peace, order, and good government in their constitutional field of legislation, because if the moneys collected had been scarcely enough for this purpose, obviously there would not be the overflow for those purposes which belong to the States' constitutional field. It also proves that the Federal Government has omitted to distribute these excess moneys to the States where they belong.

However, money alone is nothing. It is the use of money which can transfer it to the benefit of education, in this case, and of the whole community, and it is the misuse of money which can transfer it to waste in bureaucracy and inexperienced experimentation. What an opportunity for any State Government, with its own expert departments, to have large amounts of money and to use that money for the purpose of education! On the other hand, what a frustration for any State Government to have to watch these moneys being misused in waste which may not fulfil any good purpose whatsoever.

This is what I respectfully suggest will happen if the recommendations in the Karmel report are implemented in the State of Western Australia without any change in their present form.

I think it is proper that we look at this report and at the methods proposed by the report, because upon them the motion before us is based. We are all aware there are two types of committees which a Government may set up. When a Government is in need of a decision and desires certain actions to be taken it establishes a committee to examine all aspects of the particular field. Such a committee is charged with the duty of coming down with proper recommendations as to how these wants are to be met.

The other reason for the appointment of committees is that when a Government knows what it wants to do, but it does not desire to come out with a decision, it recommends the appointment of a committee; and it says to this committee, "These are your recommendations in advance, but give us some reasons so as to make the public happy and to prove to the people that these recommendations which have been decided upon by us initially are correct."

This is not a report in the proper sense of the word, as we are all accustomed to a report of an inquiry. It is not—to give a fine example—like the Plowden report on education in the United Kingdom.

No amount of goodwill can classify the Karmel report as an objective appraisal of the wide sphere of primary and secondary education in Australia. In it there is no trace of a disciplined, inductive method of arriving at unbiased recommendations.

The report reveals partisan and, of course, socialistic thinking, with the result—that is, the Labor Party policy—given and expressed in the recommendations, and with gathering reasons in a deductive way to justify this predetermined result. I suggest that in studying this report one comes to the conclusion that the committee was

not even subtle enough to conceal this procedure. On occasions it even changed the meanings of the terms of reference, and instead gave its own "interpretation" of the terms of reference.

Another method used by the committee, when it had difficulty in arriving at the predetermined recommendations, was to introduce so-called "values which have influenced its recommendations". In this respect I refer to chapter 1.8 of the report.

The committee also talks about its convictions, not in a sense that these are arrived at from the facts gathered, but as *a priori*, existing, dogmatic convictions.

When all these unusual tricks failed then the committee apparently had to ask the Minister for help; and this most honourable gentleman, the Federal Minister for Education, in a letter dated the 13th April of this year, secretly changed the terms of reference, without disclosing this fact to the people or to any Parliament. It was only through the alertness of the previous Minister for Science and Education (Mr. Fraser) that the present Minister was compelled to table this letter; and so the fact that the Federal Minister changed the terms of reference, because the committee had great difficulty in arriving at the predetermined recommendations which it had to make, became public knowledge.

Following the sequence of my reasons as set out in my motion, the first and most important one is the inherent and even explicit danger of centralising education policy-making and administration. The report makes this very clear in chapter after chapter: that the States themselves, with all their experiences, and with their adjustment to their different educational environments and requirements, would play a very small part and ultimately no part whatsoever. Control of policy and administration would be exercised by Canberra.

The committee recommends special grants only under section 96, with exact conditions attached, in addition to the existing general and special grants for the 1974 and the 1975 school years. The total recommended special grants for Western Australia are $35,500,000 for the two years, or $14,200,000 and $21,300,000 for 1974 and 1975 respectively. This is in addition to what the committee estimates as the remaining $14,500,000 of the present special grants. This would tally roughly with the answer I received from the Minister representing the Minister for Education, because although in the past financial year the total special grants amounted to $23,000,000, we have to deduct the grants for universities and colleges of advanced education—both the recurrent and capital grants as, *in toto*, they are now financed by the Federal Government. I imagine we would have to deduct the grants to the independent schools because they would be embraced in the recommendations of the Karmel report. So, the remaining amount is $6,300,000. Considering inflation, I think the figure which the committee estimates—$14,200,000 for the two years—would be roughly correct.

That means for the next two years expenditure on education in this State will be $20,200,000 and $30,300,000 respectively in special grants. That, on present figures and including some guesswork in calculating how much the Budget will increase monetarily, will represent between 20 per cent. and 25 per cent. of the total educational expenditure in Western Australia, including recurrent and capital expenditure. This proportion, it is easy to imagine, will increase all the time.

The committee not only recommends policy-making by the Federal Government, but it most definitely recommends also administration by the Federal Government. With a very rough ironic twist it recommends, firstly, decentralised administration using the new Labor jargon of "devolution". I had to look up the meaning of this word in the dictionary. The ominous feature is the first meaning of "devolution" in the dictionary; it is "degradation of the species". I imagine that in respect of education this report is a degradation of the species. After offering this devolution, the devolved authorities are to be the regional boards—and these have nothing to do with the State. They are not elected by anyone; and they are not responsible to any Parliament, other than to the Canberra Administration.

In order to illustrate this let me quote one sentence from chapter 8.17 of the report which deals with libraries; but this is very significant when we are dealing with the whole thinking of the report. The sentence is—

> It (the committee) expects State Education Departments to conform.

This is typical of the thinking right throughout the report.

Another citation is found in chapter 13.2. After paying lip service to the constitutional responsibility of the State, the report goes on—

> The planning of the strategic development of education on a national scale . . . may yield many benefits in meeting the requirements of the 21st century.

On the administration side, the alarming feature of the report is that it proposes, with the regional boards, to release hordes of Commonwealth public servants loose on the State. Indeed one wonders whether Professor E. Northcote Parkinson himself did not sit on the interim committee.

Therefore it needs no imagination to realise that the expressed and implied wish of the committee is ultimately to have all educational policy determined, implemented, and financed by the Commonwealth with the total exclusion of the

States. This could be arrived at by withdrawing special grants and by diminishing the general grants because as soon as the betterment conditions expire, and monetary inflation gallops on as it does, the general grants will be dwindled down virtually to nothing and in lieu the Commonwealth will make special grants which will, hopefully, bring tremendous kudos to it.

Even if there was something left for the State department to administer, how could it do it separately? How could Mrs. Jones be paid because she works for the Education Department and gets 40 per cent. from the State and 60 per cent. from the Commonwealth or vice versa, thus receiving two different cheques because one comes under special grant as she does something under the auspices of the Karmel report? I have had long talks with people in the State department who are having headaches about this. Today I asked the Minister a question on the subject, but he referred me to some obscure document in which no opinion is expressed concerning who will be responsible for the administration now and in the future. Of course, if we think about it, we realise there is no doubt that in due course the State department will have to dovetail its administration with that of the regional boards of the Commonwealth.

If members are dubious about my interpretation and view concerning the centralistic nature of the report, let me give the views of other people. Let us first consider those of the Federal Minister for Education—the honourable gentleman himself. On the 23rd August Mr. Beazley made a ministerial statement on education and that statement begins on page 317 of Federal *Hansard*. On page 329 he said—

> The Government will provide the basic funding to establish and maintain a curriculum development centre... The centre will undertake a variety of tasks—

Mr. A. R. Tonkin: You did not finish that first sentence.

Mr. MENSAROS: All right. I will read it again and this time I will read it all if the honourable member so desires. It is as follows—

> The Government will provide the basic funding to establish and maintain a curriculum development centre as an independent statutory organisation with its own governing council.

Mr. A. R. Tonkin: Exactly.

Mr. MENSAROS: What does that mean? It will be one department; one independent statutory department. What else does it mean? If we substitute the State Electricity Commission with an Australian Electricity Commission it will be an individual statutory body under the auspices of a Canberra Minister. It does not make any difference if we talk about education and the special needs of this State. We are often sore enough that the State Education Department wants to do everything itself. We want to leave it to local parents and people and to the school masters to decide. How much worse it will be if we have this one authority; but let me proceed. Mr. Beazley continued—

> The centre will undertake a variety of tasks including the development of teaching and learning materials for use in schools; the support of curriculum and materials development at regional and local levels; publication of assessments and information about equipment and materials from other sources; and the provision of advisory services from outside sources.

So it goes on and deals with the money which will be provided for these purposes. Do we require more proof? I can give more. Let us consider the attitude of the Federal Catholic Schools' Committee which was the body which fared best as the result of the Karmel recommendations. However, that committee states—

> There is need to guard against a proper concern for standards working against the diversity and flexibility that the Report commends.

Then the National Council of Independent Schools says—

> The Council, however, fears lest many of the worthy intentions expressed in general terms in the earlier sections of the report be seriously endangered by over-complex administrative arrangements and over-cautious delegation of financial decision-making.

I now wish to quote a short paragraph from the critical review of the Karmel report by Mr. Tregonning who we all know is at present the Principal of Hale School and who was professor of history at Singapore and various other places. He said—

> This unitary system, where all major steps are made only in Canberra, is at total variance with nearly all democratic countries overseas. A unitary, centralized system is more characteristic of totalitarian countries. By contrast Britain and America have the maximum of diversity, experimentation and initiative in their schools by delegating the decision making process as widely as possible. Overseas examples apart, any healthy, non-ideological look at education would see the immense danger in this centralization. This is one very alarming aspect: the exclusion of the States from any meaningful participation.

Finally, let us consider what was said by a prominent educator (Howard Peters) who is the Assistant Director at the Western Australian Institute of Technology. He certainly would be the last

person to be accused of political bias, or at least political bias our way. On the 7th September in the gazette distributed by the institute he said—

> Unlimited powers in a central body have inherent dangers, including non-recognition of local problems, lack of personal contact with those implementing policies and an almost inevitable misuse of excessive power.

But the report itself proves the disadvantages of centralism. It was prepared after I think only two members came to Western Australia for a few days. That was all the experience and knowledge upon which the document was based. Then of course it was handled by bureaucrats in Canberra and fed into computers, and thus has the future of our children been decided.

Mr. Bickerton: The only thing wrong with power is that you do not have it.

Mr. R. L. Young: One thing is worse; when it is 3,000 miles away.

Mr. T. D. Evans: The same power was there before the 2nd December last year.

Mr. R. L. Young: That was not all the power in the country.

Mr. MENSAROS: I hope I have demonstrated that the centralist tendencies contained in the report are not red herrings just invented by me. Hence, I would like this Government to state clearly where it stands. The Government should not be obscure, as it has been so far. We challenge the Government, day after day, but we never receive a clear answer.

My latest question to the Premier referred to the centralist views of the Prime Minister which were specifically expressed. I asked the Premier whether he could explain his view, or the view of the Government, regarding this matter. I was referred to reports where policies were expressed. The Premier was not game to say that he was for or against; he simply said that he would table documents, and he tabled newspaper articles. One was headed, "Tonkin loses on centralism". Of course, we know that to be so. Another article was headed, "Tonkin: Policy unwise". A leading article was published by the Premier's very kind friend, the *Sunday Independent*, under the heading "Full marks". Why does not the Premier stand up and say that we are right and that he is against centralism.

Mr. T. D. Evans: The Premier is not frightened. He has demonstrated great courage and the member for Floreat knows that to be so. He has shown greater courage than have some members from the other side of the House.

Mr. R. L. Young: Everyone on this side of the House is opposed to centralism.

The SPEAKER: Order!

Mr. MENSAROS: At this stage I want to know where the Government stands, and whether its loyalty lies with the Federal Labor Party or with the people of Western Australia.

Mr. A. R. Tonkin: It lies with the children of Western Australia.

Mr. R. L. Young: You must be joking.

Mr. MENSAROS: My second reason—which is equally important—for suggesting to the House that the report should not be implemented in its present form is the discontinuation of *per capita* aid and the substitution of the "need" principle. I do not pretend that every one of these principles is faultless, and not open to criticism. However, I do say that the *per capita* principle is much more just and allows a combination of one system with the other. We do not claim that help or aid should not be given where a need exists, but we maintain that the two principles could be combined.

The "need" principle proposed in the report is to the detriment of the choice and quality of education. We have to go into the report in an effort to explain some of the principles. The *per capita* principle is based on the idea that everyone is entitled to a choice in education—a direct and an indirect choice. It is not enough to say that one has a choice if there is no tangible evidence of that choice. The choice has to be theoretical and practical. If money is withdrawn then, virtually, the choice does not exist. Hence, we consider that everybody should be entitled to some financial assistance in the education of his children.

The principle so far followed has been that those who choose State education should receive 100 per cent. assistance, and those who choose to have their children educated in private institutions should receive assistance to the extent of 40 per cent. of that involved in educating a child at a State school. The contribution has been 20 per cent. from the Commonwealth and 20 per cent. from the State.

The existing principle has at least provided minimum assistance to everyone, and everyone is in a position to choose the type of education he desires for his children. The "need" principle will, obviously, raise the lower levels but, at the same time, it will stop development at a certain level and will lower the higher levels. Of course, this point is understood even by those who support the report. A letter from the Australian Teachers' Federation sent to the *Observer* of the 22nd August, in relation to the report, stated—

> It has implications, not only for education, but for the kind of society Australia may become.

I ask: What kind of society?—A drab, dull society where every outstanding talent, and every excelling quality has to be oppressed and nipped in the bud! Even the older totalitarian socialist societies have got away from that principle. We have

only to observe the talented and excelling people in Russia and China where they are now supported. The Federal Government now wants to introduce that old system which is considered to be long past in socialist countries.

Mr. R. L. Young: Because it is 25 years behind the times.

Mr. MENSAROS: Of course, we want to improve the standard of education but not bring it down to a lower level as an accompanying consequence. Does the Government consider that we have so many Australian Bartoks, Sibeliuses, Edward Tellers, Einsteins, men of letters, or outstanding industrialists and scientists that we do not need to develop our potential further?

I am not letting my feelings and imagination run wild. The report recommends to some private schools, which will have no alternative but to dismiss teachers, to lower their standards. That information can be found in the report.

One wonders just how real are the needs. Was the Federal Catholic Schools' Committee—which benefits most from the recommendations of the report to the disadvantage of others—wrong or neglectful when it adopted its policy. I will quote from the policy adopted, as follows—

> It will be the aim of the Committee to hold as a basic level of Grants for recurrent costs, the 1973 Commonwealth Per Capita Grants, with an inbuilt formula to cover rising costs.
>
> We also seek from the Commonwealth Government, increased Per Capita payments for recurrent costs. In addition we request that Per Capita payments be revised annually as a percentage of the recurrent costs in Government Schools rising to at least 50% in 1975.

The report further states—

> It is therefore, a matter for deep concern, with possible dangerous implications and consequences for the future, that the Interim Committee was unable to make a recommendation that would keep this principle inviolate...

Namely, the Federal Catholic Schools' Committee supports the overall right of all citizens to a freedom of choice in education.

This principle of aid according to need will undoubtedly lead to the destruction of all choice of education, and the ultimate destruction of independent schools. We should not misunderstand the long-range policy of this report. The Karmel report believes in the advantage of "the drawing together of the public and private sectors". This is mentioned in chapter 2.14 of the report.

It is easy to envisage the development on these lines; church schools will go, as they have done in all socialistic countries. By dividing the schools into categories this process has already begun. In some sectors, such as special education for handicapped children, the committee explicitly says that independent schools in this sector should cease.

I will quote from the additional report which has recently been tabled by the Minister at the request of the member for Dale. The reference is to independent schools and on page 4 it states, in effect,—

> Any school that elects to continue as a non-government school in this field of special education should be eligible for support from the State Education Department from funds provided for this purpose by the Australian Government.

In other words, non-Government schools are to go begging for funds which are provided for the State schools. The Karmel report **recommends** the provision of funds for building facilities in special education for handicapped children. However, as I said before, it specifically excludes the independent schools—that is, the private sector—from this field. In other words, the report says that people who care are advised to stop caring; the Government will handle it.

Is this compassion? No. It is socialism, regardless! Similarly, of course, the small schools should go.

Mr. T. D. Evans: Are you saying that Professor Karmel is a socialist?

Mr. MENSAROS: I am talking about the report and will not waste time in answering a question such as that. Other members have matters to discuss which they consider equally important. The Attorney-General knows this.

Mr. T. D. Evans: Are you saying that the author of the report is a socialist?

Sir Charles Court: The member for Floreat is talking about the consequences of the report.

Mr. T. D. Evans: The member for Floreat is talking about the contents of the report.

Mr. MENSAROS: The report states that small schools should go altogether. Their student-teacher ratio is too high and, consequently, their standards may be too high. I again quote from the latest document by the committee—

> In the longer term the Schools Commission will have to investigate the viability of small schools.

Mankind is indeed lucky that Professor Karmel, Mr. Beazley, and Mr. Whitlam did not live about 2,500 or 2,400 years ago. Had they lived then we would not have had the benefit of the teaching of Socrates. His classes were indeed small and only a handful of people learnt from listening to him. Undoubtedly his was a small school but he taught philosophies which have not been surpassed even today.

Mr. Bickerton: Do you not believe in control of any sort?

Mr. A. R. Tonkin: What were the qualifications for entering into Socrates' school?

Mr. MENSAROS: I am quite prepared to discuss that with the member for Mirrabooka.

Mr. A. R. Tonkin: The member for Floreat is missing the whole point.

Sir Charles Court: The member for Floreat is right on the ball.

Mr. MENSAROS: A third reason for moving this motion is the inexplicable and inconsistent classifying of "systemic" and "nonsystemic" non-Government schools. Would anyone seriously pretend that all State schools are of the same standard? They are averaged out from the air-conditioned monument in Port Hedland to the tin hut in Kalumburu. So, too, are the Catholic schools.

Mr. T. D. Evans: No-one said that, either.

Mr. MENSAROS: However, the 734 independent schools—mainly non-Catholic—throughout Australia are divided into the infamous "eight categories". Is this educational wisdom or political expediency? I submit it is diabolical political expediency in the hope of regaining the Catholic vote. At present the Catholic leaders see it and protest. I referred to this previously in the report I quoted. However, the Federal Government is counting on time and hopes that in 1974-75 when the cheques are sent out, the parents of Catholic and Protestant children will look at each other with suspicion and envy.

This is the philosophy of that most honourable gentleman, the Federal Minister for Education. He has achieved this through "his committee" after a series of broken promises. I would like to quote from Federal *Hansard*.

Sitting suspended from 3.45 to 4.05 p.m.

Mr. MENSAROS: Before the afternoon tea suspension I was saying that one of the inevitable and detrimental results of the implementation of the Karmel report will be an unholy sectarian division in the community. This is the philosophy of that highly principled honourable gentleman the Federal Minister for Education. What does it matter that it comes about through a series of broken promises? Not only that but he has breached his own Prime Minister's election promises. I would like to quote from a report he issued 13 days before the election. Mr. Beazley said—

> A Labor Government would maintain the existing level of grants to independent schools.

On another occasion Mr. Beazley made a similar statement and said—

> No private schools would get less under the Labor Government than the per capita grant received now.

On yet another occasion Dr. A. S. Holmes, the Principal of Oakburn College in Launceston, wrote to Mr. Beazley and asked whether it was the intention of the Federal Labor Party to continue *per capita* aid to independent schools for 1974 and following years. Mr. Beazley's secretary replied and said the answer was "Yes." These promises were all broken, of course.

This unholy division does not apply only to Protestant schools. The Federal member for Perth—or perhaps the Government would prefer me to call him the "Australian member for Perth"—asked a question in regard to Jewish schools, which are at the same disadvantage because they are proud of their own tradition and they teach Hebrew, their national language. Of course, they need extra teaching staff to do so, which apparently lifts their student-teacher ratio and places them in the top categories.

This brings me to the fourth reason for my motion requesting the Government not to implement the report and to improve education of its own volition. My fourth reason is that these 734 "nonsystemic" independent schools—which are, in the main, non-Catholic schools—have been placed in the infamous eight categories.

The report establishes an index of 100 for the present average standard of the Government schools throughout Australia. This index, relating to how the recommended moneys should be spent, is to be raised to 140 by 1980, which is an increase of roughly six points every year. The report alleges that the independent schools have been examined and found to be either below or far above the average of 100, in a range from 40 up to 200-plus.

It was therefore suggested that the schools which are above the average of 100 should receive diminished aid—which in some cases the Federal Government converted into no aid at all—and those which are below 100 should receive increased aid. As I pointed out before, I abhor this principle, as even if the index were just it would take away all incentive to improve education according to one's choice, and at the very best, until private schools are tolerated, it leaves the choice only to the very wealthy people, who apparently do not need any aid.

As far as one can ascertain, the method by which the index was worked out was secretive and obscure, and the exercise was carried out without any compassion. The children and the parents were ignored—only the schools were taken into account. It is incomprehensible and was prepared by Canberra bureaucrats who referred only to computers. I submit very humbly that children and parents are not statistics. It was said, and very convincingly said, that the categories, the placings on this secret ladder, were based on a formula. So they were; but what sort of formula? I would like members to listen very carefully to this somewhat lengthy chapter of the Karmel report which says—

> 6.2 The measurement of the quantity of recurrent resources used in a school or school system involves weighting the quantities of the various resources used within the schools by fixed salary and price weights, to form an index of quantum. The nature of the data available for analysis has led to the formulation of a simple, though not necessarily easy to construct, index.
>
> The recurrent resources used within a school have been taken to comprise the services of teachers, administrators, and support staff (both professional and ancilliary), consumables, equipment, and, in the case of schools forming part of a system, resources such as itinerant specialist teachers, guidance and counselling personnel and curriculum advisers, provided at system level for use by individual schools. Excluded are resources devoted to teacher training, the conveyance and boarding of pupils, and, for systemic school organisations, those resources consumed in administrative activities not directly related to the running of schools.

It was a man of much greater knowledge, wisdom, and experience than I, who commented on the formula as follows—

> That quotation is an affront to the reasoning of anyone who can read or write.

That is a valid comment. However, what else can we expect from the Canberra bureaucrats into whose hands the Government appears to have placed the future of our children?

This glorious piece of definition was later enlarged upon—the Minister tabled paper No. 282. This document is equally obscure and foggy. It does not give a single example of the formula. Even if we consider the very complicated land tax formula for improved land, we can see an example that everyone can understand. But as nothing is available to show it no example of this formula can possibly exist.

By placing together these assertions from the report and the auxiliary report dated the 1st August like a jigsaw puzzle, we arrive at the conclusion that many pieces are missing. One can guess some of the thoughts in the scattered brains of the bureaucrats. One can guess that the foggy "Volume of Resources", "Resource Use", or "Resource Input" are mainly based on student-teacher ratios, and the cost of salaries and consumable educational aids per pupil in a particular school.

It is stated in the 1st August explanatory note that school fees were not taken into consideration. Yet the Federal Minister for Education still has his facts mixed up, and I cannot blame him for not understanding something which was never properly explained. In an "A.M." interview—and I cannot quote the date but I have a transcript of a tape recording I took myself—Mr. Beazley said this—

> Now I got an attack from a school in Tasmania over the fact that they were classified high and Nudgee in Queensland, which is the leading Catholic school in Queensland, was classified low. When I looked at their fees, their fees were $870 in 1972 and Nudgee's were $270 . . .

So the Minister himself, administering the recommendations of this report, does not know the formula; he is talking about fees and yet the report says that fees were not taken into consideration at all.

If one goes further with the jigsaw puzzle, and with the missing pieces, one can see that the component of the mystic secret formula excludes the servicing of any debt, the building assets, boarding facilities—a very important item—and their cost, any endowment for free education for students who cannot pay fees; fees—although Mr. Beazley seems to think they are still to be calculated—and any overdraft debts.

This leads to tremendous inconsistencies and injustices, even within the basic principle to which I do not subscribe. I say it is a bad principle and I query why it was applied only to these 734 independent primary and secondary schools. Why did it apply to only 310,000 Australian students? Because in all the other fields of education —pre-school, State and "systemic" primary and secondary education—technical education, teacher education, universities and colleges, the levels and standards are averaged out and all are treated as equal. What is the reason for treating these 310,000 students differently? Is it an educational reason or a political reason?

To come back to the formula, I believe it leads to even worse consequences. The first is complete insecurity from the point of view of the independent schools. They are unable to plan for the future. They do not know what assistance they will get next year because from the voices which have been raised by the Federal Minister himself they believe they will be assessed every year. Of course, one comes to the conclusion from the formula as well that the assessment must be made every year because the ratios will change.

Tremendous inconsistencies exist. For example, except for the basest political reasons, what justification is there for not helping parents who send their children to Presbyterian Ladies College, Christ Church Grammar School, or Wesley College, and giving increased help to those who prefer to send their children to Loreto Convent, Aquinas College, or Trinity College? Loreto Convent has just recently completed a magnificent new junior school at a cost of $250,000. It is the pride of the State. Trinity College has a long waiting list. What is the justification for this?

Even within the non-Catholic schools there is tremendous inconsistency, which has obviously come about as a result of the badly designed, and in many cases badly filled-out, questionnaires. I have an example of the questionnaire by courtesy of one of the schools. It asks, for instance, what is the number of classes taught during the week, and then there is a tabulation which has space under headings of 16 to 20 pupils, 21 to 25 pupils, and so on. The school in question, through error or ignorance, did not fill in the number of classes in those categories, but filled in the number of pupils instead. Members can imagine that when that was fed into the computer—and no-one over there knows about the conditions in Western Australia; the two people who came to this State were here for a few days only—the computer turned out the result that the school had 48 classes with between 21 and 25 pupils. In fact, the school has only two classes of 48 pupils. The computer came to the wrong conclusion. Hence the school was being placed high on the ladder of categories. This is one more reason why centralised administration is so bad.

The other result is, of course, in regard to the country areas. Lip service has been paid to country areas at both Federal and State level. In most cases, apart from a few new Government hostels, country parents must send their secondary school children to private boarding schools. I know of many parents who have made a great sacrifice to do this. However in the secret ladder to which I have referred the cost of such boarding away from home is not all taken into consideration; nor is the artificial decrease of teacher-pupil ratio, owing to the fact that boarding overseers might teach only part time.

If we have one or two, or many, teachers lecturing in a school and the number of students at the school is declining, immediately we have a higher teacher-pupil ratio, which places the school in a higher category. Hence the bad result for such schools which have desperately tried to maintain a high standard because when they have lost students they have not dismissed teachers, but have retained them. A teacher who taught perhaps 35 or 40 pupils the previous year came back and found himself teaching 25 pupils. The school did not dismiss the teacher; rather it made a sacrifice and retained him. Yet this will work to the disadvantage of such schools, which are getting the thumbs down sign for their sacrifice.

Some people have the impression that this secret categorising into eight categories is designed to punish the wealthy capitalists and to create a policy of "he who hath, that which he hath shall be taken away", and "he who hath not, to him more shall be given". That is not exactly the way the parable of talents goes, but still we have the impression that is the reason for the move. But is it a valid reason? Again I quote from Federal *Hansard* wherein a Senator apparently took out statistics from the year 1967-68—which was the lastest available information—of those parents who claimed the maximum allowance for education. It turned out that 47.7 per cent. of those parents had a gross income, before any deduction, and before taxation, of less than $6,000. Are these the wealthy capitalists?

I submit in this context that, even if the philosophy that "children and parents do not matter but only schools matter", is accepted, a more equitable system would be the English system where certain schools are told that if they receive some assistance they must leave so many places free for students who cannot pay. That is an equitable system, but this system proposed by the Labor Party is far from that.

I cite another fact which you, Sir, are probably aware of, but of which some people on this side of the House will not be aware. I refer to an interesting document produced by the 1971 Launceston A.L.P. Conference—the A.L.P. Platform. In the education section of that platform one finds that the word "Commonwealth"—at that time the "Australian Government" was not invented—appears 27 times; yet the words "individual" or "parent" do not appear once. This I submit is the difference between Liberal and Labor policies on education. The Labor thinking is "Administration", "Commonwealth", "bureaucracy", and "Government". However, the Liberal thinking is "parents", "individuals", and "quality and choice of education". That is what we stand for.

It is said that appeals may be made against this classification; I appeal to the Premier about this. The Premier has often justly said that he is as good a judge as any and that he has a fairly legal mind after such long parliamentary service—and I think he has. However, I ask him: Is this an appeal? To whom is the appeal? To the same committee which brought down the rules. On what grounds may an appeal be made? On the grounds of the long sentence I read out previously, which nearly twisted my tongue. Indeed, the Premier has stated in reply to questions that he will support any appeals; but how will he act as an advocate, because this is appealing from Caesar to Caesar on impossible, incomprehensible grounds? Does the Premier call that an appeal?

In the second edition of the commission's publication issued on the 1st August, one finds that at least the commission does not call it an appeal but a review—which is perhaps the more correct expression. However to appeal under such circumstances is, like Don Quixote, fighting with the windmill.

So, as I said, this categorisation can lead only to a lowering of the standard of education, with the sure result of abolishing independent schools. For all these reasons I suggest in the final part of my motion that the Government of Western Australia is better equipped to handle education matters; and the superfluous moneys which the Commonwealth has—illegally, because it has obviously collected these funds in excess of sufficient moneys for the duties which it has to discharge—should be legally, logically, and naturally given back to the State Government so that it can handle and improve education.

I do not wish to monopolise private member's day, although I feel this subject is important enough to warrant it. Therefore I will not expound why the State is better equipped to formulate education policies and to execute them. However, I briefly mention that there are different conditions within each State. The State has knowledge of special conditions within its boundaries. We have a personal approach. The teachers, parents, and pupils, may approach the head of the department and, indeed, even the Minister. They cannot do that if education is administered from Canberra.

Let me give the House a small example which occurred two weeks ago. After a meeting of the Murdoch University Senate, the secretary of the senate told us that he came to the conclusion that as the State Immigration Hostel is adjacent to the proposed university and is empty it would be quite logical for the university administration to make use of it until the permanent office block is erected. An approach was made to the responsible Minister, the State Minister for Labour and Immigration, and he was found to be very responsive. The Minister said that he would do everything possible and would ring back in two days' time to let the senate have the premises.

However, the Minister discovered there were strings attached to the provision of the money for the building of this hostel. One condition was that if the premises were to be used for a different purpose the State would have to obtain the approval of the Commonwealth. The Secretary of the Murdoch University had to ring Mr. Grassby, the Federal Minister, but he was not in Canberra at the time. Then he tried to ring the departmental head and other officers, and also attempted to reach them by correspondence. Weeks passed but nothing was done. This is what centralism means; and what I have just revealed is a good example of it. It is what the present Government wants us to accept.

Regarding the economic conditions, who knows best as to how money can be spent in a particular sector; and who knows best how $250,000,000 can be spent on capital works in two years in Australia? If the State Government were to inject a huge amount of money into the building industry, it might unleash the biggest cause of inflation, because that industry is saturated. We could, however, hold back the money until the following year.

If we adopt a central administration and it says, "You build this or that, and you employ so many teachers" the building materials, tradesmen, or teachers may not be available. How would a central administration know? Other reasons are the healthy competition which exists between the States, each having new ideas and one learning from the other.

Last, but not least, the principle of democracy is involved. The question is whether the people have a 7 per cent. or a 100 per cent. say to decide educational policy; whether they elect 81 members out of 81; or whether they elect only 19 members out of 186.

By ignoring the parents and the children, as the Karmel report essentially does; and by concentrating on schools, statistics, and bureaucracy, the Federal Government—to say the least, and say it politely—is committing a grave educational error. I submit this will also turn out to be a political blunder. If perpetuated it could be a State and a national disaster, dividing the community in a sectarian manner never experienced before.

Western Australia has not done badly in education, despite all the political crises. Time does not permit me to do so, but I could go through the Karmel report and prove that in many sections it is proposed to give less percentage aid to Western Australian State schools than to the schools in the other States.

What is the reason for this? The reason is that Western Australia has done better in education than the other States and has provided better education for the children; but if we compare Western Australia with, for example, Victoria, we find that Victoria is getting more.

I am not criticising the distribution of the funds, but if the commission is just—there are instances where Western Australia received 5.3 per cent. of the total funds when according to the usual proportions it should be getting 8 or 10 per cent.—it should provide more. The reason Western Australia received less was that it had better equipment and better schools. However, Western Australia has not done badly in education, and that is borne out by the report.

I conclude by appealing to the Government and to the House not to adopt the attitude which they have adopted so far in saying, "We are not exactly centralists. This is only a proposition or plan. We should wait and see what happens. Nothing irrevocable has happened as yet." One should not wait until the patient is dead before applying a remedy; one must take some preventive measures before that.

The rejection of this motion would mean that the State Government accepts the centralist policy. It would mean this Government accepts discrimination, and acknowledges that Western Australia is not better equipped to deal with educational policy and administration than the central Government. The present Government can say that about itself, but it should not reflect on the fine public servants in the department.

To conclude, I could do no better than to quote from an article by Mr. Howard Peters which appeared in the Western Australian Institute of Technology gazette of September, 1973. He said—

> Education is not primarily concerned with being an economic instrument of society but with the development of the individual within the framework of the values of society. The framework includes the freedom to disagree with the current social values and to endeavour to change them.

MR. A. R. TONKIN (Mirrabooka) [4.35 p.m.]: It is one thing to read the Karmel report; it is another thing to have understood it, or to have deliberately misunderstood it. We do not accept the centralising of education in Canberra, but that does not mean we turn our backs on the Karmel report, which has been grossly misunderstood by the member for Floreat.

He said that the Karmel report was prepared hurriedly, and he talked about the missing pieces in the jigsaw puzzle. That is very true, and the report was hurried. The reason it was hurried was that the whole aspect of a carefully planned development of education in Australia had been neglected by a series of Liberal Governments.

Sir Charles Court: That is only your opinion.

Mr. A. R. TONKIN: It is the opinion of most educators in Australia.

Mr. R. L. Young: I do not think that is so.

Mr. A. R. TONKIN: The continual neglect meant that consideration had to be given very speedily, so that remedial action could be undertaken.

Mr. R. L. Young: You know that is not so.

Mr. A. R. TONKIN: This means that anomalies will arise. Whenever any action is taken invariably there are anomalies. Of course it is the attitude of people who cannot and will not act to sit back and neglect the educational system; and when somebody else steps in and applies remedies it is usual for those people to say that this person is making a mistake. I suggest that every time someone acts he is likely to make mistakes. However, the surest way of not making a mistake is to sit back and do nothing.

I regard the Karmel report, and I believe most educationists also regard it, as one of the most outstanding contributions to education in Australia.

Mr. R. L. Young: That will be a marvellous statement in five years' time. I hope you will make that statement in five years' time. If you do I am sure you will be ashamed of it.

Mr. A. R. TONKIN: That is the opinion of the honourable member, but it is certainly not borne out by the evidence. An even greater development—and this is something which has stung the Liberal Party—is that instead of this report being pigeonholed it is being acted on. The Labor Party has been in Government for less than one year in Canberra, but it has been able to act in a way in which the bumbling Governments in the previous 23 years have not been able to act. Of course, mistakes will be made; it takes time to implement such sweeping changes.

Mr. R. L. Young: Do you think this is equitable?

Mr. A. R. TONKIN: I do not believe that our education system is equitable. Furthermore I believe that if the Karmel report is applied in the next decade—by a series of further Karmel reports—it will still prove to be inequitable. I believe this report is moving nearer that aim of achieving equality in education.

I wish to mention one or two points relating to the Karmel report so as to put this document in perspective, because it has been deliberately misunderstood by some people. I shall do this before I deal with what the member for Floreat said in moving the motion.

First of all, I believe it pursues the aim of equality and it rejects the concept on which the Liberal Party is based: privilege and elitism. It is in pursuit of quality.

Sir Charles Court: Quality, downwards.

Mr. A. R. TONKIN: Class-A schools, for which members opposite are so concerned, are responsible for the education of only 2 per cent. of the young Australian people.

Secondly, the Karmel report aims to attain a minimum standard of competence, not just from the point of view of education and preparing one for a vocation. While discussing the workers' compensation Bill last evening we heard the view of the Opposition with regard to people. They were regarded as factory hands, and not as people at all.

Mr. O'Connor: That is not true.

Mr. A. R. TONKIN: People are merely cogs in the wheels of the industrial machines. I heard those comments made in relation to the workers' compensation Bill and I was disgusted with the lack of humanity shown by members opposite. I believe that attitude indicates that education, as far as the Opposition is concerned,

is to churn people out in order to increase productivity. However, that is not the intention of education at all.

Mr. R. L. Young: It is exactly the opposite.

Mr. A. R. TONKIN: I will quote from that magnificent document, the Karmel report, as follows—

> The quality of relationships between and among pupils and teachers may have more lasting significance than the acquisition of any specific skills. The operation of democracy requires an acceptance of rational authority, an intelligent consideration of alternatives, a willingness to participate, and an ability to transcend personal interest for the common good.

That comment is quite foreign to members opposite. To continue—

> Such qualities are not only the products of knowledge, but also of membership of a community where respect for persons is truly practised. Schools which generate these values cannot be purchased simply with money.

I think that is a most outstanding feature of the report. It does not deal just with quantitative types of education—as the previous Government did when it handed out a few million dollars just before elections, and did not concern itself with the quality of education. The previous Government built a few science laboratories and provided a few libraries for high schools but there was no emphasis on the qualitative aspect of education. That is another reason why this is an outstanding document.

Sir Charles Court: Did you say quantitative, or qualitative?

Mr. A. R. TONKIN: I was saying that this report deals with qualitative types of education as well as quantitative.

Sir Charles Court: The report brings them all down to a level.

Mr. A. R. TONKIN: It does not. I suggest that if the Leader of the Opposition has read the report then he is incapable of understanding it because it does not bring down the level at all.

Mr. T. D. Evans: It is lifting it up.

Sir Charles Court: Education will be brought down to a common denominator.

Mr. A. R. TONKIN: Schools in category A are already at a level which the average school will not reach by the end of the decade. The aim of the report is to lift the standard of education.

Sir Charles Court: The whole concept of the report is to bring the standard down.

The SPEAKER: Order!

Mr. A. R. TONKIN: Education is to be considered as a life-long experience. It is very encouraging to see this statement underlined, with the concept of recurrent education. It is very encouraging to see that this most important principle has been introduced because recurrent education indicates that education is, or should be, a life-long experience.

Another principle of the Karmel report is the desirability for diversity among schools. The member for Floreat talked about uniformity in Canberra and he showed a crass inability to understand what this is all about. There has been no suggestion of having a curriculum development centre imposed on the State. I suggest that members opposite should learn more about our education system, and about the quality of our teachers. It is not suggested, at all, that a curriculum development centre will be imposed on individuals, schools, States, or teachers. That opinion shows the tremendously inexpert level at which members opposite talk about education. We have observed a succession of bumbling and inexpert Ministers for Education with the result that most teachers have been dismayed to see the level of competence of particular heads of education departments over a long period of time.

Mr. R. L. Young: Would the member for Mirrabooka translate what he has previously read out?

Mr. A. R. TONKIN: I will not go back; I will only go forward. It is a pity the Opposition does not try to go forward, too. The next point I make is the devolution of decision making away from hierarchial structure. This is an important part of the report, and when speaking on this the member for Floreat showed his ignorance when he talked about Labor Party jargon. This word has been in use for a long period of time and we want to see a devolution of decision making away from Canberra, away from the State education committee, away from principals and headmasters, and to the practical teachers.

Mr. R. L. Young: So we place it in Canberra. You have to be kidding!

Mr. A. R. TONKIN: I am not kidding, and the member for Wembley knows that I am not. It will do no good for him to make cheap political capital out of this. In actual fact, this is a very big step forward in education in this country.

Sir Charles Court: Many educationists do not agree with you.

Mr. A. R. TONKIN: The report deals also with the involvement of schools in community affairs and this also demonstrates its importance because it deals with the basic philosophy of education, something which the previous Government and the previous Minister for Education did not even begin to understand.

Mr. O'Connor: Is the member for Mirrabooka the only one with a full knowledge of the subject?

Mr. T. D. Evans: Who is Professor Karmel?

Mr. A. R. TONKIN: He is the Chairman of the Australian Universities Commission. He was appointed by the previous Government which describes his report as being socialistic. Perhaps the previous Government made a rather foolish appointment when, in actual fact, it appointed a socialist to the A.U.C.

Most schools lack sufficient resources, and the provision of those resources is an urgent need. We should not sit back and wait until there are no more anomalies, and allow the children to be doomed to second-class education because they have committed the crime of being born into a certain socio-economic class. That cannot be called justice.

Mr. R. L. Young: I think the member for Mirrabooka is beginning to believe what he is saying.

Mr. Taylor: As he should.

Mr. R. L. Young: What rubbish.

The SPEAKER: Order!

Mr. R. L. Young: Absolute twaddle.

The SPEAKER: Order. Members will keep order. The member for Floreat was listened to with considerable respect, I might say, while making his speech. I expect the member for Mirrabooka to receive the same courtesy.

Mr. A. R. TONKIN: What has been said does not surprise me at all because members opposite are showing what a lack of education will do. They do not understand the report. The Karmel report contains a most remarkable innovation which has been accepted by the Whitlam Government. The recommendation is that there should be direct general recurrent assistance grants to Government schools where four-fifths of the children—and I would draw the attention of the member for Floreat to this fact—are educated. The member for Floreat spent half of his time talking about the students who attend category A schools, where 2 per cent. of our children are educated.

A total of four-fifths of our children are educated in State schools and this sector was grievously ignored by the previous Liberal Government under the leadership of Mr. McMahon. This is where we see innovation.

Sir Charles Court: Just plain rot.

Mr. A. R. TONKIN: Millions of dollars were spent by the McMahon Government in capital grants. The Leader of the Opposition would do well to study the record of the McMahon Government and the latest Commonwealth Budget.

The facts are as I have stated them. In 1972-73, under the McMahon Government, a sum of $26,000,000 was given by the Commonwealth to Government schools in the States. None of that was recurrent. That sum has increased to over $109,000,000, which is more than a four-fold increase. No wonder members of the Opposition are stunned and scream about "bureaucratic centralism". The fact remains that the lifeblood of education is money, and the present Federal Government has given to State schools more than four times the amount of money which was given to them by the previous Government.

It is all very well to smirk when one's children do not happen to go to State schools or when most of one's constituents send their children to category A schools, but a fourfold increase is a magnificent achievement by the Whitlam Government.

Mr. Mensaros: There should have been a rise in general grants because education is a State matter. That is my contention.

Mr. A. R. TONKIN: It is all very well to sit back, as Sir Robert Menzies did, and not give a penny when the children were receiving inferior education. That is what Menzies did, time and time again. The present Federal Government has shown its concern about the standard of education and has given $109,000,000 to the State system. This will be a matter for rejoicing amongst the people who are concerned with education and with children, and who are not concerned with shabby, cheap, political points.

Mr. Rushton: You are buying votes, that is all.

Mr. A. R. TONKIN: These are the figures: In 1971-72 there was an increase of 12½ per cent. in aid to non-Government schools in the States. In 1972-73 the increase over 1971-72 was 30 per cent. In this, the first Budget of the Whitlam Government, there was an increase of 53 per cent. This is an increase of 53 per cent. to the independent sector which the member for Floreat claims we want to destroy. The vast majority of independent schools have received far more money from the Whitlam Government than they received from the McMahon Government. That is a funny way to destroy a system.

Mr. R. L. Young: Which independent schools? Which wedge did you drive in? Let us get on to Jim Cairns and his "un-Catholic".

Mr. A. R. TONKIN: I am not dealing with the sectarian issues raised by the Opposition. I am concerned with the education of all Australian children.

Mr. R. L. Young: The Budget is sectarian. Do you believe in it or not?

The SPEAKER: Order!

Mr. R. L. Young: You have to be joking.

The SPEAKER: Order!

Mr. A. R. TONKIN: I would like to quote paragraph 629—

Sir Charles Court: Tell us about Dr Cairns' "wasps".

Mr. A. R. TONKIN: —of the report, which recommends raising the target for primary schools relative to secondary schools. This is an overdue educational reform. For too long we have had in this country greater expenditure per secondary student than per primary student, and the contrast is even greater with pre-school children. I am pleased to see recognition is being given to the fact that primary schools need to be upgraded relative to secondary schools in terms of money per student. This is one of the expressed aims of the Karmel committee, and I think it is a very desirable one.

We should also look at the disadvantaged schools. While members opposite bleat about centralism and socialism, and use various such emotive words, they very conveniently overlook the fact that previous Liberal Governments ignored those children who through no fault of their own had to go to schools which were squalid. No special help was given to them, and I am very pleased to be associated with a Government which will give special help to those schools. They need special help.

Members opposite talk about discrimination. I suppose they would order crutches for every person in the community; or would they order crutches only for those who have broken a leg? In a country where people are starving and suffering from famine, would they order extra protein for every citizen or only for those who were in great need because of malnutrition?

Mr. Rushton: Will you answer a question?

Mr. A. R. TONKIN: This is not question time. The member for Dale should know that and ask his questions at the right time. To treat unequals equally is as bad as treating equals unequally. It is important to discriminate in education. We discriminate in medicine. We do not give the same treatment to every member of the community; we give what is needed. The same applies to education; we give what is needed.

Mr. Hartrey: You would not give the same education to a slow learner, would you?

Mr. A. R. TONKIN: Certain people in the community are disadvantaged. Research has shown they tend to come from certain suburbs—the inner city suburbs. Thank goodness, we do not suffer to the same extent—

Mr. Rushton: They are in Mirrabooka, are they?

Mr. A. R. TONKIN: That is all the member for Dale understands about politics. I do not direct a speech just to the people in Mirrabooka. The member for Dale has no concept of democracy. I am not interested in buying votes. I am interested in basic principles.

Sir Charles Court: How about teling us something about the Karmel report?

Mr. T. D. Evans: He is being told. He does not understand.

Sir Charles Court: He has not the same copy as we have.

Mr. Rushton: I understand discrimination.

The SPEAKER: Order! Members will keep order.

Mr. A. R. TONKIN: In the past, the ideal of equality of opportunity for children has been observed only in schools which are, generally speaking, supported by the public purse; that is, schools in the State system. Even that is not completely true, of course. Certain schools, because of the P. & C. system and other factors, are squalid slums and a disgrace to a country such as ours, with the gross national product per head that we have.

Mr. Rushton: Name a few of them.

Mr. A. R. TONKIN: I suggest the member for Dale is the one who should be named. The schools to which I have referred have been disadvantaged, and this has been recognised in the Karmel report, which does not give the same dose of medicine to every school but says those special schools need special help; just as when one goes to a doctor one expects special treatment relative to one's particular need—not the same treatment as given to one's neighbour.

Mr. Rushton: Name some of them.

Mr. A. R. TONKIN: A study by Anderson and Western entitled "Social Profiles of Students in Four Professions", which was printed in the *Quarterly Review of Australian Education*, 3 (4) 1970, indicated that 23.5 per cent. of people entering the four university faculties measured had professional fathers, although only 5.6 per cent. of the male population aged 45 to 54 years were professional people. There we have a gross imbalance, with 5.6 per cent. of males belonging to that group but 23 per cent. of university students belonging to it. So in a sense the offspring of professional fathers have over four times the number of university places that is their due according to the ratio of the population. I am not suggesting that therefore some of them should be excluded. I am not suggesting we should bring them down to any level.

Mr. Rushton: You are.

Mr. A. R. TONKIN: What I am suggesting is that those students who come from disadvantaged homes and disadvantaged

areas, and who are in disadvantaged schools, should be given special assistance according to their proven need.

Mr. Rushton: You want to get everybody down below a certain level.

Mr. A. R. TONKIN: We do not want to do that at all. We are saying that if a person is handicapped we want to give him special help.

Mr. Rushton: Everybody does.

The SPEAKER: Order!

Mr. A. R. TONKIN: There are many studies to show—and this, of course, really means that taxation is regressive—that a small percentage of the population coming from an even smaller percentage of the community—from the privileged sectors of the community—has a great deal of money spent upon it. These are not my emotive words; these are studies made by academics. We spend on this small and privileged sector sums of money out of all proportion to the ratio of the sector in the community, and out of all proportion to the taxation that sector pays. Although it is true that the 5 per cent. of the community we are talking about will individually pay higher taxes than most others in the community pay; nevertheless, the people in that sector of the community receive far more back than they pay in tax—and this enables them in turn to move into the top bracket of income. In the United States, the children of the top 10 per cent. of the socio-economic classes have 10 times the money spent upon their education than have those of the bottom 10 per cent. of the population. Much the same is true for Australia.

This is a gross imbalance which requires to be tackled. For the first time in the history of Australia the problem of these disadvantaged people, whom members opposite want to punish because of the socio-economic class to which they happen to belong—and when we ignore people and turn aside from them and give them the same treatment as everyone else, we punish them and discriminate against them—is being considered by a Government of compassion. The Government is looking at these people—

Sir Charles Court: Don't give us that. It is too much.

Mr. A. R. TONKIN: —and saying "We will give you special assistance."

Several members interjected.

The SPEAKER: Order! Members will keep order.

Mr. A. R. TONKIN: I realise this hurts.

Mr. Bryce: Of course it does.

Mr. A. R. TONKIN: The truth usually does hurt, and it hurts more so those who are not used to looking truth straight in the face.

Mr. O'Connor: You could go on about that over on your side.

Sir Charles Court: In Kalgoorlie you would not get a verdict of compassion about the Federal Government at the present time, and the Attorney-General knows that.

Mr. T. D. Evans: Yes, and your comments this morning helped to stir it up.

The SPEAKER: Order!

Sir Charles Court: I will have more to say before long regarding the last decision.

Mr. T. D. Evans: A decision which should have been made more than two months ago.

The SPEAKER: Order! The member for Mirrabooka.

Mr. A. R. TONKIN: Thank you, Mr. Speaker. The member for Floreat spoke about drabness, uniformity, and dragging people down to a level. If this is what members opposite understand by the Karmel report and the subsequent Budget decisions, then I would suggest they are paranoid. They are looking for bogeymen where there is none to be found.

This is not a question of drabness or of seeking uniformity; it is a question of throwing open doors to the underprivileged sectors of this community—doors which have been closed tight for many years.

Sir Charles Court: And dragging others down.

Mr. A. R. TONKIN: If the Leader of the Opposition wishes to believe that, it is his privilege to do so. When he makes that kind of comment he indicates something about his mind. I hope he realises that, because nothing of that nature is included in the Karmel report or in the Budget decisions.

Sir Charles Court: You are taking something away from people. If that is not dragging them down, what is?

Mr. A. R. TONKIN: We want to open doors to those people who are dispossessed. It is true that previous Commonwealth Liberal Governments tried to do this in their inept, bumbling way; they introduced Commonwealth scholarships for disabled people in the community. However, surveys have shown that the vast majority of those who received the scholarships would have continued at school in any case. So that action of previous Commonwealth Liberal Governments, which was intended to encourage people of poor means who were struggling to continue with their children's education, did not have the desired effect; it was simply a cash bonus. No doubt it was very acceptable and desirable to those who received it, but it did very little to assist disadvantaged people. I taught many pupils who were forced to leave school for financial reasons.

Sir Charles Court: Now you have let the cat out of the bag.

Mr. A. R. TONKIN: That is right; I am not cynical like members opposite. I am not concerned about scoring cheap political points. Members opposite may laugh if they wish. The fact remains that for 23 years we had a Liberal Government in Canberra which neglected education to a shocking degree. Now that members opposite are showing their lack of concern for education, we can understand why it was neglected.

Sir Charles Court: Under Menzies we had the greatest advance ever in education.

Mr. A. R. TONKIN: If we look at a typical Catholic, non-Government school we find that it uses about 40 per cent. more teaching resources per pupil than the average State secondary school. Yet this is the school members opposite want to continue to help. Some private schools now have almost three times the resources of the average State school; and these are the schools for which the hearts of members opposite bleed.

Sir Charles Court: And you want to pull them down.

Mr. A. R. TONKIN: We do not want to pull them down; we want the others to rise to their level. Of over 460 Catholic secondary schools, only 50 currently have resources below those of the average State secondary school. So we see the tremendous difference between the resource allocation of the Catholic and non-Catholic schools.

Mr. Mensaros: That is only according to the formula, and the committee's view.

Mr. A. R. TONKIN: That is true. The honourable member mentioned how the computer in Canberra made a mistake, and he said this is what we will get with centralised control. I do not know whether a computer in Western Australia would not make the same mistake, or whether a person in a school would not make errors of calculation. This is why an appeal system has been written into the proposal.

Mr. Mensaros: If you found that a certain small school said it had 270 classes, you would immediately know it was a mistake. But how would a computer know that?

Mr. A. R. TONKIN: All right; the honourable member is against computers. I suggest he move a motion abolishing them.

Sir Charles Court: No, he is against the inhumanity of Canberra.

Mr. A. R. TONKIN: The Karmel report indicates that education does not begin and end with schools. Indeed, some very fine and scholarly works have been written recently—although I would be surprised if many members opposite have read them —which deal with the whole problem of schooling and the necessity perhaps to deschool. We must concern ourselves with institutionalising. The member for Floreat mentioned Socrates—I will talk about that later—and his was a classic case of a deinstitutionalised situation.

The SPEAKER: Order! I must ask the children in the gallery to sit down and keep quiet.

Mr. A. R. TONKIN: In order to prove that the Commonwealth Government and the Karmel committee made sound decisions—as distinct from the nasty charges made by the member for Floreat that it is not concerned with people, but only with bureaucracy and so on—let us consider the report and its implementation in the Budget. Firstly I refer to assistance for isolated children. This is a big step forward in comparison with what was done by the previous Government. Those students who have not reasonable access to learning institutions are to be given boarding allowances, assistance for correspondence studies, and supplementary allowances for special hardship.

This is an indication that the Karmel report is not merely concerned with schools, but is concerned with the student as a person. The member for Floreat said that centralisation in Canberra does not have regard for the individual, and so on. However, when the previous Liberal Government was in charge in Canberra why did it not give special consideration to handicapped people under its system of decentralisation?

Sir Charles Court: It did.

Mr. A. R. TONKIN: The things the honourable member said about centralisation and bureaucracy do not stand up in the light of all this specialised assistance for special needs.

Mr. R. L. Young: Why have they attached means tests to this?

Mr. A. R. TONKIN: If we look at the position we find that the parents of about 10,000 students in the last two years of secondary school in Australia earn a gross amount of $3,100 per annum, or less. There is a special need for those families. However, as soon as we decide to help those people on a certain income members opposite say we are trying to drag everyone down to their level. We are not doing that at all; we are opening doors and saying that these people have a right to further education. We have said that provision will be made for an amount of $608,000 to be paid to such parents over two years.

This is something of which we are proud. This is the Karmel report and not what members opposite see in their paranoid hatred as domination from Canberra. This is the Comonwealth using its superior financial resources to provide assistance to those who need it.

Mr. R. L. Young: And it is getting more superior, too.

Mr. A. R. TONKIN: Well, the McMahon Liberal Government also had superior financial resources. The member for Wembley seems to suggest that this is an invention of the Labor Party. That is not so; it is a situation which has developed throughout the history of Australia.

Mr. O'Connor: Has the Labor Party developed a centralised policy on that?

Mr. A. R. TONKIN: Not in a taxation sense. However, the point is that the moneys which are being disbursed at the present time are those which were raised under the taxation and other laws passed by previous Commonwealth Governments. The only difference is that we are spending the money differently. We have a different set of values with regard to education from that of members opposite. We place a much higher value on education and give it a greater priority than do members opposite, and this is what hurts.

Mr. McMahon admitted that two or three of the actions taken by the Whitlam Government were a step forward—and I admit he was a big man for saying that—and amongst those two or three things was the appointment of the Karmel committee. He said the appointment of such a committee was a step forward. Of course it was a step forward to call in experts instead of simply saying at election time, "We will give them $20,000,000 to shut them up and to buy a few votes"—a completely unscientific and unplanned approach.

Another indication that the Karmel report is concerned with individual people and not with bureaucracy is the assistance for the education of the physically and mentally handicapped. We see that $43,500,000, which is a sizeable amount of the taxpayers' money—will be made available for this purpose in 1974-75. That amount includes capital grants, recurrent grants, and special in-service training for teachers of handicapped children. This is a real step forward.

Although the next item is not really related to the Karmel report, it comes from the same Government upon the recommendation of the Australian Commission on Advanced Education. An amount of $1,500,000 will be provided over the next triennium to enable teachers' colleges to train more teachers to work in the field of educating handicapped children.

Mr. R. L. Young: What a huge amount of money!

Mr. A. R. TONKIN: The Aboriginal people are also to receive special assistance. Those people were ignored to a large extent by Conservative—to give them their true title—Governments over a long period, but now they are to be given special attention. I said once before, and I will say it again despite the fact that perhaps it will cause the Opposition to erupt and howl like a jackal at moonrise as it did 10 minutes ago, that this is an action of a Government of compassion.

Migrant children are to receive special assistance. I have said before that we do not tend to have great concentrations of pockets of migrants in Perth, but there are schools which I could name—but will not because I do not think it would be for the benefit of the morale of the children or parents—which have problems in this regard. Such schools exist, and I could name them in this place but I will not. Perhaps I am a member with compassion similar to that of the Commonwealth Government.

However the point is that there are schools, even in Western Australia, where there is a large percentage of Greek and Italian children who have special problems. They are depressed in regard to their physical resources.

The DEPUTY SPEAKER: The honourable member has five minutes left.

Mr. A. R. TONKIN: Surely I have unlimited time, Mr. Deputy Speaker?

The DEPUTY SPEAKER: Are you replying to the motion?

Mr. A. R. TONKIN: I hope so; I am trying to.

The DEPUTY SPEAKER: If you are deputed by the Government to reply to the motion you have unlimited time.

Mr. A. R. TONKIN: Thank you, Mr. Deputy Speaker. In this instance, instead of a Minister saying, for political reasons and not for educational reasons, "We will make available $50,000,000 across the board", and then seeing only three-quarters of the community enjoying some benefit from it, we have these recommendations from the Karmel committee which was especially appointed for this purpose. This committee comprised a group of people who have identified special areas of need, and these special areas are being recognised and dealt with by the Government as a result of its acceptance of the committee's report.

It has been apparent for a long time that education in this country lacks research. Very little research has been conducted into Australian education, so much so that very often we have to look to research that is undertaken overseas and extrapolate from their results. There are obvious pitfalls in such assumptions. We need to look at schools to ascertain how they adversely affect the students. We might even say, "Let us de-educate". In any event, many of our schools are having an effect on students opposite to what most educators expected. We need to know how schools can be changed so that they will result in the desired and expected outcomes.

Therefore for these reasons I applaud the committee's recommendations and the Commonwealth Government's decision to accept them, including the recommendation that $1,500,000 be granted for research up to the end of 1975. This grant is not to be thought of in the light that it is being granted to some person to act as a kind of inquisitor or director of schools throughout Australia. I do not believe that this will happen.

Members opposite talk glibly about teachers. They may not have the correct opinion concerning teachers and do not realise that they are professional people. They do not teach that which comes out of a central area. They are given assistance to develop their own curricula. The average teacher, even though he is highly qualified, does not have all the resources to be able to develop a curriculum in his own way. He does not have the time or the necessary resources to develop a curriculum without support; so this assistance is to be granted to teachers.

We have not seen any assistance given by previous Governments for teachers to attend international schools. For example, very few scholarships have been granted to enable teachers to go overseas. One of the main problems with our education system has been its insularity. Most of our teachers have not been overseas which has tended to bring about an inbred system. Generally speaking, a teacher is brought up within our own system of education; he is a product of our own system. We have to reach the situation where people can enter Australia from overseas to enable a cross-fertilisation of ideas and, in turn, the teachers in Australia can make visits overseas to other education centres. This kind of development is essential.

Such an interchange of ideas has been accepted in the field of medicine. I am not an expert on medicine so I do not intend to say much about it. However, medicine is an international discipline. A technical development in one country is exported fairly easily to another. People drawn from a world-wide brotherhood are invited to lecture in this country on the subject of medicine and this is what we have to develop in the field of education. To date, what has prevented this is the lack of money. As soon as the Government mentions that it will provide money for development of education a scream goes up from someone, "This is centralism". However, money has to be provided in order to broaden the horizons of teachers.

Mr. R. L. Young: It goes a lot deeper than money.

Mr. A. R. TONKIN: Technically, yes, but one cannot travel without money. The implementation of this recommendation by the Karmel committee will enable a teacher to grow professionally and so enable him to carry out his tasks to a great extent more competently and be less dependent upon a centralised bureaucracy, whether it be centered in Perth, in Canberra, or in the principal's office.

We have to reach the stage where members of the profession will develop their talents. This cannot be done by money alone, but there is no doubt that finance will provide the sinews whereby teachers will be enabled to develop in their own field.

I applaud another recommendation of the committee; that is, the recommendation in regard to education centres. If it were so desired that could be made to sound sinister.

Sir Charles Court: I'll say it could!

Mr. A. R. TONKIN: We could talk about the N.K.V.D. in Moscow or the equivalent body in Peking, but let us deal with reality. Members on the other side of the House do not seem to be able to understand this concept. That is the reason they make such gauche statements. The whole fact remains that these education centres will promote iniative among the teachers themselves. They will provide an opportunity for members of the community to meet teachers and to discuss the development of curricula. For far too long in this country we have had a segregation of the schools and the community. These education centres will bring the people into the school. They will become places for the meeting of minds, not just places for members of the teaching profession. The most important educational factor in any child's well-being is the home. Probably 90 per cent. of a child's training is achieved by the attitudes he develops in the home, and attitudes are more important than skills. Skills have their place, but so far as attitude is concerned the home is the most important factor. Within our education system there has been a tendency to cut off the home from the school.

We take the main dynamo in the education of a child and put it outside the scheme. We develop a system in which the child attends school from 9.00 a.m. to 3.30 p.m., a place which he may leave at 15. The establishment of education centres will enable teachers to meet with teachers and to mingle with educationists of the academic type. Such centres will also enable members of the public to meet the teachers. I wish to quote the following in regard to education centres—

> The money for centres has been allocated between States on a basis which should allow the establishment of four centres in New South Wales, three in Victoria, two each in Queensland, South Australia and Western Australia, and one in Tasmania by the end of 1975. Groups of teachers likely to use the centres will be required to put up proposals and the centres will be owned and controlled

by corporate bodies of whose management committee practising teachers must be a majority.

These education centres would be resources centres as well which would assist in the development of the teaching profession.

The greatest insurance against what the Opposition professes to fear—domination by Canberra—is the development of a higher standard of competence by teachers. I do not believe that teachers, many of whom are developing professionally at the moment, will in the future consent to being placed in the position of being controlled by bureaucracy either in Canberra or in Perth.

Mr. Mensaros: In view of the fact that you are speaking for the Government, what is your view on the second part of the motion? Do you not think that this Government is better equipped to handle education than the Commonwealth Government?

Mr. A. R. TONKIN: I will not say that this Government is better equipped than the Commonwealth Government. There is no doubt that the State Government and the Education Department are well aware of the education needs in Western Australia, but the question is not whether Canberra or Perth is to control education. The control of education must rest firmly in the hands of the teachers, the students, and the community. This is the point I have made time and time again; that is, the development of the profession will mean that decisions will be made by the individual teacher and by the individual school.

For example, the State Government is involved in the development of school councils consisting of teachers, parents, and students, especially senior students. I will say, however, that I believe the students in the primary schools should also be involved in such school councils. This is where the development of education will take place and not with the assistance of bureaucracy. I would point out to the member for Floreat that the Karmel report makes it quite clear that it does not suggest that education should be controlled from a central point.

Another heartening aspect of the Karmel report is its recommendations in regard to the methods used for remedial teaching. We tend to believe that every class teacher is equipped to give remedial teaching, but that is not so. A class teacher is not sufficiently trained either to diagnose what is wrong with the child or to provide remediation, and surely the pressures on his time and the size of his class usually prevent his being able to achieve such an objective. I believe that remedial teaching is sorely neglected in this country and it is very heartening to see this emphasis being placed upon it in the Karmel report.

Another encouraging feature in the committee's report is that money will be provided from Canberra for libraries. Once again this answers the fears that have been raised by members opposite. How will these libraries be sinister? Surely they will represent the greatest bulwark against totalitarianism we could possibly have; that is, the principle of every primary and secondary school having a library stocked with books without any kind of censorship, except the more obvious kind. One of the important features is that the books will *not*, in any way, be selected by a central body. They will be bought by the schools and by the teachers for the local needs. Surely this will ensure the development of our young people by fostering their ability to think for themselves; their ability to reason; their ability to question, and their ability to analyse propaganda.

If members opposite are so concerned about the standard of education, as indicated by the remarks made in this debate, I would have expected them to be more vocal in past years about the need of propaganda analysis in our schools. What have members opposite had to say about that in the past? Members of the Liberal and Country Parties had control of the Treasury bench in Canberra for 23 years and control of the Treasury bench in this State for 12 years. What did they do about the greatest bulwark against totalitarianism which they profess to fear?

The main bulwark against totalitarianism is an individual who is capable of standing on his own feet in an intellectual sense and saying that he does not agree with the point of view being expressed. This is what needs to be developed and I believe it will be developed with the emphasis on teachers with a higher professional standard and who are better trained and so on.

Mr. R. L. Young: In what sense did you use the word "propaganda"?

Mr. A. R. TONKIN: I am propagandanising now as was the member for Floreat. When one propagandanises one submits one's point of view.

I know that when I was in the classroom I helped students to recognise propaganda. It is one of the most important aspects, and the greatest joy to me as a teacher was when the students told me that I had made a biased statement or that they did not agree with a certain comment. It is wonderful when students are able to converse respectfully about the great issues of the day and agree or disagree as the case may be. Sometimes students will produce a book to the teacher to support their views. At other times they will point out a biased statement in a publication and it is possible to have intelligent discussions on the subject.

This is how a teacher really succeeds in producing a person who is capable of reading between the lines. This is what I mean by propaganda analysis, and it is being adopted now to a great extent in the Government's learning materials scheme. This was talked about by members opposite, once again for political reasons, and in support of the vested interests in the community, when the subject of the Government's free learning materials scheme was under discussion.

If members opposite would study the learning materials produced for the schools they would find that the emphasis in them has been placed on propaganda analysis and the students are asked their views on the writers' attitudes. In this way students are able to recognise when a book has been written by a biased individual. The ability to be able to discriminate is most important.

I believe that this ability will be developed as a result of the libraries which are being established in primary schools. I know that in the electorate of Mirrabooka five libraries have been opened in primary schools since I have been representing the area. The establishment of the libraries has been made possible by the great sacrifice and worthy efforts of the parents and citizens' associations. The mothers and teachers supervise at the libraries, because an insufficient number of professional staff is available. However, as a result of the Karmel report the Federal Government will provide more libraries and librarians.

Young people, even in primary schools, are now getting away from the old way of learning. They no longer learn in a catechism fashion. They are not satisfied with obtaining the point of view from only one book; they seek a second opinion and then make up their own minds. This is an encouraging development which will be accelerated as a result of the Karmel report and its acceptance by the Whitlam Government because the funds provided will mean greater resources will be available for the majority of students.

The member for Floreat was really clutching at straws in paragraph (3) of his motion, which reads as follows—

> (3) to differentiate with allocation of grants between so called "systemic" and "non systemic" non-Government schools . . .

The Karmel committee was not differentiating or discriminating. This is how the Catholic system happens to organise its education system. If we had ignored the difference between the systemic and non-systemic schools members opposite would have accused us of blundering or trying to impose a logic of our own on the system. These systemic and nonsystemic schools are a fact of life. Some schools are separate entities. One could say to a school that it has 300 students and therefore it will be granted $100 per student and that is its whack for the school. However, other schools are not administered in that way because they are a part of the whole system and are owned by the parish. We must discriminate because not to do so would be to act like fools.

Unfortunately the member for Floreat is trying to whip up the fear of bigotry by introducing this issue. This is the D.L.P. argument of course. The D.L.P. has said that the Protestant schools are being discriminated against because more money is given to the Catholic schools. If more money had been given to the Protestant schools the accusation of discrimination would concern the Catholics. Of course the religious nature of the schools has nothing to do with the case. This type of argument is merely looking for trouble and members opposite are merely making cheap political points. They are not concerned with education or children—

Sir Charles Court: Oh yes they are!

Mr. A. R. TONKIN: —but only with playing politics and stirring up bigotry and I must confess that this disgusts me.

I would like to quote from the Karmel report to indicate that the member for Floreat was quite wrong when he talked about the control being exercised from Canberra. Paragraph (1) of the motion reads—

> (1) to centralise educational policy decisions and in due course administration;

That kind of interpretation of the report indicates a gross ignorance of the way education works. To indicate that because Canberra is establishing a curriculum development centre and making available money for education the centre will issue orders to teachers, again demonstrates a complete ignorance of the way the system works. The centre will not give orders to teachers or admonish. Those who compiled the report are educators and they know what they are talking about. If they were able to hear some of the remarks which were made today, they would laugh at them because they are so gauche. That is the best word to describe them.

Sir Charles Court: There are plenty of educationists of standing in Australia who are saying what we have said today. They are senior educationists, too.

Mr. A. R. TONKIN: Paragraph 2.4 of the report reads—

> 2.4 The Committee favours less rather than more centralised control over the operation of schools.

This has been one of the big criticisms of Australian education.

Mr. R. L. Young: Will that be put into effect by the Federal Government?

Mr. A. R. TONKIN: I believe it will be.

Mr. R. L. Young: That is one of the reasons I suggested you should wait to see how it works.

Mr. A. R. TONKIN: The member for Wembley said that in five years' time I will be ashamed of the comments I made. We will see. He can hold me to my comments. The paragraph continues—

> Responsibility should be devolved—

Here is where the member for Floreat gained the word "devolution". It is not a new word; it is an old one. Of course, if we study it with its biological connotation we gain a different meaning. The member for Floreat should know that the uses of words change. The meanings vary in subjects, centuries, years, and places. However, to look up its biological meaning and to indicate that it means "deterioration" is absolutely nonsensical. I am surprised the member for Floreat does not know how to use a dictionary better than that.

Sir Charles Court: I would take his judgment against yours any day.

Mr. A. R. TONKIN: Paragraph 2.4 continues—

> Responsibility should be devolved as far as possible upon the people involved in the actual task of schooling,—

I do not like the word "schooling" but it has been used. To continue—

> —in consultation with the parents of the pupils whom they teach and, at senior levels, with the students themselves.

Paragraph 2.5 reads in part—

> In the first place, a national bureaucracy, being further removed from the schools than are State ones, should not presume to interfere with the details of their operations.

This is carried out in the report. Portion of paragraph 2.6 reads—

> As responsibility moves downward, the professionals in schools must expect to share planning and control with parents and interested citizens, safeguarded by limitations where professional expertise is involved.
>
> . . . Decentralisation of decision-making—

Perhaps it is to be expected that when I start quoting from the report itself members opposite lose interest. Their attitude seems to be, "Do not confuse us with facts. We have made up our minds." The paragraph reads—

> . . . Decentralisation of decision-making will, as it extends, require perspectives among teachers wider than those of individual classrooms and the assumption of greater responsibility in the schools . . .

In paragraph 12.4 we find the following—

> In essence, the Committee's view is that where projects for improvement in schools and school systems have been somewhat ineffectual, it has been due largely to lack of resources and because the people most affected have been made to feel that they are merely reacting to a particular policy or procedure instead of being actively engaged in formulating it.

We do not give freedom to people developing a curriculum and a method by telling them to do as they like, but providing them with no support or assistance. How can a person with 40 children together with the problems of marking and preparation develop a curriculum on his own? We do not give freedom by telling them to please themselves. We must assist them with resources so they can develop. This is the realistic attitude. Otherwise we would be adopting an attitude similar to the teacher who says, "Yes, I will give freedom to the children to develop as they want to", and then immediately loses all interest in the class. That is not sound education or true freedom. Paragraph 12.13 reads—

> The curriculum, along with the teachers who are to devise and administer it, is central to any advance in the quality of education for Australian children. Although the Committee aligns itself with the notion of delegation of responsibility for decisions about the nature and development of curriculum to individual schools and teachers, it considers that they need help in the preparation of courses and in the exercise of choice among different materials and approaches.

Portion of paragraphs 13.2 and 14.3 reads—

> 13.2 . . . The Committee believes that the Commission's influence should be of a general kind and that it should not intervene in or interfere with the management of schools or school systems.
>
> 14.3 . . . the devolution, as far as practicable, of the making of decisions on those working in or with the schools —teachers, pupils, parents and the local community; the involvement of the community in school affairs.

Members will be pleased to know that paragraph 14.5 is the last one from which I wish to quote as follows—

> Being committed to the devolution of decision-making and diversity among schools, the Committee has avoided making detailed prescriptions of how funds should be spent.

I quoted at length from the report because we hear charges which are not based on fact, but on wild and feverish imaginations.

Therefore it is as well to lower the temperature and get back to what the report actually says.

The motion refers to enforced uniformity. I have already indicated that the committee does not believe that this will be the result. Bureaucracy in Canberra could enforce uniformity but in this instance that is not the intention. The factor which enforces uniformity over and above anything else is poverty. It is all very well for members opposite to have their fine sentiments and to say they believe in the freedom of the school system and freedom of the States. However, what about a school with eight teachers and 400 students, but no musical equipment and no projector?

Mr. Rushton: Where is the school? Tell us the school; go on.

Mr. A. R. TONKIN: Are we to say to that school, "Develop as you wish"? Are we to say, "You have complete freedom to do as you like"? How could that school develop? I point out that many parochial schools are in this position. I am not talking specifically about any system but I am stating a general principle. I do not know whether members opposite are capable of understanding it.

Mr. O'Connor: That is a nice comment!

Mr. A. R. TONKIN: Many schools are impoverished in the sense of physical equipment; perhaps in the sense of poorly trained teachers; and perhaps in the sense of far fewer teachers than the student numbers call for. Are we to say, "You will have freedom. We will not have interference from Canberra or Perth. Develop a school system, as you wish."? Poverty is the greatest inhibiting factor. In fact, nothing enforces uniformity and inhibits experimentation so much as poverty.

Sir Charles Court: What schools are you talking about?

Mr. A. R. TONKIN: I am speaking in general principles.

Sir Charles Court: Are you talking of State or independent schools?

Mr. T. D. Evans: The member for Mirrabooka has told the Leader of the Opposition. He is talking about independent schools.

Mr. O'Connor: I am glad the Attorney-General answered.

Mr. T. D. Evans: Perhaps the Leader of the Opposition was not listening.

Mr. A. R. TONKIN: If we really want schools and school systems to launch into new initiatives and to be truly independent of Canberra or Perth—and not to be uniform or drab, in the poetic words of the member for Floreat—we must give them the physical resources and the human means to launch out upon those new waves of initiatives. Members opposite with their philosophy of liberalism, which belongs to the nineteenth century, say that the schools have all the freedom they want.

Mr. Mensaros: It is taking everything from A-class schools.

Mr. A. R. TONKIN: Many schools do not have the time or the resources to take initiatives.

Mr. Mensaros: It is taking away all aid from A-class schools.

Sir Charles Court: It is A class this year and it will be category B next year.

Mr. A. R. TONKIN: Finally I wish to deal with a few of the points made by the member for Floreat upon which I have not yet touched. For example the honourable member referred to the small class taught by Socrates.

Mr. T. D. Evans: The member for Mirrabooka has done more than deal with the points made by the member for Floreat; he has obliterated them.

Mr. A. R. TONKIN: Socrates was a fine gentleman with a fine education system. When we talk about small schools we are not talking about the freedom of the individual to attend a small school. An individual does not have the freedom to select an elite school unless his parents have the money. This is what members opposite mean by freedom. It is freedom for people to spend the money they have. What about people who are forced to send their children to inferior schools? What freedom do they have? Members opposite are not interested in freedom but are interested in elitism. They talk of a secret formula but the Minister for Education has demonstrated this on a blackboard on TV programmes.

Mr. Mensaros: Give us one concrete example of figures in the formula.

Mr. A. R. TONKIN: I do not have the figures available, but because I do not have them does not mean that they do not exist. That is unimpeachable logic.

Mr. Mensaros: Show me the place where it is.

Mr. A. R. TONKIN: It is important for members opposite to realise that when they talk about the freedom of poor people to have free education they are really condemning them to inferior schools. Members opposite are saying that they will not interfere with their freedom to attend a school which is fifth rate in many ways. This is what members opposite mean by "freedom".

The member for Floreat used the term "punish the wealthy capitalist". I cannot believe that he was really serious in using that term. There is no intention whatsoever to punish the wealthy capitalist. All we have said is that there is a limited amount of taxpayers' money available for education purposes. Of course, we have stretched that limit tremendously but, nevertheless, there is still a limit to it.

All we have said is that we are not going to continue to give aid to A-class schools which are already at a level which the average school will not reach by the end of the decade.

Mr. Mensaros: It would save only $3,000,000 or $4,000,000 out of $500,000,000. It is discrimination.

Mr. A. R. TONKIN: I have answered those comments. Finally, the previous Government was stolid and unimaginative with regard to education. I was a teacher before I entered politics and, as such, I was appalled at the comments made—and the lack of concern demonstrated—in respect of education by both the Commonwealth Liberal Government and the State Liberal Government. We saw a lack of expertise amongst their Ministers. We saw that they were bumbling and did not understand the job they had to do.

Sir Charles Court: Oh!

Mr. A. R. TONKIN: Of course this is the reason for the horrible screams from the Opposition now. Within a very short time indeed—less than a year—they have seen the Whitlam Government act. Within 10 days of being elected the Australian Government appointed a committee of experts and it has now accepted that committee's recommendations. This is why members opposite are so annoyed. During the 23 years of the previous Commonwealth Government there was neglect of education and bumbling inefficiency. Under the new Government the time has come for great steps to be taken forward and this is what hurts members opposite.

I do not believe the motion was inspired by concern for education. It was inspired by a narrow political motive and is an attempt to exploit the fear of change and try to drive a wedge between the State and Federal Governments.

Mr. Mensaros: You admit, then, that some fear is being felt?

Mr. A. R. TONKIN: Furthermore I do not believe the members who have spoken, by way of interjection or otherwise, are capable of understanding a report such as the Karmel report. I do not believe they know enough about education.

Mr. Mensaros: The Premier understands it.

Mr. A. R. TONKIN: I have been appalled at the lack of understanding of educational aims and objectives indicated by members opposite. Education is extremely complex. Unfortunately in this country we have had the situation whereby it has been believed that almost anyone can be a teacher. Anyone cannot be a doctor. For this profession it is necessary to select a special group of people and give them intense training. Most members would be perfectly happy not to discuss methods of removing a kidney, or anything else of a medical nature. We admit that a great deal of expertise is needed in medicine. However, many think that everyone can be an expert in education—I suppose because everybody has been to school. On that logic, everybody could be an expert in medicine because we have all been to hospital at one time or another.

As I have said, I believe the motion was conceived in a narrow political sense. The desire is to score points against the Whitlam Government.

Sir Charles Court: To expose its policy.

Mr. A. R. TONKIN: Education of children is not in the forefront of the minds of members opposite when they talk on this subject. They are not concerned with education and with the vast majority of Australian children.

Sir Charles Court: We want to expose the Federal Government's policy.

Mr. A. R. TONKIN: The State Government and the Whitlam Government are concerned with education and this is why we reject the comments made. There is a deliberate misunderstanding of what I believe will prove to be the greatest step forward in education in Australia for a very long time.

Debate adjourned, on motion by Mr. R. L. Young.

DEFENCE

Commonwealth Policy and State Attitude: Motion

Debate resumed, from the 22nd August, on the following motion by Mr. Grayden—

That this House—

(a) deplores the failure of the State Government to dissociate itself from, and to publicly repudiate and denounce, the action of the Commonwealth Government in drastically curtailing necessary defence expenditure and thus seriously impairing the effectiveness of Australia's Armed Services and placing the security of Western Australia, with its 4,350 miles of vulnerable coastline, in jeopardy; and

(b) seeks an unequivocal assurance that, in the event of aggression, the recently expressed view that Western Australia would be abandoned to the aggressor, is not a necessary corollary of the drastic curtailment of defence expenditure by the Commonwealth Government.

MR. GRAYDEN (South Perth) [5.52 p.m.]: I spoke on the subject of defence last month but had to suspend my remarks when private members' business concluded at 6.15 p.m.

Mr. Hartrey: The honourable member was talking about raw meat.

Mr. GRAYDEN: I was talking of the way in which the Federal Government has impaired the defence potential of Australia. The following day everything I said in that debate was confirmed in *The West Australian* in an article under the headline, "Axe falls on the services". This was as a consequence of the vicious Federal Budget.

Tonight I was rather intrigued to read a statement in the *Daily News*. The statement was made by the Chinese Prime Minister, Mr. Chou En-lai who warned, only last night, of the danger of war. The relevant paragraph reads—

> Mr. Chou, speaking at a banquet for French President Georges Pompidou in Peking's Great Hall of the People, said the Chinese people were "digging tunnels and storing grain everywhere" to prepare for war.

Whilst we have world tensions of that kind, admitted by the Chinese Prime Minister, the Federal Government, supported by the State Government, is doing its utmost to dismember the armed forces of Australia. I have already dealt with the savage cuts in respect of the Navy, the Air Force, and the Army. My time tonight is extremely limited and, for this reason, I will depart from what I had intended to say. However, I will seek leave to continue my remarks on a future occasion. Tonight I will deal with one matter in particular which affects Western Australia.

Of course there are many matters with which I could deal. For example, the completion date of the great project, the Garden Island naval base, has been put back three years. Also there was the proposition to base a task force in Western Australia and all sorts of representations in respect of that were made by the people of Collie and by representatives of the Collie Shire Council. Further representations were made from Northam. Had the task force been located at Northam it would have boosted the population from 8,000 to 20,000 people. The situation at Collie would have been similar. Had the task force been located there the population of the district would have been boosted by 12,000 individuals. However this has been shelved as have many other projects.

One of the worst actions, which has not been given any publicity, is the decision by the Federal Government to disband the university squadron.

Mr. Hartrey: They are a danger to the country.

Mr. GRAYDEN: Absolutely no publicity has been given to this. The squadron consists of highly qualified people who give their time in a voluntary way. They qualify as Air Force pilots and later go onto the Air Force reserve and are prepared to serve as pilots in time of war. The squadron is run at little or no cost to the Government but the Federal Government has even gone out of its way to disband this unit.

I have in my possession a letter signed by a dozen members of the W.A. University Squadron. Included is a copy of a letter which was sent to the Prime Minister of Australia. The relevant paragraph reads—

> We, the undersigned members of the Western Australian University Squadron of the Royal Australian Air Force, wish to express our protest and sense of disappointment at your government's decision to disband our squadron. The Western Australian University Squadron provides young men attending our University with the opportunity of undertaking part-time training with the R.A.A.F. which would equip them to serve as Pilot Officers in the event of a national emergency. As Officer Cadets in this squadron, we undertake two years part-time training followed by five years' service on the General Reserve. During this time we do not undertake any form of active service, but are liable to be called upon to serve in the event of war being declared. The remuneration which we receive during our training is minimal, and during our period on the General Reserve, we constitute no financial burden to the Commonwealth. While we appreciate your government's desire to economise, we wish to point out that a small squadron like ours does not involve a great deal of capital expenditure on the part of the Commonwealth, while it provides a nucleus of semi-trained officers who could be immediately assimilated into the R.A.A.F. in the event of a defence crisis. As potential university graduates we have a wide range of skills which could be utilized by the Air Force in time of war. We feel a deep sense of disappointment that we are to be refused the opportunity of undertaking part-time training which is both rewarding and satisfying to ourselves, and inexpensive and invaluable to our country. We are Sir, all registered voters in the Australian electorate. We feel sure that when you investigate the situation, you will see fit to take immediate steps to re-form ours, and all other University Squadrons in Australia.

Here we have young people prepared to train and serve as officers in the R.A.A.F. at virtually no cost to the Commonwealth. The Commonwealth Government has gone out of its way to disband the university squadron in this State and in every other State of Australia as part of its policy to dismember the armed forces of our nation. The Federal Government, with the connivance of the State Government, is gambling with the security of Australia.

Mr. Hartrey: What has this State Government to do with it?

Mr. GRAYDEN: Did the honourable member say great? We are not talking about great Governments, we are talking about a wretched Commonwealth Government and a wretched Federal leader. It is a wretched Government by any standard —it has wrecked the economy of Australia and now proposes to gamble with our security. The other day two unidentified flying objects—presumably two aeroplanes—flew across Alice Springs. What can Australia do about such a situation? We know what the Commonwealth is doing to the R.A.A.F. We have seen the restrictions it has placed upon the Air Force, the Army, and the Navy.

Some of the students at our university who had served with this squadron were almost two-thirds of the way through a two-year course. The university was advised of the disbandment of the squadron on the 23rd August of this year, and on the 27th August the individual participants were advised. This is notwithstanding the fact that these people had gone to a great deal of trouble to pass the necessary examinations and medical tests, and were prepared to serve their country. They got short shrift from the Federal Government. They were written to and advised that the squadron was to be disbanded. This is an atrocious situation.

The Federal Government cannot claim it took this step for economic reasons. The members of the squadron were volunteers —they received no remuneration and the expenses of the squadron were minimal. Yet the Federal Government took this step.

I have referred to the statement made by the Chinese Prime Minister to the effect that the Chinese people were digging tunnels and storing grain everywhere to prepare for war. Other statements of this kind have been made since I commenced my remarks to this motion last month. Such a statement was published in *The West Australian* last Monday. On this occasion the Chinese Prime Minister said—

> The Soviet Union and the U.S. wanted to devour China but found it too tough even to bite, he said.
>
> Mr. Chou said the form of aggression that China particularly had to fear was surprise attacks from the Soviet Union.

This is the situation existing in countries which border the Indian Ocean. We know that Singapore has implemented a scheme involving a two-year period of national service training. One of the first acts of the present Federal Government when it took office was to abolish national service training in Australia.

In addition to these comments, the other day I read a statement by Major-General T. S. Taylor, to a Senate standing committee. His comments were very interesting in view of the actions which have been taken by the Federal Government. The relevant portion of his comments is as follows—

> Major-Gen. T. S. Taylor said that Australian forces could be called in by the Papua New Guinea Government in the event of an incursion by West Irian or for assistance to civil power.
>
> "The whole thing may boil over." he said.
>
> Australia could be required as a United Nations peace-keeping force in the area.

He then went on to say—

> . . . that a threat could come from Indonesia and the Solomon Islands region.
>
> This could occur in the 1980s because of Russian assistance to anti-Government forces in the area.

That was a submission made by Major-General Taylor to the Senate Standing Committee on Foreign Affairs and Defence. His comments were published in *The West Australian* of the 25th August. So a major-general in our armed services has warned us that aggression could come from West Irian. We know that when Sukarno was in power he referred to Papua New Guinea as East Irian and he regarded it as Indonesian territory. So whilst a major-general is making comments of this kind, the Federal Government, aided and abetted by the State Government, is dismembering the armed services of Australia.

One of the first acts of the Federal Government was to reduce the defence potential of the Army to six battalions. Perhaps members could ponder that fact for a moment. When we consider the size of Australia we must see how ludicrous it is for the Federal Government to believe it can be adequately defended by six battalions. The Government is going out of its way to reduce the number of personnel in the Army to this level, and the six battalions will be based in the Eastern States.

Our Western Australian C.M.F. volunteers attend a camp once a year in their own time. These men are equipping themselves to defend our country. This year they planned a camp at Shark Bay because they have trained in the vicinity of Jurien Bay for quite a few years. However, the Federal Government cancelled their plans and told them they must conduct their exercises in the Jurien Bay-Lancelin area. What an incredible thing for the Government to do.

The 10th Light Horse Battalion has been limited to 10,000 miles a year for its 30 vehicles—a little more than 300 miles per vehicle per year. This is the type of restriction which the Federal Government has placed on our armed services. Whilst the Government is hell-bent on dismembering the defence forces, its leaders—Mr.

Whitlam, his friends, and their relatives—are travelling overseas to places such as China. In the words of the leader of that country, China is preparing for war. I do not know what the Prime Minister discusses with these overseas countries, but he must make it clear to them that Australia is cutting down on its defence forces although he knows that these countries are going out of their way to prepare for war.

I have been speaking about the Army. I will move on to the R.A.A.F.

Mr. Hartrey: What about the Boy Scouts?

Mr. GRAYDEN: Let us see what the Federal Government is doing to the R.A.A.F. I have here a cutting from the *Daily News* of the 20th August under the heading "Government cuts RAAF flying time", and it reads—

> Flying hours for the RAAF's front-line aircraft—including the F111s—have been slashed.
>
> RAAF Commanders have been told that the cutbacks are because of Government imposed financial restrictions.
>
> The cuts, of up to 40 per cent., were imposed last week.
>
> The restricted flying hours were to be introduced immediately.

That is the situation in respect of the R.A.A.F.

Notwithstanding that, another headline in the *Daily News* of the 22nd August reads "Ministers' trips cost $190,000". Those are the jaunts to places such as India by Mr. Whitlam, departmental officers, and friends and relatives of Mr. Whitlam, which are supported by the Labor Government in this State. There has been no protest anywhere along the line by the Government of this State about what the Federal Government is doing.

Western Australia has 4,350 miles of coastline and is rich in all sorts of natural resources which are coveted by countries such as Japan, China, Indonesia, and Russia. Yet the Federal Government has been dismembering the defence forces of this country and its actions have been supported by the State Government, which has raised no protest at all, notwithstanding the fact that at recent science symposiums top speakers suggested that in the event of aggression Western Australia would be abandoned to the aggressor.

Quite apart from the cuts in the activities of the R.A.A.F., the Federal Government has cancelled plans to replace the Mirage jet fighter. We know the Federal Government has scrapped the programme to re-equip Australia with destroyers, so that in the 1980s, when the present destroyer fleet falls apart, there will be nothing to replace it. The top military experts in this country have emphasised that the minimum number of personnel required in the Army is 38,000, but the Federal Government has already slashed it to 31,000.

Let us go further and see what the situation is as far as Western Australia, particularly, is concerned. After representations had been made for years, the Federal Government agreed to establish a naval base at Garden Island. As a consequence of the latest Federal Budget, that project has now been set back three years.

The SPEAKER: Does the honourable member wish to seek leave to continue his remarks?

Leave to Continue Speech

Mr. GRAYDEN: Because of the situation that has developed today, I move—

> That I be given leave to continue my speech at a later date.

The SPEAKER: If there is a dissentient voice leave will not be granted.

Mr. Hartrey: I am a dissentient voice, to start with.

The SPEAKER: Order! Is leave granted?

Mr. Hartrey: No.

Motion thus negatived.

The SPEAKER: Is there a seconder to the member's motion?

Point of Order

Sir CHARLES COURT: Mr. Speaker, on the ruling you gave, I thought the honourable member could carry on.

The SPEAKER: If there was not a dissentient voice. Will somebody second the motion?

Mr. RUSHTON: I second the motion.

Mr. Grayden: Is it intended to stifle free speech?

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

Sitting suspended from 6.15 to 7.30 p.m.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th May.

MR. HUTCHINSON (Cottesloe) [7.30 p.m.]: During the fairly long period I have been in this Parliament I have seen many Bills introduced into the Chamber. Some of these Bills have been good, some have been bad, some have been indifferent, while some have been in what I may call the extraordinary class. The term "extraordinary" can mean either good or bad.

In describing the Bill before us I hope to be able to show the House that it falls into the extraordinary or bad class. What

would you think, Sir, of a Bill whose purpose is to make some Australian liable for a penalty of $50,000 for an offence for which in no way can he be held responsible; for an offence over which he has no control whatever? I know that is a rhetorical question.

Mr. O'Neil: It is extraordinary.

Mr. HUTCHINSON: I also know, Sir, it is not within your power to answer it; though I do hope the Minister will try to explain it. I believe the Minister will have no really valid explanation beyond the fact that he can say that one of the purposes of the Bill is to endeavour to prevent pollution of waters by oil.

In a Chamber such as we have, however, members of Parliament generally, and the Government in particular, must be very careful lest the legislative course they offer turns out to be far worse than the offence; or so bad in a different way that in such a manner lies no fair or reasonable solution.

In particular I feel the Attorney-General and the member for Boulder-Dundas will be intensely interested as to why this measure has been allowed to come forward as a piece of legislation. For the life of me I cannot really tell why this is so.

When introducing the Bill in the autumn part of this session of Parliament the Minister told us that the entire world was concerned about the pollution of waters by oil. Indeed we are all very concerned about this aspect. As a Minister I also introduced legislation to try to bring about some stoppage, in part, of this evil. The scientists of the world—at least many of them—are engaged in scientific work which will perhaps lead to some means by which the waters of the world which are already polluted can be freshened and cleansed by virtue of the research that has been undertaken. We in the legislative sphere have our own part to play. We are all aware of this and we know it is a good thing that we should try to avoid the pollution of the waters of the world by oil. Perhaps we are in a position scientifically to achieve something along these lines. But with this particular Bill, however, I feel the Western Australian Government has gone overboard in its endeavour to help control the problem.

Mr. T. D. Evans: It is to stop the oil going overboard that the Bill was introduced.

Mr. HUTCHINSON: I am aware of that and that is why I said what I did. Under this extraordinary piece of legislation the Government proposes to make an agent liable to a $50,000 penalty when that agent can have no responsibility whatever in regard to the offence of polluting the waters. The Government makes him culpable and liable for this penalty even though he has no control whatever over the matter.

I submit this is completely unfair. It is not natural justice and it just does not fit the bill. I will be surprised if the measure proceeds beyond this House.

Mr. Jamieson: Who pays now?

Mr. HUTCHINSON: As I have said, I will be surprised if the measure proceeds beyond this House unless it is amended somewhat along the lines I will suggest. I do not oppose the Bill itself, but I do want to oppose this extreme penalty where the Government makes liable for penalty a man who has no control over the offence for which it is proposed to punish him.

Mr. Jamieson: Who pays now when a member of the ship's complement skips the ship?

Mr. HUTCHINSON: The owner or the master is liable.

Mr. Jamieson: And under the Commonwealth Act the agent pays.

Mr. O'Neil: You are talking about someone who leaves the ship and goes ashore; we are talking about the ship which discharges oil at sea.

Mr. HUTCHINSON: This deals with the harbour. I do not know whether the Minister for Works knows quite what he is getting at.

Mr. Jamieson: I know what I am getting at but I wonder whether you and I are talking about similar Acts.

Mr. HUTCHINSON: I am not talking about the Commonwealth Act but about the Prevention of Pollution of Waters by Oil Act.

Mr. Jamieson: You would not like to but you must.

Mr. HUTCHINSON: Perhaps I should ignore the interjection, Mr. Speaker, and that may also be your advice. I do want to say at this juncture that under the Act at present the owner or master is liable for a penalty of $2,000 if he pollutes waters by oil. However, in the Act at present there is another section which enables the master or owner to use as a defence the fact that the whole thing was completely accidental. I will talk about this during the Committee stage of the Bill.

So the Act endeavours to be fair. I think it is good legislation when a man is not blamed because of an act of God or for something over which he has no control or responsibility. The provision in the Bill, however, offends our sensibility and our sense of fair play. So I return to the Bill, the first and most important part of which is the definition of "agent". The definition of "agent" is as wide as it can possibly be. It states—

> "agent" where used in relation to any ship means any person who performs for or on behalf of the owner of the ship, any function or duty under or for the purposes of this

> Act or any of the Acts specified in the Schedule to this Act, and includes any person who, within the State, on behalf of the owner of the ship, undertakes or performs the functions of ships' husbandry or makes any arrangements for or in connection with the berthing of the ship or the carriage, loading or unloading of the cargo thereon or therefrom; ;

As I have said this is a very wide definition of "agent". It includes all manner of men who could have no control whatsoever over the discharge of oil in a harbour or in the sea within the jurisdiction of the harbour. Yet the man concerned who may have no control over the position, together with the owner and the master, is made liable to a penalty of $50,000—not just one of them is made liable but all three.

Mr. T. D. Evans: I wonder whether the member for Cottesloe has had a look at section 23 of the Criminal Code, because it is applicable.

Mr. HUTCHINSON: I may follow up this later and discuss it with the Attorney-General if he cares to see me about the matter. During the second reading debate, however, the Attorney-General will have an opportunity to say that my complaint is not justified. It is possible I am not saying the right thing; perhaps I am off the beam, although I do not think I am. I feel that I am right on the beam and I hope the Government will appreciate this aspect.

So, as I have said, the agent concerned is to be made liable and subjected to a penalty of $50,000. The penalty is increased from $2,000 to $50,000. Though I do not disagree with the increase, I do disagree with the provision to include a person who should not be liable.

One might as well make responsible and liable for such penalty some wharf foreman, because there would probably be more logic in that than making a ship's agent liable.

Subsequent to the introduction of the Bill many months ago I asked a number of people for their views on it. After a long time I received information from the Australian Chamber of Shipping. This chamber, perhaps in a correct way, did not correspond with me until it had written to the Minister concerned; so, one cannot fault the protocol it observed. As a matter of fact, the chamber sent a covering note with the letter it addressed to the Minister for Works. That indicates how much the chamber wanted the Minister to understand the situation. At about the same time I received the information.

In its submission to the Minister the chamber said, as I have also said, that the ship's agent has no control whatsoever over a vessel nor, indeed, the right to go on board without permission. The chamber went on to say that the Bill imposes liability on an agent for discharges of oil in breach of the Act, for acts over which he has no control and which he is powerless to prevent.

What sort of legislation is this? The provision in the Bill bends the stick much too far. I suppose the Government is doing its level best to overcome a parlous situation, but in trying to cure a defect it proposes to make some Australians liable to a fine of $50,000 for an offence over which they have no control.

Mr. T. D. Evans: That is why you should look at section 23 of the Criminal Code.

Mr. O'Neil: I have looked at it. Will the Attorney-General explain what bearing it has on the matter?

Mr. HUTCHINSON: In its submission the Chamber of Shipping also said that in addition the Bill makes the agent liable for breaches of section 9 of the Act. I have section 9 of the Act before me, but I shall not waste the time of the House in reading it out. That section refers to the keeping of oil records; but again this concerns matters over which the agent has no control.

It might be within the knowledge of some members that some 20 years ago when nations became collectively concerned—although at the time many nations were individually concerned—about the pollution of waters, a great prevention convention was held. Since then various meetings have also been held. They laid down certain guidelines for the framing of legislation throughout the world, and most of those guidelines have been adopted in the legislation of many countries.

However, the prevention convention makes no reference to agents. Under paragraph (4) of article III of the International Convention on Civil Liability for Oil Pollution Damage, 1969, the servants or agents of the owner are expressly excluded from liability for pollution damage.

As against this article of the convention we find that the Government has deliberately included in the Bill before us the agent, and proposes to make him liable to the extent of $50,000 in respect of a matter over which he has no control.

I am sure the Minister will tell us that one State in Australia has a similar provision in its legislation. I refer to South Australia. This provision was included in an amending Bill passed recently. I do not know what was said in the debate on the Bill in the South Australian Parliament, but if criticism was not levelled at the Government of that State I believe the members of that Parliament were found wanting. Certainly such a provision does not appear in the legislation of the United Kingdom or of any of the other

States of Australia. However, other recent amendments were made arising out of a Ministers' conference held a few years ago.

Mr. Jamieson: The legislation of South Australia goes back to 1958.

Mr. HUTCHINSON: My remarks still apply. I hope the Minister will not be too upset with what I am saying. I am trying not to be hypercritical, so I hope the Minister will view what I am saying as the remarks of a member of Parliament and a representative of Western Australia. I make an earnest plea to him to agree to the deletion of the reference to "agent" appearing in the Bill.

In the letter from the Chamber of Shipping the following also appears—

> You may be aware, that with the exception of South Australia, where under their recently passed legislation agents and charterers are held equally liable in oil pollution offences, this is not the case with legislation already passed in Victoria and Queensland.

In respect of the inclusion of the definition of "agent" and making him liable to the penalty I have mentioned, the Chamber of Shipping states in its letter—

> It is inequitable and contrary to the rules of natural justice that a person should be held liable for offences concerning matters over which he has no responsibility nor control whatsoever and it seems inconceivable that such was the legislative intent.

I, too, consider it inconceivable that this should take place, and that some Australians are to be made liable in this way. I can only assume there are some extenuating circumstances, and the meaning was not fully appreciated. I hope that is the position.

I have placed a number of amendments on the notice paper. The purpose of most of them is to delete the reference to the agent, except where I had first formed the idea that the retention of this term might be of some value. Consequently, it will be seen on page 17 of the notice paper that I intended to try to amend clause 13 of the Bill. In this provision some use could have been made by the definition of "agent"; however what I was attempting to do to improve the Bill would probably have made a bad law. Therefore I wish to give notice that I do not intend to proceed with my amendment to clause 13. As a result, as far as the Opposition is concerned, we think there is no need to retain the definition of "agent" in clause 3 of the Bill. So, in the Committee stage I shall move for the deletion of all references to "agent" unless the Government is prepared to withdraw the Bill and redraft it.

I am also of the opinion that the inclusion within the definition of "owner" of the charterer of a vessel is not good law. Perhaps it is appropriate for me to read the definition of "owner" appearing in the Bill. It is as follows—

> "owner" where used in relation to any ship includes a charterer whether he exercises any direct control over the navigation or use of the ship or not; and

Here again the same sort of principle is involved. I am not objecting to the definition of "owner", but I object to the inclusion of the charterer of a vessel and particularly to the words "whether he exercises any direct control over the navigation or use of the ship or not". One of the amendments appearing in my name seeks to delete this definition and to insert a new one which follows the pattern used in legislation elsewhere.

Clause 4 of the Bill which deals with the discharge of oil into waters is a classic provision of its kind, and members should read it. It is as follows—

> Subject to the provisions of this Act, where a discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from a ship, or from a place on land, or from any apparatus used for transferring oil or a mixture containing oil from or to any ship, whether to or from a place on land or to or from another ship, if the discharge is—
>
> (a) from a ship, the owner, the agent and the master of the ship each commits an offence; or
>
> (b) from a place on land, the occupier of that place commits an offence; or

That is, the owner, the agent, and the master of the ship each commits an offence. The penalty for this offence is $50,000. Under this provision it is conceivable that in an atmosphere engendered after the passage of the Bill each one of those persons could be fined $50,000. Included among them is the agent, but he has no control whatsoever over the offence.

Under the existing provision in the Act, the owner and the master are each and severally liable. I do not wish to delete the reference to the owner or master, except in respect of another amendment which I shall deal with in the Committee stage of the Bill. That provision appears in the defence clause.

Perhaps I might mention that in regard to the defence clause I want to ensure that it shall be a defence for the owner or the master if either one has been convicted of that offence. I do not intend that my amendment should provide that there shall be an alternative; that it should be the master or the owner. I am moving the amendment only to provide a defence.

Some legislation which exists throughout the world does contain an alternative so that either the master or the owner can be convicted. My amendment is designed, virtually, in the spirit of our parent Act in Western Australia.

Perhaps some further changes will be made but I am usually a very tolerant sort of an individual and I do not want to go too far. Perhaps I am too conservative.

This legislation sets out to do an admirable job. I suppose its basic purpose is to try to avoid additional pollution of our waters by oil, but the manner of going about it is objectionable from every point of view. I trust that in his reply the Minister will not take an antagonistic line but will see the problem as I have outlined it. I hope he will be receptive to my amendments which appear on the notice paper. The amendments have been there for quite a period during which the Minister could have studied them.

I would think that lacking co-operation the Opposition may be forced to oppose the Bill. As far as I am concerned, that would be most regrettable because I do not want the basic purpose of the Bill opposed. However, I do not think we should have a cure which is worse than the ailment. At this juncture I await the comments of the Minister.

MR. MENSAROS (Floreat) [8.04 p.m.]: I did not want to buy into this debate and I am sorry that I cannot see the Attorney-General present at the moment because from his interjection I judged that he is of the opinion that clause 4 of the Bill is entirely invalidated, in any case, by virtue of section 23 of the Criminal Code.

Mr. T. D. Evans: I did not say that at all. Section 23 of the Criminal Code will be used in considering application of that particular clause of the Bill.

Mr. MENSAROS: Am I to understand that the Attorney-General, in referring to section 23 of the Criminal Code, implied that if it were proved that the owner of a ship was not involved in the case, even by negligence, he would still not be punishable?

Mr. T. D. Evans: That would be for the court to say.

Mr. MENSAROS: Then I cannot see any reason for the interjection from the Attorney-General.

Mr. T. D. Evans: Chapter 5 of the Criminal Code is applicable to the entire Statute law of Western Australia. Section 23 deals with criminal responsibility. I will say no more than that.

Mr. MENSAROS: I notice the Attorney-General has stepped down a little. In my humble opinion the Criminal Code does not apply at all. Section 23 of the Criminal Code relates to negligent acts. Also, this Bill does not intend to amend the Criminal Code.

I also see from the drafting of the Bill that the committing of an offence will be the actual occurrence when there is a spillage so section 23 of the Criminal Code cannot come into it at all.

Let me say that I have more respect for the Crown Law Department and I presume that when it drafted the clause, it made sure the clause could not be invalidated by section 23 of the Criminal Code.

MR. JAMIESON (Belmont—Minister for Works) [8.07 p.m.]: Because of some objections which came from representatives of the Western Australian State Committee of the Australian Chamber of Shipping, I deliberately left this matter over for some time. The member for Cottesloe also indicated that he had some communication from that committee. However, after some discussion with the members of the committee they said they would look at the matter and come back to me again with any further objections. I have not heard from them after all these months regarding this particular matter.

I pointed out to them the fact that they were quite in error, and that the South Australian Act was not of recent vintage. I suggested to them that they inquire from their counterparts in South Australia of what occurred there, and whether there had been any detrimental effect because of the inclusion of the word "agent" within the terms of responsibility. As a consequence we find that the principle of the agent's liability, as proposed in the Bill, was taken from the South Australian Act which deals with oil pollution. That Act has been in force for many years.

Following the approach to me I had the under-secretary contact the Director of the Department of Marine and Harbours in South Australia. On the 25th May that department replied to me to this effect—

> Agents (as their title implies) act for the ship-owners and any fines imposed on the Agents for breaches of the "Prevention of Pollution of Waters by Oil Act" are paid by them as part of their agency services and the cost collected from the owners, no doubt with a percentage addition for services rendered.
>
> As you are aware, our Act makes the owners, agents and masters severally responsible for breaches of the Act, not just the Agents.
>
> We have not had any serious objections by the Agents to the present set-up and they have paid what fines that have been imposed on them.

That seems to indicate that the Act is running along fairly well.

Mr. Hutchinson: Oh!

Mr. JAMIESON: The Minister opposite laughs but he would have done exactly the same thing had he been in my position.

He would have sought information regarding a similar situation existing elsewhere. That is exactly what I did.

The member for Cottesloe said he did not want me to get angry or to consider he was not trying to help. I am trying to tell him what has occurred but he gets very dramatic in his approach and wants to give the impression that we are attempting to introduce some new angle which has not been tried previously.

Mr. Hutchinson: I still urge the Minister not to hold fast to this point.

Mr. E. H. M. Lewis: The Minister referred to the member for Cottesloe as the Minister.

Mr. JAMIESON: I am sorry, I meant the member for Cottesloe. The fact that I was able to obtain confirmation from South Australia overcame the worries I was starting to have after the representatives of the Western Australian State Committee of the Australian Chamber of Shipping approached me. As a matter of fact, I considered holding the Bill over for a further period because the representatives are due to see me again within a few days. However, when I checked with them I was told they are coming to see me on a different matter.

Mr. Hutchinson: Does the Minister think that they are still not concerned?

Mr. JAMIESON: I do no tthink they are greatly concerned, particularly after they checked with their counterparts in the Eastern States. If the owners are not prepared to go along with the provision to recompense agents where they are fined on behalf of the owners then, of course, no doubt the agents will refuse to handle their business. There seems to be no problem.

It must also be appreciated that an agent would be charged with an offence only as a last resort. He is named severally and jointly in this case and sometimes it is necessary to get to the agent. As I stated in my opening remarks, the skipper or the owner of a ship could be overseas and it would be very hard to get any recompense for damage caused to our harbours and coastline. This applies especially when the ship is registered in one of the Latin American ports. Indeed, it is almost impossible to do anything whatever about a claim.

It is possible that through an agency association there will be some recompense for any spillage. The amendment in respect of the definition of "owner", as proposed by the member for Cottesloe, is also not acceptable. The definition as provided in the Bill was very carefully worded to overcome a problem which had been experienced in South Australia, where a number of prosecutions failed because charterers were held to be not responsible as owners. The definition in the Bill eliminates this loophole whereas the definition proposed by the member for Cottesloe leaves the position wide open.

A person who becomes a charterer is in a similar position to a person who hires a motorcar. The hirer of a motorcar, if involved in a collision, is the person who commits the offence. In similar circumstances a charterer has been found not to be liable. To cover the situation it has been necessary to define "owner" in the manner prescribed.

However, the amendments proposed by the member for Cottesloe are not entirely without merit. For example, I accept the proposition that agents should not be liable in the event of a master of an intrastate ship not keeping records.

Mr. Hutchinson: How about that!

Mr. JAMIESON: The member for Cottesloe has not yet heard what I have to say; he might be shown some more small mercies. I refer to the amendment to clause 8, as proposed by the member for Cottesloe. In such cases it should always be possible to prosecute the master. Therefore, the proposed amendment will not be opposed. However, the comma at the end of the last line of page 4 should also be deleted.

I also accept in principle the proposed amendments in respect of new section 16B, and a new paragraph (c) of subsection 1 of section 6.

It is appreciated that the suggestion of the inclusion of a provision that summonses may be served on agents could lessen the number of occasions when it would be necessary to have recourse to the prosecution of an agent, and this is accepted as being equitable.

The amendment also conforms with Government policy, as it is not our intention to harass agents unnecessarily. However, I suggest the words appearing on the notice paper do not cover the matter adequately, and I have had drafted by the Parliamentary Counsel a version which I will move be adopted in the Committee stage. Due to an inadvertence, the amendments I have had drafted were not put on the notice paper. As a consequence, I will not go beyond taking the Bill into Committee at this stage, which will give the honourable member an opportunity to have a look at the amendments to see where they may differ slightly from the amendments he proposes.

The member for Cottesloe's proposed new paragraph (c) of subsection (1) of section 6 of the principal Act highlights an important principle. It clarifies the point that if a person is found guilty of an offence under the Act no other person can be convicted or penalised for the same offence. Here again, the words used in the honourable member's proposed amendment are not entirely acceptable and

an amended version of them has been prepared by the Parliamentary Counsel. I will also move for the adoption of that amended version in the Committee stage.

The remainder of the honourable member's amendments will be opposed.

Oil pollution can be a major disaster and we should do everything possible to reduce the likelihood of it occurring in Western Australian waters. If agents and charterers are not liable to prosecution, there is a chance that a master or owner of an offending vessel will never be brought to justice. I believe the people of Western Australia are entitled to an Act which offers them the greatest possible protection. Furthermore, I am convinced that if we do not make agents liable to a penalty, the likelihood of an accident involving oil spillage will increase.

I am sure the member for Cottesloe is genuine in his desire to have this matter cleared up. He would know only too well the problems that could exist if we did not take strong action against people who are likely to offend. It often happens that, once they have cleared the port, carelessness on the part of those in authority causes unnecessary pollution. If we can obviate that in some way, I am sure it will be all the better for the member for Cottesloe's constituents in a beachfront suburb.

The honourable member has raised many objections to the legislation and thinks it is very harsh because it applies the penalties to the agents. He regards that as being an obnoxious feature of the Bill. However, it is considered the agents will make sure they are well covered. I think we must take strong action to overcome this problem.

The penalties were arrived at during a conference of State Ministers, and they have been generally accepted and adopted in the various States. No model Bill was proposed and each State has gone its own way. We have sought to adopt the most stringent possible method of control, and we saw the proposals contained in the Bill as the best way to attack the problem.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Moller.

JURIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th August.

MR. MENSAROS (Floreat) [8.21 p.m.]: The provisions in this Bill might not be earth-shattering but they deal with an institution which is one of the most important pillars of our system of democratic government. It is unique to the British system of government; hence, it has been taken over, in the main, by countries which have their origin in Britain, even though some of them are not now entirely British. On the other hand, it is a system which is very seldom adopted in countries of continental or Roman origin.

Some lawyers, even in British countries, might say that under present conditions with more complicated legislation the jury system is not pertinent because it can give rise to mistakes and prolong procedures. I venture the opinion that even if that is so, occasional mistakes and lengthier proceedings are a small price to pay for an institution which is so important.

I think that today, more than ever before, we should be very conscious of endeavours to ignore the law and the legal institutions and systems. Indeed, although we may not be unanimous on this subject, we on this side of the House, at least, contend day after day that our Federal system as a legal system is being ignored by means of legal technicalities through using what I would call loopholes in the Constitution. The Federal system is occasionally ignored by drastic action, and I think the whole concept of democracy is often ignored when only the majority view is accepted without minority views being taken into consideration.

I submit that in order to uphold the system of democracy as we know it, or to change it by legal, constitutional means only and take into consideration the view of the minority rather than to crush it if someone happens to have a 50.1 per cent. majority, we need these democratic institutions. One of them is the judiciary, and a very important part of it is the jury system, even though in the eyes of some people it might appear to be cumbersome and out of date. It is the principle behind the system which I advocate should be upheld.

The Bill now before us does not detract from that principle. On the contrary, it only irons out some unnecessary red-tape methods. We therefore welcome the Bill as introduced. It might be worth while for me to go briefly through the clauses. Some of them have been explained by the Attorney-General but others have not been mentioned.

The first operative clause—clause 3—is just an amendment to the definition to accommodate the District Court and its functions in lieu of the Supreme Court in session.

Clause 4, which adds a new section 3A to the Act, specifically deals with the District Court, as do a number of other clauses

which I will not mention because they are consequential amendments which are rather technical.

Clause 5 amends subsections (2), (3), and (4) of section 5, which deals with a woman's right to cancel her liability to serve as a juror. Notices in this respect are now to be served by or to the sheriff instead of the officer of the jury district.

I have a query in connection with clause 8, which I will mention during the Committee stage, but perhaps the Attorney-General will make a note of it. I notice that the words "session or" are to be deleted from section 11(2) (b), which appears to be logical and consequential upon the intention of the Bill. But I wonder why the same words in paragraph (a) of section 11 (2) are not to be deleted. It appears to me they should also be deleted.

Clause 9 re-enacts section 13, which deals with the appointment of jury officers and states that the jury officer will be the sheriff in the metropolitan area of Perth and the Registrar of the District Court when sitting at a place other than Perth or when on circuit. The provision is consequential and again one of a technical nature.

Clause 10 repeals subsection (5) of section 14. The Attorney-General explained that it was found to be not very practical to send out notices of the draft jury roll to the clerks of petty sessions, town clerks, and police stations. This procedure has been found to be superfluous and expensive, and it is proposed to dispense with it.

This clause deals also with the sheriff's power to issue a certificate of permanent exemption. However, the new provision allows him to cancel the certificate if it is issued to a person who, although convicted of a crime, subsequently receives a pardon.

The Attorney-General explained clause 15 to the House. The provision gives the sheriff the power to remove a person's name from the panel on evidence he deems sufficient. This is to obviate the necessity to produce an affidavit. This again appears to be quite acceptable.

Clause 16 provides that a juror's ticket may be returned to a box marked "jurors in reserve" if the juror does not answer his summons. This is a small technicality, and it seems to be perfectly logical that such tickets should not be returned to the box marked "jurors in use". This will remove the small possibility of the same ticket being drawn again.

I will return to clause 17 later as this is one of the main amending clauses in the Bill.

I will go on to clause 18 which amends section 31. This relates to the serving of a summons on someone other than the person who is being summoned as a juror. The present legislation permits a summons to be served on another person who is deemed to be residing at the same premises as the person to be served. The amending clause will remove any inconvenience which may have arisen because of a misunderstanding on the part of the person accepting the summons on behalf of another.

Clauses 19 and 20 relate to sections 33 and 34. Again the Attorney-General put forward an explanation for the provision that the summons should be served by a sheriff's officer and not by a police officer as happened in the past. Of course, it will still be necessary for police officers to serve summonses in country areas, but I imagine that in country places people know each other very well and when a policeman calls at someone's premises, his next door neighbour will probably know before the policeman arrives that his neighbour has been summoned to jury service.

The main amendment contained in the Bill appears in clauses 17 and 22. This relates to the right of the Crown and the defence to challenge jurors and, as the Attorney-General says, the right of the Crown to stand jurors aside. More Precisely perhaps, we could say the right of the Crown to pray for an order to stand jurors aside. This is not just being pedantic, because it has some consequence if we compare section 38, which is to be amended, with section 36, and I shall come back to this point later.

The provision contained in clause 17 would appear to raise the number of jurors which—apart from the right of the prosecutor for the Crown—any party in a criminal trial may challenge peremptorily, from six to eight. If there is more than one defendant, the number who may be challenged will rise from three to six. At the same time the provision in clause 22 limits the so far unlimited number of jurors the Crown has the right to challenge to eight, and the right to pray for an order to stand down to four. In my opinion this is a very equitable provision. In fact, it should have been included in this Act many years ago.

Mr. Hartrey: Hear, hear!

Mr. MENSAROS: I cannot see why the Crown should have more right than a defendant in a criminal proceeding. This equalises the right of the Crown and the defence. If we read the section as it is to be amended, and compare it with section 38, we might think—and apparently the Attorney-General came to this conclusion—that the two sections may clash. With your indulgence, Mr. Speaker, I will read the two provisions to which I refer. First of all section 38 (2) as amended will read as follows—

> Those prosecuting for the Crown have and may exercise in any case the right of challenge peremptorily of eight jurors and the right to pray for an order to stand four jurors aside.

So far so good, but section 36 (2) of the Act reads—

> This Act does not affect the power of any Court at the prayer of those prosecuting for the Crown, to order any juror to stand aside until the panel has been gone through . . .

The question is how will this be interpreted? Some people may say that the right of the Crown to stand any juror aside is only a qualitative measure. This means that the court is able to stand anyone aside. Although there could be a difference of opinion, I believe it rather means that the court has the right to stand any of them aside quantitatively—in other words, all of them.

Mr. Hartrey: Yes.

Mr. MENSAROS: If this is so, it clashes with the new amendment, and for this reason an amendment appears on the notice paper in my name. The effect of the amendment would be to make the provision in section 36 (2) subject to section 38, as amended. I am glad that the Attorney-General did the same thing. The amendments were prepared by different draftsmen. It is immaterial to me which one the Committee accepts.

The last provision of this Bill again makes one think of various principles. This is the amendment to the schedule which deals with permanent exemptions from jury service. With some right. I believe arguments could be advanced that the present exemption is too all-embracing—too wide. Considerable arguments could be advanced that the smallest possible category of people should be exempted from jury service for any reason. This is partly because jury service is an obligation on every citizen and partly because the categories exempted represent—for want of a better word—people of particular intellectual levels of society. In any event, it is people from a certain level of society.

If all these people are exempted from jury service, the chances are high that only the other level of society—decided by occupation—would be left to serve on juries, and therefore the jury selection is not as representative as it should be. However, it has been commonly accepted that people in certain occupations should be exempt, and if one subscribes to this view, it should be extended to further categories besides those which have been set out in this Bill. It would appear to be equitable that if the academic staff of the University of Western Australia and the Western Australian Institute of Technology are exempt from jury service, so also should be the staff of the new Murdoch University. The Act does not refer to the academic staff of tertiary institutions, and possibly at the time the original Bill was drafted, Murdoch University did not exist.

I submit that the officers of the civil defence authority should be exempt from jury service as they do very important work. A situation which necessitates the attendance of civil defence officers arises without warning. We have no prior knowledge of an earthquake or similar calamity. The officers of the civil defence authority must be available to do their duty when such occasions arise. I agree to exempt chiropractors. It is somewhat ironical that I shall suggest that the exemption should be extended to the Ombudsman. It is well known that I did not approve of the appointment of a Parliamentary Commissioner and I still do not approve of the institution. However, it is now on our Statute book and the Parliamentary Commissioner, who is a legal practitioner, should be exempt from jury service. According to some views, it may be he is already exempt because he is qualified in law, but so are judges, yet judges have a special mention.

With the proposed amendments, the Opposition welcomes this measure and supports the second reading.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [8.39 p.m.]: It is seldom indeed that I can stand up here and say I agree with practically every word uttered by the member for Floreat.

Mr. Hutchinson: There must be something wrong!

Mr. T. D. EVANS: I would expect his disagreement on most occasions. It is pleasing that the element of agreement in this instance is in such an important area of the law—the preservation of the jury system and an improvement of it.

The comments of the member for Floreat reminded me of the words of an eminent English jurist. I believe it was Lord Stanley who said—and if I am wrong I am sure my venerable friend, the member for Boulder-Dundas, will correct me—"The more I see of trial by judge, the more I believe in trial by jury." I thank the member for Floreat for his almost complete support of the Bill. Indeed, he seeks to improve its provisions. I indicate that I am prepared to accept the amendments he has sponsored in terms of extending exemption from jury service to certain classes of persons.

I agree with him that public policy must provide for some exemption from jury service, but we must be cautious that we do not destroy the system by extending the mantle of exemption too far. I agree his proposed exemption of the academic staff of Murdoch University has merit, and point out that with one or two further amendments this Bill was drafted in 1971 and the draftsman was not able to contemplate the Murdoch University legislation which was introduced earlier this year.

The honourable member referred to section 36 (2) of the principal Act. After the Bill was introduced he was good enough to draw my attention to his observation and contention that that subsection should be amended to ensure that the provision in the Bill which provides that the right of the Crown to stand aside jurors shall be limited to four jurors, would be preserved. This is a question of interpretation. Section 36 (2) refers to the power of the court to answer the prayer of the Crown to stand jurors aside.

Section 38 (2) is to be amended to ensure that the Crown will have the right to stand aside only four jurors; so it may be argued that whilst the court is permitted under section 36 (2) to permit the Crown to stand aside jurors, the Crown would not pray for four jurors only to be exempted under section 38 (2) as it is proposed to be amended. However, to remove any doubt about this it is proposed to amend the Bill.

In all modesty, I point out that the amendment I have proposed is perhaps somewhat preferable to that proposed by the member for Floreat. However, even my amendment is not perfect, and the words "of this Act" should be added after the words "thirty-eight", being the last words in the amendment. I will move accordingly during the Committee stage.

The member for Floreat asked me to comment on clause 8, which proposes the deletion of the words "session or" from section 11 (2) (b) of the Act. Section 11 (2) (b) refers to trials to be held at the session or sittings after a proclamation has been issued stating that the jury district is altered or abolished. The paragraph provides that in those circumstances trials to be held at the session or sitting shall be held, or if commenced before that date, shall be continued. The date referred to is the date of the proclamation. The Bill seeks to delete the words "session or" so that the trial will then relate only to a period of sittings.

The member asks why the same deletion is not made in paragraph (a) of the same subsection, which refers to summonses, which have been issued before the day on which the proclamation takes effect, being served on jurors; and requires jurors to attend for any session or sittings in that case. I am unable to explain why the draftsman has sought to preserve the alternative requirement of a "session" in that paragraph, but seeks to remove it in the following paragraph. I would be quite happy to accept an amendment if the honourable member cares to move one.

Mr. Mensaros: I do not wish to move an amendment; however, perhaps the Attorney-General would make some inquiries about this.

Mr. T. D. EVANS: The term "sittings" would also embrace a single session, so I am at a loss to understand why the draftsman has made a distinction between those two paragraphs.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Amendment to section 11 (2)—

Mr. MENSAROS: As I said by way of interjection, I would very much appreciate it if the Attorney-General would perhaps clear up with the draftsman my query regarding this clause. If it is necessary to delete the word "session" from section 11 (2) (a), perhaps this could be done in another place.

Clause put and passed.

Clauses 9 to 29 put and passed.

Clause 30: Amendment to the Second Schedule—

Mr. MENSAROS: I frankly admit that during my second reading speech I omitted to refer to one principle involving the schedules. The Act has a peculiarity which I do not like or understand. If we read the Act and the schedule we find that various categories of people are exempted; but if we look again at section 6 we realise this is not the only way to exempt people. That section gives authority to the Governor to issue a proclamation to have other groups of people included in the exemptions. When I set out to amend the Bill so that, for example, the academic staff of Murdoch University would be included, I also wished to include the Western Australian Institute of Technology, but then I realised that the academic staff of that institute is already exempted under a proclamation. I think it is somewhat unwieldy to have a schedule to the Act which enumerates groups of people to be exempted, and at the same time have another provision to exempt others by virtue of proclamation.

First of all we have to look at section 6 and then acquire these proclamations. I am not suggesting we should do anything about it at this stage, but it may be as well, at a later stage, to tidy this matter up to exempt all the categories in the schedule.

The less we legislate by regulation, proclamation, or anything else of that nature the better the position will be. Legislation should be determined by this Parliament. Having made that comment, I move an amendment—

> Page 11, lines 17 and 18—Delete the passage ";and" and substitute the following passage—
>
> "Civil Emergency Services—persons actually engaged thereon;"

Amendment put and passed.

Mr. MENSAROS: I move an amendment—

Page 11—Insert after paragraph (a) in lines 14 to 17 the following new paragraphs to stand as paragraphs (b) and (c)—

(b) by adding immediately after the passage—

Mining managers and enginedrivers on mines in which not less than ten men are engaged in mining operations.

a passage as follows—

Murdoch University—the academic staff and the Secretary of.

(c) by adding immediately after the passage—

Nurses, registered as such according to law, if actually practising.

a passage as follows—

Parliamentary Commissioner for Administrative Investigations; and

Amendment put and passed.

Clause, as amended, put and passed.

Clause 31 put and passed.

New Clause 22—

Mr. T. D. EVANS: I move—

Page 9—Insert after clause 21 the following new clause to stand as clause 22—

Amendment to s. 36. (Mode of empanelling jury for a criminal trial.)

22. Subsection (2) of section 36 of the principal Act is amended by substituting for the words "as prior to the coming into operation of this Act has been customary", in lines four and five, the passage "to the extent authorised by subsection (2) of section thirty-eight of this Act".

I would point out that the only change in the amendment I have just moved, compared with the amendment printed on the notice paper, is that the words "of this Act" have been added after the words "thirty-eight".

New clause put and passed.

Title put and passed.

Bill reported with amendments.

DAIRY INDUSTRY BILL

In Committee

Resumed from the 22nd August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 40: Offence of over supply—

Progress was reported after clause 40 had been partly considered.

Mr. H. D. EVANS: When this Bill was last discussed on the 22nd August, reservations were expressed by members opposite in regard to this clause. The member for Katanning and the member for Wellington both indicated they were not happy with the wording of the clause as printed and I gave them an assurance I would refer it back to the Crown Law Department. I did this and I found that the explanation I had given in total was correct. However, a further detailed examination revealed that in regard to subclauses (1), (2), and (3) of clause 40 sufficient powers existed to provide for sufficient quotas of different kinds in the future. The clauses which permit this are 25, 36, and 46 and, as a consequence, the only contingency that is not covered is in the case of an overall quota restriction being required. This is a most unlikely circumstance and I cannot imagine it would ever arise.

As a consequence of this, clause 40 could be, to all intents and purposes, considered to be redundant. As is indicated on the notice paper, I therefore suggest that the clause be not agreed to. If this is done the two subclauses which were to have become (4) and (5) by means of an amendment which appeared on the notice paper previously will become subclauses (1) and (2) of a new clause 40 so that instead of allowing the authority the discretion to impose a penalty for failure to supply above the quota, the existing situation as it pertains with the Milk Board will remain operative and will be included in the legislation. That means that if a producer does not supply over and above his quota he is penalised only to the extent that the oversupply is not considered to be an extension of the quota. This was received by the Farmers' Union with approbation. It also appears to satisfy the requirements of the two members opposite as outlined when they spoke in the Committee stage previously. I suggest that this clause be not agreed to and if it is negatived it is my intention to insert a new clause.

Mr. I. W. MANNING: I support the move for the deletion of the clause. As I pointed out previously, the clause should not have found its way into the Bill. No situation would arise in the dairying industry to justify a provision of this nature, and I am pleased with the move proposed by the Minister.

At this late stage, after the Bill has been before us for a long period, it seems that wisdom has prevailed. I have studied the amendments which the Minister has placed on the notice paper, and also the one a copy of which he has forwarded to me. I raise no objection to the proposed new clause. When the Minister moves for its insertion I shall make some comments on it.

Mr. NALDER: I am grateful to the Minister for his reconsideration of this matter. The Premier might be agreeably

surprised with the situation that has developed, because previously he declared it was wasting the time of the Chamber.

Mr. J. T. Tonkin: You had made up your mind to defeat the Bill.

Mr. NALDER: No. It seems that when the Premier is put in a spot he tries to blame somebody else. We are dealing with an important provision, but members on this side were charged by the Premier with wasting the time of the Chamber. However, the Minister is now agreeable to the proposition which we put up previously. It is the duty of members of Parliament to put forward points which they believe should be covered by the legislation.

On this occasion a departure is made from legislation which has been in force in this State for many years, and it is proposed to effect changes. Therefore it is important that we do the best we can to make it good legislation. I am glad the Minister has looked into the matter and is prepared to agree to the deletion of the clause.

Mr. McPHARLIN: I support the remarks made by the member for Katanning. We on this side did level criticism at the provision in the clause under discussion. Of course, it is the job of the Opposition to criticise any measure with which it is not in agreement. Previously in the Committee stage we participated in the discussion because we were not happy with the wording of the provision. We finally agreed to effect an amendment to make it a better one.

The Minister has now indicated that he is prepared to vote against the clause and to insert a new one in its place. This shows that the doubts which we expressed previously were justified. The proposed new clause meets with our approval; it is the sort of provision we have been looking for.

Mr. BLAIKIE: I wish to record my appreciation of the tolerance shown by the Government in relation to its attitude to this amendment. I am pleased to see it has had a change of heart, and has taken notice of what members on this side have said. It is reassuring that the Premier has also seen the point which we were making; and that the Minister now seeks to delete the clause.

In Western Australia there is insufficient dairy production to meet the needs of the State. The proposal was that quotas be fixed, and that in respect of any form of over-supply the people involved be fined. That was a rather diabolical provision in the Bill.

Clause put and negatived.

Clause 41: Power of Authority to obtain information, etc.—

Mr. I. W. MANNING: I move an amendment—

Page 32, lines 21 and 22—Delete subclause (2).

This clause opens up a new principle; that is, the establishment of an advisory committee to advise the Dairy Industry Authority. If I understood the Minister correctly when he introduced the second reading, he said the purpose of the formation of an advisory committee was to satisfy the particular interests of the industry which would not be directly represented on the authority. I do not regard this as a very strong argument. What is more, the authority as now constituted comprises representatives of farmers, manufacturers, vendors, and consumers.

This committee would be an added expense, and I do not see any real case for its establishment. Both sections of the industry have an executive and I imagine that under a single authority the two executives will join forces and the views of the two sections will be presented to the authority. The manufacturers, vendors, and consumers will have direct representation. Consequently I can see no reason for the establishment of an advisory committee.

Mr. H. D. EVANS: At the time consideration was given to the composition of the authority and other related matters, it was realised that all aspects and facets of the industry could not be represented on the authority itself, and this realisation was the genesis of the advisory committee. A number of interested sections of the industry which have a direct involvement could wish to have access to ensure the authority was directly aware of their views. These include the shop owners, the Institute of Dairy Factory Managers—an expert body which could render useful advice—the Health Department, and other authorities associated with health. It might also be an appropriate place for the Chamber of Manufactures to be represented.

The cost would be minimal and a great deal of discretion is left to the authority in regard to the committee. For these reasons it is desirable that the provision remain. We do not want any section of the community to be disregarded.

Mr. NALDER: The Minister's argument is unconvincing. We will merely unnecessarily clutter up the authority with all sorts of committees. Already representations can be made to the Minister and to the authority. If an advisory committee is appointed the authority will face delays when desiring to make decisions. I support the member for Wellington in his opposition to the provision.

Mr. W. A. MANNING: I agree with those who are opposed to the establishment of an advisory committee. Even if an advisory committee was thought to be necessary, its members should certainly be independent. However, the terms of reference, membership, and fees are all to be determined by the authority. What would be

the use of an advisory committee under the complete control of the authority? Such a committee would be completely unnecessary and undesirable.

Mr. A. A. LEWIS: Again I must say we are intending to fragment a single authority. The Minister could help the industry by ensuring that the single authority does not have any extra appendages. I have spoken in the same vein on this subject on three different occasions. I do not believe the requirements of the industry will be satisfied in the long term with fragmented legislation.

Mr. I. W. MANNING: I wish to express my disappointment that the Minister has not seen merit in the case I have submitted but intends to persist with the provision. Already the various sections of the industry can present their cases to the board. I imagine this will be the situation in the future so what value would an advisory committee have? I just wish to express my disappointment that the Minister is persisting with this provision.

Mr. BLAIKIE: I express my disappointment that the Minister has not seen merit in the proposal to delete this subclause. Vendors will be represented on the dairy authority, to which the primary producers' organisations were opposed. The reason for the appointment of an advisory committee is no longer valid and it will be an additional cost to the authority. Clause 41 of the Bill states that the authority may obtain any information it considers necessary or expedient for exercising its powers or performing its duties, and it may obtain assistance or advice from any person or organisation. The authority will have sufficient power. I hope the Minister will agree with the argument put forward from this side of the Chamber.

Amendment put and negatived.

Mr. I. W. MANNING: My next amendment on the notice paper is consequential to the previous amendment, and I do not intend to proceed with it.

Clause put and passed.

Clauses 42 and 43 put and passed.

Clause 44: Power of Authority to require books of account, etc.—

Mr. I. W. MANNING: This clause contains a provision which one would not expect to find in a Bill of this nature. It reads, in part, as follows—

> 44. (1) For the purpose of carrying out the functions and powers conferred upon, and the duties imposed upon, it by this Act the Authority may require any person engaged in the business of—
>
> (a) dairyman, dairy produce vendor, manufacturer or dealer or of the transport or treatment of milk or dairy produce; or
>
> (b) using or occupying any storage place or any packing place,
>
> to produce to the Authority or make available for inspection by a duly authorized officer of the Authority, any books of account, and any other documents kept or prepared in connection with the business and to supply to the Authority or that officer such other particulars in relation to the business as the Authority may reasonably require.
>
> (2) The Authority may for a period not exceeding seven days retain the books of account or other documents so produced as required by the Authority and take copies of or extracts from them.

The right to enter premises and search and examine books of businesses would require a search warrant, and comes within the powers of the Police Force. Powers of this nature should not be given to the authority.

I would like to delete the whole of the clause but before moving my amendment I would like to hear some comment from the Minister.

Mr. H. D. EVANS: The reason for the inclusion of this clause is exactly the same as that for the inclusion of similar powers in the Milk Act. In the case of the Milk Act, the specified period is 14 days whereas in this Bill the specified period is seven days. If the member for Wellington takes exception to this provision I am surprised he did not take exception to other legislation discussed earlier.

Mr. I. W. MANNING: I am aware that a similar provision exists in the Milk Act but to my knowledge it has never been used. It is an objectionable provision to include in any legislation. To my knowledge the Milk Board has asked dairy farmers to submit returns and provide necessary information. I cannot understand why the dairy industry authority should require the right to enter and search, and take away books. I move an amendment—

Page 34—Delete subclause (2).

Mr. A. A. LEWIS: I would imagine that in any normal business practice people would object to their books being removed. I believe that any member from the other side of the Chamber would object very strongly to somebody else having possession of his books for seven days. The gentleman opposite who is grinning probably has blank books! I do not think anybody should have to provide anything more than fair and reasonable assistance to a Government department. I sometimes wonder whether this provision should be included in the iron-ore agreements so that the books of the companies

concerned can be removed for a period of seven days. I am sure the Minister will not suggest that we should do that.

Mr. H. D. Evans: It has been the case with milk for very many years.

Mr. A. A. LEWIS: I am not interested whether it has been the case since Adam was a boy. I am interested in the principle which I consider unnecessary. Any efficient accountant would be able to obtain the figures by sitting at a farmer's table for half a day. The Minister should show some initiative and say that this is a bad principle and has never been used by the Milk Board. He should have the guts to delete it. No! All we hear is that it has been with the Milk Board for years. Probably it was the case before I was born and, consequently, I was not able to protest about it. I ask the Minister to try it on some of his colleagues and see whether they are prepared to give their books to somebody for seven days. I think that they, too, would object strongly.

Amendment put and a division taken with the following result—

Ayes—20

Mr. Bialkie	Mr. Nalder
Mr. Coyne	Mr. O'Connor
Dr. Dadour	Mr. O'Neil
Mr. Grayden	Mr. Ridge
Mr. Hutchinson	Mr. Runciman
Mr. A. A. Lewis	Mr. Rushton
Mr. E. H. M. Lewis	Mr. Sibson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning *(Teller)*

Noes—20

Mr. Bickerton	Mr. Harman
Mr. Brady	Mr. Jamieson
Mr. Brown	Mr. Jones
Mr. Bryce	Mr. May
Mr. T. J. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Moiler *(Teller)*

Pairs

Ayes	Noes
Mr. Stephens	Mr. Bertram
Sir David Brand	Mr. Sewell
Mr. Gayfer	Mr. B. T. Burke
Mr. Thompson	Mr. Lapham
Sir Charles Court	Mr. Hartrey

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause put and passed.

Clause 45 put and passed.

Clause 46: Power of Authority to fix prices for milk, etc.—

Mr. H. D. EVANS: I move an amendment—

Page 36, line 26—Delete the word "maximum".

My reason for moving the amendment is that there is some fear as to what may be implied in the term "maximum". It is felt more desirable to ensure that the particular rates which are to apply be fixed without delineating maximum or minimum. For this reason I ask the Committee to agree to the deletion of the word "maximum".

Mr. I. W. MANNING: I do not oppose the amendment but I think the Minister should tell the Committee what the situation is with regard to the Commonwealth Equalisation Committee and the influence that this has on the prices of dairy products. Certainly it has an influence on the maximum price of dairy products. I would like to know this because the prices of butter and cheese are fixed—or, at least, recommended—by the Commonwealth Equalisation Committee.

Does the Minister see a conflict between the provision under discussion and the price fixing arrangement of the Commonwealth Equalisation Committee? If the Minister can give the Committe an explanation it may help to clear up our thinking on this clause.

Mr. H. D. EVANS: I can see no conflict at all. As the member for Wellington has pointed out, equalisation prices do stand and are fixed for butter and cheese. It is in the field of other dairy products that some initiative could be taken but full regard would have to be paid to the equalised prices as they would apply. I can see no conflict at all.

Amendment put and passed.

Mr. I. W. MANNING: I move an amendment—

Page 36, lines 30 to 32—Delete the passage "or any other service of whatever kind connected with the production, storage or distribution".

I refer the Committee to paragraph (c) of subclause (1) of clause 46. To fix the rates of charges for the collection, transport, carriage, manufacture, treatment, storage, distribution, supply or delivery of milk is incidental because, very largely, this is done today with milk.

The price to the farmer is fixed. There are agreed fixed margins paid to the companies in the various stages of the treatment and handling of milk. This applies right through to the price paid by the consumer. However the words "or any other service of whatever kind connected with the production, storage or distribution of milk" are the relevant ones. I do not know what the Minister has in mind unless it is the white rubber boots and the white coats which people wear or something else like this.

I think the inclusion of those words in the clause will impose on the authority a requirement which goes to the extreme. If it is intended to fix prices and margins on collection, transport, treatment, handling, etc., those various stages in the movement of the product are set out, but the inclusion of the words "or any other service of whatever kind connected with the production, storage or distribution" is taking it too far. I believe it would only

complicate the requirements imposed upon the authority. I recommend to the Committee the deletion of those words from this provision, in all common sense.

Mr. H. D. EVANS: I think the member for Wellington is trying to read into this clause something which is not intended. It must be remembered that the operation of the authority is to be in the interests of the industry. The types of service within the industry for which a charge must necessarily be made are listed. They are services which can be recognised at the moment. The words which the member for Wellington seeks to have deleted will enable the authority to take action on any services which may arise in the future but which are not recognised at this time.

Perhaps the best illustration is that of specialised testing of milk, on which a great deal of research is currently being undertaken. It would be far better to make an overall charge rather than cope with the separate accounting and bookkeeping which would otherwise be required. The reason for the provision is to allow the inclusion of services which have not yet been recognised.

Mr. E. H. M. Lewis: Would it cover the production of pasture on the property and so on?

Mr. H. D. EVANS: No.

Mr. NALDER: I support the contentions of the member for Wellington. The Minister seems to think there is some hidden mystery in this matter and that he must tie up everything in such a way that there will be no chance of anything unforeseen happening. The provision covers everything that could possibly be included. If another situation develops at a future time, surely it can be tackled when it arises. I think we are doing the industry a disservice in tying it up hand and foot so that there is no chance of anything unforeseen happening.

Mr. E. H. M. Lewis: Leg-roping it.

Mr. NALDER: Yes. I think the proposal of the member for Wellington is quite sound. If we try to anticipate everything that could happen in the future, we could be here until doomsday, dotting every "i" and crossing every "t".

Mr. J. T. Tonkin: The way things are going it looks as though we will be.

Mr. NALDER: That is up to the Premier, if he wants to extend the session. We would not be in this situation tonight had the legislation been dealt with before. It has been before the Chamber for seven months.

Mr. J. T. Tonkin: And you wanted it delayed for several months.

Mr. NALDER: The Premier is trying to get out of his responsibility but he is not succeeding.

Mr. J. T. Tonkin: That is what you said.

Mr. NALDER: It is obvious that much more thought should have been given to the Bill before it was brought to the Chamber.

Mr. H. D. Evans: You are joking.

Mr. NALDER: I have never seen on a notice paper so many amendments to a Bill.

The CHAIRMAN: Order! The honourable member must stick to the amendment.

Mr. NALDER: I think the proposal of the member for Wellington is sound and I support it.

Amendment put and a division taken with the following result—

Ayes—20

Mr. Blaikie	Mr. Nalder
Mr. Coyne	Mr. O'Connor
Dr. Dadour	Mr. O'Neil
Mr. Grayden	Mr. Ridge
Mr. Hutchinson	Mr. Runciman
Mr. A. A. Lewis	Mr. Rushton
Mr. E. H. M. Lewis	Mr. Sibson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning *(Teller)*

Noes—20

Mr. Bickerton	Mr. Harman
Mr. Brady	Mr. Jamieson
Mr. Brown	Mr. Jones
Mr. Bryce	Mr. May
Mr. T. J. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Moiler *(Teller)*

Pairs

Ayes	Noes
Mr. Stephens	Mr. Bertram
Sir David Brand	Mr. Sewell
Mr. Gayfer	Mr. Lapham
Mr. Thompson	Mr. Hartrey
Sir Charles Court	Mr. B. T. Burke

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause, as amended, put and passed

Clause 47: Power of the Authority to declare dairy produce—

Mr. I. W. MANNING: I propose to move that this clause be deleted.

The CHAIRMAN: Just vote against it.

Mr. I. W. MANNING: I propose later on to move for a new clause 47 if the Committee agrees to the deletion of the existing clause.

The new clause would read as follows—

47. (1) The Governor by proclamation published in the *Government Gazette* may declare any produce to be declared dairy produce for the purpose of section 46.

(2) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(3) The provisions of section 36 of the Interpretation Act, 1918 apply to every proclamation made under this section as if the proclamation were a regulation.

The provisions of proposed new clause 47 would be applicable to products such as ice cream, yoghurt, choc-milk, or any new variety of milk or dairy produce. The purpose of the new clause is to require the authority to have the proclamation laid upon the Table of the House and available for debate if necessary. I believe there is a great deal of merit in this proposition. The powers to be given to the dairy industry authority are fairly wide-ranging and it will be a safeguard if the policy of the authority may be debated by members of this Chamber.

Mr. H. D. EVANS: I have no objection to the proposed new clause. Consequently, I do not object to the move proposed by the member for Wellington.

Clause put and negatived.

Clause 48: Constitution of Dairy Industry Prices Tribunal—

Mr. I. W. MANNING: I would ask members to vote against this clause. We have touched on the principle earlier, I know, but by this clause it is proposed to establish the dairy industry prices tribunal. It has already been said in the debate, and I want to emphasise again, that this provision is a grave mistake in the legislation.

Subclause (2) sets out the membership of the tribunal. It has been said earlier that the members of the dairy industry authority would be the best people to determine the price to be paid at various stages of the production, handling, and treatment of milk.

Let us look at the staff of the Milk Board today with the realisation that the same staff would be available to the dairy industry authority. Subclause (2) provides that the membership of the prices tribunal will be the manager who will not have any special qualifications in relation to price fixing, a Public Service officer—I would imagine the Minister would seek to appoint a person with some expert knowledge of price fixing or accountancy—and a representative of the consumers. This last person could be a woman or someone without any particular qualifications. When we compare a tribunal made up in this way with the proposed membership of the dairy industry authority, we must be disappointed that the Minister has disregarded the expertise available to the authority.

Representatives of different sections of the industry will make up the membership of the authority, and members will be aware that this will include farmers well versed in the costs of production, representatives of manufacturers who are certainly expert in determining prices and margins for the treatment and handling of milk, and representatives of the vendors who have a very close interest in and an expert knowledge of the pricing arrangement in their section of the industry. Added to this, the authority will have available the expert staff presently available to the Milk Board who are well experienced in this activity.

The authority is to be composed of carefully selected representatives of the industry. It seems a pity that much of the administration of the industry is not given directly to the authority. The establishment of a price fixing tribunal is quite unnecessary. The tribunal could not be as knowledgeable as the authority itself.

The authority must accept or reject the recommendations of the tribunal, and this seems to create an amazing situation. Let us say that the price fixing tribunal agrees on prices and margins and submits these to the authority. What will happen if the authority rejects the recommendations of the tribunal? The Bill does not say, but I imagine that the whole exercise must be recommenced—the price fixing tribunal must set out to fix some other price. We will confuse the industry completely if we adopt this procedure. It will be far better to give the price fixing power directly to the authority. I recommend that the committee vote against this clause.

Mr. H. D. EVANS: I must ask the Committee not to defeat the clause. I point out to the member for Wellington that, as he suggests, the members of the authority certainly would be conversant with the industry. However, each member will deal with prices and margins in respect of his personal interest, and even though they may be men of the greatest integrity the public will question whether justice has been done. In the maxim of the legal gentlemen, justice must not only be done but it must also be seen to be done.

We all know that an increase in the price of milk or any other basic food item creates considerable anxiety, and naturally so, in the mind of the public. So a tribunal, the members of which are certainly divorced from any suggestion that they are personally involved in the industry, will give a much more objective appraisal of margins and prices. This structure is designed to result in every segment of the industry receiving fair consideration.

With regard to the authority, what man would be better versed to present the thoughts and the attitude of the authority than the manager? This is particularly so bearing in mind the potential appointee for the position of manager would be most admirably equipped to present the feelings of the authority as a corporate body. Perhaps it would be desirable to introduce commercial expertise to the authority, but if we specify this it would tend to give

rise to the possibility of a tied vote. For that reason I am hesitant to do so. However, due regard will be given to the consumers' representative to ensure that market expertise is available. The Public Service offers a wide choice of competent and objective men.

The member for Wellington also referred to the expertise of the Milk Board. When that board presents suggested prices, the Minister must turn to his advisers to check the veracity of the figures presented to him. So this brings in another element; it is not only the expertise of the Milk Board which is involved. I recall in 1971 a 2c price increase was suggested by the board, but the board's suggestion was not sufficient for the Government to agree to it without investigation. So such expertise is not good enough just on its own.

I feel an independent tribunal will be a great advantage to the industry. The cost will be minimal because we will not incur expense in the appointment of a chairman and the public servant member. We will only incur expense in the case of the third member.

Mr. McPHARLIN: I cannot agree with the Minister. He said that the Milk Board recommends price adjustments, and that such adjustments are not always accepted by the Minister. I take it that the proposition to appoint a prices tribunal is an endeavour to remove the matter of prices from political influence.

Mr. H. D. Evans: I did not suggest that political influence had been involved previously in regard to price fixing.

Mr. McPHARLIN: I drew that inference. If the tribunal makes a recommendation the authority may accept or reject it; it cannot amend it. If it were rejected it would not reach the Minister. It appears that this is an attempt to give the authority the final say about price changes.

Mr. H. D. Evans: Subject always to the Minister.

Mr. McPHARLIN: Will they still have to go to the Minister?

Mr. H. D. Evans: Yes; he is in an overriding position. The entire Bill is subject to him.

Mr. McPHARLIN: I think that adds weight to the argument that the tribunal is unnecessary. The authority will have the expertise and the power to investigate and recommend prices, without the need for a tribunal.

We have already had considerable discussion on this matter, and I think it is obvious that the tribunal is superfluous. I note that its members are to be appointed for a term not exceeding seven years, whilst the period of office of members of the authority is not more than three years. Would the Minister clarify that?

I support the member for Wellington in his desire to defeat the clause.

Mr. BLAIKIE: I have spoken on the matter of the tribunal on previous occasions, but I intend once again to record my objection to it. The member for Wellington and the Leader of the Country Party have already stated in detail their objections to this clause, and I do not intend to go over what they said. However, one factor that was not raised is that the authority will have the opportunity to do all things related to price fixing, and its chairman will be the representative of consumers. So the authority will represent all persons concerned in the industry. I believe it will have all the necessary expertise, and that the appointment of a tribunal will only overburden the authority. I do not agree with the appointment of members of the tribunal for a seven-year term, and under no circumstances will I have a bar of the type of persons the Government will appoint to the tribunal.

I do not believe the State Government, or the Labor Party in general, has any consideration for rural people or rural problems. When one looks at the Federal Budget and also evaluates the consideration the State Government has given the dairying industry one finds they do not instill confidence. I have no intention of supporting the clause in this Bill which will give the Minister and the Labor Party an open cheque to appoint anyone they so desire. I support the measure that has been proposed by the member for Wellington and I oppose the provision in this legislation to set up a tribunal.

Mr. W. A. MANNING: I wonder whether the Minister could explain to the Committee why we need yet another authority to deal with prices. We have just dealt with the Excessive Prices Prevention Bill to set up a consumer protection organisation to deal with prices. Under this Bill we now seek to set up another expensive tribunal. Which one has control over the other, because they overlap? How many more authorities do we need? Will the people appointed to the proposed authority be the same as those who are appointed as members of other organisations? Where are we heading with these authorities? What will be their respective responsibilities?

Clause put and passed.

Clauses 49 to 56 put and passed.

Clause 57: Licences—

Mr. RUSHTON: Apart from being of interest to me, this clause must interest you, Mr. Chairman, and also the member for Narrogin and many others, as it relates to the production of scalded cream which is greatly enjoyed by the general public. Under this clause it is noted that the authority will have the ability to put it off the market and, if this were done, it would annoy a number of people.

In the past scalded cream was available at many stalls situated on the roadside in your area, Mr. Chairman, and also in mine.

but as it was decided that the stalls constituted a road hazard they were closed down. Eventually one individual decided he would produce scalded cream and I understand he is still producing it to quite an extent. Producers and others have said that this commodity should not be placed on the market in the way it is at the moment. From the inquiries I have made into the rights and wrongs of the manner in which this product is manufactured and presented for sale, I can assure all members that it was placed under close scrutiny by the Milk Board and was found to be of a high standard.

I also found that this product had a potential market with the ships that pass through Fremantle to Darwin, Singapore, and other places. The marketing of scalded cream could mean a tremendous boost to the income of those who produce it. So that it may be recorded in *Hansard*, perhaps the Minister could indicate that this proposed authority could allow not only large but also small manufacturers to engage in the production of scalded cream. It is a product that is enjoyed by many members of the public and I, for one, would regret most sincerely if it were not freely available on the local market.

I therefore hope the Minister will indicate that, under this clause, it is his intention to ensure that scalded cream will be produced to a greater extent than it is at the moment. Up till now the larger manufacturers have not been able to match the price charged by the smaller producer who is able to produce a commodity that is acceptable to the people and at an economic price.

Mr. H. D. EVANS: This is a question which ultimately will have to be resolved by the proposed authority in accordance with its attitude towards marketing and price fixing. There is sufficient power in the legislation for the authority to promote the production not only of existing dairy products but also of new types. To that extent the authority would be involved in the promotion not only of scalded cream but also of other dairy products. Research has been made into other dairy products such as yoghurt and cottage cheese, and this has opened up additional markets for these products. This is a matter which will exercise the attention of the authority, and no doubt it will assist in the promotion of these products.

A further significant factor is the competition from Victoria. This is a factor which the authority will have to give consideration to overcoming. However, provision is made for promotion, and I imagine the authority and the representatives of those particular facets of the industry would be very conscious of seizing every opportunity that is available for promotion.

Clause put and passed.

Clauses 58 to 61 put and passed.

Clause 62: Power of Authority to refuse to issue licence, etc.—

Mr. I. W. MANNING: I move an amendment—

Page 48—Delete paragraph (c).

I draw attention to subclause (4) which states—

> (4) (a) A person so notified or a person whose application for a licence has been refused may, in the manner and within the time prescribed, appeal against the cancellation or refusal to a court of petty sessions constituted by a stipendiary magistrate sitting alone.
>
> (b) The court of petty sessions shall hear and determine the appeal and its decision is final and shall be given effect by the Authority.
>
> (c) The court of petty sessions hearing an appeal under this section is not, for the purposes of that hearing, bound by the rules of evidence and may inform itself on the matter of the appeal in such manner as it thinks fit.

If paragraph (c) is deleted then the rules of evidence will prevail. The rules of evidence offer the opportunity to appellants to bring forward witnesses and to cross-examine witnesses. In this situation it appears to me to be very wrong for a Court of Petty Sessions hearing such appeals not to be bound by the rules of evidence.

This is a half-baked arrangement, and it is most unsatisfactory to me. Where a Court of Petty Sessions comprises a stipendiary magistrate sitting alone, he could inquire of the authority or anybody else about a particular problem or situation in respect of an appeal; and in my opinion he would be completely influenced by such expression of opinion.

The appellant concerned could be aggrieved because he is denied the opportunity to produce witnesses or to cross-examine witnesses. The result of an appeal would depend on the party of which the stipendiary magistrate has made inquiries as to why, for instance, a producer was not issued with a license or a quota.

Mr. H. D. EVANS: Consideration has been given to the type and nature of appeals. It was felt that because of the involved nature of the various factors to be considered the stipendiary magistrate would be best equipped to deal with the cases. Because of the need for expedition in dealing with appeals it was considered that the stipendiary magistrate should not be bound by the rules of evidence, because if he is delays would occur. It is felt that the provision in clause 62 is the most satisfactory to meet the contingencies which can be expected.

Mr. I. W. MANNING: I hope the Committee will not dismiss this matter lightly. I draw attention to the powers of the authority to refuse to issue licenses. Under subclause (4) (b) the Court of Petty Sessions will hear and determine appeals, and its decision will be final. A person who is affected might wish to appeal against such expression of opinion by the authority. Surely the appellant should be given the opportunity to bring forward evidence to indicate that he is a fit and proper person to hold a license, and he should be given the opportunity to cross-examine witnesses who consider him not to be a fit and proper person.

In all reasonableness I urge members to agree to the deletion of paragraph (c), and so allow the rules of evidence to prevail. What is contained in paragraph (c) is unreasonable.

Amendment put and a division taken with the following result—

Ayes—18

Mr. Blaikie	Mr. O'Connor
Mr. Coyne	Mr. O'Neil
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. A. A. Lewis	Mr. Sibson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
	(Teller)

Noes—20

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. W. A. Manning
Mr. T. J. Burke	Mr. May
Mr. Cook	Mr. McIver
Mr. Davies	Mr. Norton
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Harman	Mr. Moller
	(Teller)

Pairs

Ayes	Noes
Mr. Stephens	Mr. Bertram
Sir David Brand	Mr. Sewell
Mr. Gayfer	Mr. Lapham
Mr. Thompson	Mr. Hartrey
Sir Charles Court	Mr. B. T. Burke
Mr. Nalder	Mr. Bryce

Amendment thus negatived.

Clause put and passed.

Clauses 63 to 65 put and passed.

Clause 66: Vesting of milk in the Authority—

Mr. I. W. MANNING: I have on the notice paper an amendment to the clause but I propose to appeal to the Committee to vote against the clause which deals with the vesting of milk. This subject has been a very contentious one in the dairying districts for as long as I can recall, at least since we have had a Milk Board. Under the clause the authority would purchase the milk from the farmer and either pay the milk companies to treat and handle it or sell it to them to enable them to do so themselves.

Many side benefits are to be gained by the farmer from his relationship with the company of his choice. The company can help the farmer in many ways, such as ticking up his fertiliser, fodder, and other commodities; and, in many instances, the company provides finance for the construction of new dairies, for the purchase and installation of bulk milk vats which are costly items, and for a host of other purposes. All these benefits will go by the board if this clause is passed. Another reason farmers do not desire this clause to be accepted is that many of them are shareholders in one or another of the dairy companies. I suppose almost every farmer is a shareholder of one company or another and therefore farmers desire the companies to prosper.

The Minister has not submitted any case for vesting. He said that because of the problem of collecting the license fees it would be far better if the milk were sold to the authority because then the authority could issue a levy accordingly. This is probably true, but it is all very well for a person sitting in an office chair to make certain suggestions; they do not always suit the person in the country to whom the provisions are applicable.

The disadvantages of vesting far outweigh any advantages which may be achieved. If the only advantage concerns the license fees, there is certainly no sound case for vesting. If the milk authority were the sole purchaser of the milk it would have the opportunity to direct the milk from certain areas to specified factories. Although some support exists for such a situation, there is a great deal of objection to it. I appeal to the Committee to vote against the clause.

Mr. H. D. EVANS: I am aware that the question of vesting has given rise to concern, debate, and discussion but at the same time there are several aspects which the member for Wellington did not bring forward.

Vesting will be most desirable, if not essential, because funds will be necessary to enable the authority to perform certain of its functions. With regard to promotional activities there has to be a source of funds. It has been shown that any levy placed upon the volume of supply, or the handling of throughput, tends to be considered as a tax. The view of the Crown Law Department is that such a levy could not rightfully be imposed and survive a challenge.

It should be noted that the implementation of any national scheme will require vesting to enable it to operate. Also, certain aspects of milk treatment which exist at the moment could well be obviated. Some which have been reported have a detrimental effect on the industry as a whole, but have certain beneficial effects in certain areas.

The relationship between the company and the individual is unnecessarily disturbed if there is a provision for a lien to be taken out. It could well be that milk would be channelled to the company

chosen by the producer, but on the other hand the milk could be channelled to another company. However, that would have no deleterious effect, and there should be no problem.

Mr. McPharlin: How does the system operate in New South Wales?

Mr. H. D. EVANS: The authority is to enter the whole-milk field in New South Wales and it will give the matter full attention by the time the Broken Hill area and the north-east corner are covered by the end of this year. It is anticipated that a situation similar to that which will exist in Western Australia will then obtain. However, it is still experimental.

Mr. McPHARLIN: I support the move of the member for Wellington. When we debated the Bill earlier there was considerable opposition from our side to the appointment of departmental officers. I believe that vesting provisions exist in New South Wales but they have not been used. I expect that it is the intention not to use the vesting provisions in Western Australia but I do not think it is good enough to include them in the Bill. My fear is that because the authority will have departmental control, and be in the hands of a Government which has socialistic policies, the administration will not be in the best interests of the industry. I support the proposal put forward by the member for Wellington.

Mr. BLAIKIE: I also support the member for Wellington in his attempt to delete the vesting provisions contained in the Bill. The measure as it stands will break new ground and we will be the first State in Australia to vest its entire dairy products.

Mr. H. D. Evans: New South Wales intends to include vesting provisions when it has sorted out the whole-milk industry.

Mr. BLAIKIE: I would go along with that. Let us get the authority operating first and then add the vesting provisions at a later stage. If the authority is to work effectively, which I hope it will, it is most essential that an air of goodwill prevails throughout the entire industry. It is essential that every encouragement be given to the producer to increase his production. Increased production and increased throughput to the manufacturer will bring about an increase in price, and unless there is an increase in price the manufacturing sector will go out of existence.

I have never heard sufficiently good argument put forward for vesting all the dairy products of this State. The only argument advanced by the Minister in favour of vesting has been simply to collect levies. I believe that levies can be collected in other areas from other sources.

We desire to have a spirit of enterprise, co-operation, and competition, and vesting provisions cut right across those objectives. The New South Wales Act has been in operation since 1971 and the Minister has said that the authority in that State intends to look into total vesting at some time in the future.

Some real fears in relation to vesting have been expressed to me by producers. The authority could, under vesting provisions, decide not to collect cream for butter production. Those engaged in cream production also raise calves and pigs.

I ask the Minister: What happens to these people? This is the power which the authority will have. If the Minister says in reply that the authority will not use the power, why have it in the first place? If the collection of levies is the only argument that can be put forward for the inclusion of the vesting provisions, once again I am opposed to the provisions, because I am still convinced that the collection of levies can be made from avenues quite apart from vesting.

The situation, as it has been presented to me, is that the producers of cream are concerned over these provisions. They think that the authority, should it have these provisions, may decide at a future date that cream will no longer be picked up. Concern is also felt that the authority will direct the supply of produce to a particular manufacturer in a particular area, thus taking away competition.

It is conceded that there will be a multiplication of transport. I certainly do not like this. There is a major difference between the rationalisation of an industry and vesting.

I believe the companies concerned with the dairy industry have at last seen what the industry requires. I also believe we can see the evidence from what has happened in the last couple of years in the Denmark and Manjimup areas where rationalisation by the companies has taken place. This has occurred in the butter-fat producing areas. I believe that further rationalisation will take place in my electorate.

Whilst on the subject of rationalisation and competition I mention that in my electorate a group of farmers have banded together and collectively sell to the companies some 300,000 lb. of butterfat per year. They do this on a contract basis and are relatively happy with the situation. At the moment they have the right to choose to whom they will sell their produce but, with vesting provisions, this advantage will be denied to them. From what they have told me they are opposed to the provisions of vesting.

These are the avenues which are available to producers. I am sure the companies will realise that they themselves must rationalise the transport costs in the industry, particularly in the manufacturing sectors. There is fierce, intense competition in the whole-milk sector—the liquid

consumption area. This has been the case for many years. Is it the authority's intention to take away the competition which has built up over the number of years the whole-milk sector has been in operation? I have been critical of the whole-milk sector of the industry but critical from a jealous point of view. I am being quite honest about this.

I would like to know how many whole-milk producers would be prepared to back the vesting provisions whereby the right of competition is taken away from them. This is what this provision intends to do.

I trust I have given an explanation to the Committee. Under no circumstances do I wish to see the Bill lost because I believe it is essential. I do not agree with some of the provisions in the measure and this is one of them. However, I believe the authority ought to become operative as soon as possible. Given the power to become operative the authority can then see whether, in fact, it does need vesting provisions. Let it get off the ground first and let us not sign an open cheque for it in the initial stages.

As I said a short while ago, this has not been necessary in any other State of the Commonwealth. Nevertheless, Western Australia, without having any basis upon which to work, is attempting to make dairy industry history by providing total vesting. For these reasons I support the amendment moved by the member for Wellington to delete the vesting provision from the measure.

Mr. I. W. MANNING: I should like to comment briefly on one or two points made by the Minister for Agriculture. The situation in the other States is very much as the member for Vasse has said. The legislation before us is patterned very largely on the New South Wales legislation.

Along with other members, I discussed the New South Wales Act with the milk authority in that State. In particular, I discussed the question of vesting because the New South Wales Act has provision for total vesting. However, the authority there was quick to say, in its own words, that it would not be game to impose vesting on manufacturing milk.

In each State the dairy industry is, to a degree, characteristic of the area and the farmers have been brought up with the legislation under which they now work. Of course Victoria has had vesting of whole milk for a long period of time. A number of dairy farmers in Western Australia who migrated to this State from Victoria have claimed that they came here to get away from vesting. I consider this is quite significant.

As has been said by other members, vesting kills the initiative incentive of the companies. They provide a service and maintain a contact with the farmers today which, under vesting, would be quite unnecessary. The farmer would be required to make his milk available for pick-up and delivery to the company and the company would merely handle the product for the authority. Consequently, any relationship between the company and the farmer would be quite unnecessary and would very soon die out, in my opinion, because it exists today only because of sheer necessity. A company is anxious to have as many producers associated with it as is possible and goes out after producers by offering incentives and services. This would be quite unnecessary under vesting and many farmers view the possibility with quite a deal of concern.

I do not want to labour the point. Most of the ground has been covered by other speakers. We are dealing with a very contentious subject in providing for vesting in the manner which is proposed in this measure. Vesting has been provided for in the current Milk Act but it is only to be implemented in a state of emergency. In my view, that is how it should have been written into this legislation.

Clause put and a division taken with the following result—

Ayes—20

Mr. Bickerton	Mr. Harman
Mr. Brady	Mr. Jamieson
Mr. Brown	Mr. Jones
Mr. Bryce	Mr. May
Mr. T. J. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Moiler

(Teller)

Noes—20

Mr. Blaikie	Mr. Mensaros
Sir Charles Court	Mr. O'Connor
Mr. Coyne	Mr. O'Neil
Dr. Dadour	Mr. Ridge
Mr. Grayden	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. A. A. Lewis	Mr. Sibson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. Bertram	Mr. Stephens
Mr. Lapham	Sir David Brand
Mr. Hartrey	Mr. Gayfer
Mr. Sewell	Mr. Thompson
Mr. B. T. Burke	Mr. Nalder

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

Clause thus passed.

Clauses 67 to 74 put and passed.

Clause 75: Authority protected in certain cases—

Mr. BLAIKIE: I wish to ask the Minister to give some explanation of the meaning of the first three or four lines of this clause. I will read them out—

> If before receiving notice of claim to any payment for milk vested in the Authority or to the chose in action or any part thereof the subject matter

of that payment the Authority has in good faith and without negligence made that payment . . .

The words I want clarified are "or to the chose in action".

Mr. H. D. EVANS: That is a matter of drafting which I have accepted. I will check it with the draftsman in order to ensure the honourable member is satisfied.

Clause put and passed.

Clauses 76 to 83 put and passed.

Clause 84: Report and accounts of Authority to be furnished annually to Minister—

Mr. I. W. MANNING: I would like to tidy up subclause (2) of clause 84. It reads—

(2) The Minister shall, on receipt of the report and the accounts, cause copies of the report and those accounts to be laid as soon as practicable before both Houses of Parliament.

I propose to move that the words "before each House of Parliament within fourteen sitting days of that House" be substituted for the words "as soon as practicable before both Houses of Parliament". I am seeking to dispose of the implications contained in the word "practicable" and set out definitely what is required. I move an amendment—

Page 62, lines 3 and 4—Delete the words "as soon as practicable before both Houses of Parliament".

I think the amendment is desirable and I would like to hear the Minister's comments on it.

Mr. H. D. EVANS: I think the words which the member for Wellington wishes to substitute are far too demanding. I do not know of any other instance in which it is required that reports be tabled in Parliament within 14 sitting days. If such a requirement could be complied with, what would be the situation? I am sure that, as with every other department and authority, the reports will be tabled as early and expeditiously as possible. I do not think the stipulation of the time is very practical or meaningful, and I oppose it.

Amendment put and negatived.

Clause put and passed.

Clause 85: Authority to pay Department amount towards defraying cost of certain services—

Mr. I. W. MANNING: I will seek to have this clause defeated, but in the first instance I would like an explanation of it. It reads—

The Authority shall remit to the Department annually such sum of money calculated as prescribed towards defraying the cost of the supervisory, laboratory, milk or dairy produce grading activities of the Department or any services performed by the Department on behalf of the Authority.

I am interested to know where we are going with a provision of this nature, what is to be the role of the Department of Agriculture, and whether there is to be a complete departure from the accepted role as we know it today. The department undertakes certain work such as supervisory work and extension services, and in certain instances even inspection services are undertaken by the department under its vote.

If the department is going to make a charge for its services, surely this will conflict with the accepted role of a Government department, and particularly the Department of Agriculture whose purpose is to go out into agricultural areas and provide supervisory extension services. If the department makes a charge against the authority, it will come from someone's pocket—either the pocket of the farmer or that of the consumer of dairy produce. I believe we need an adequate explanation if this clause is to remain in the legislation.

Mr. H. D. EVANS: There will be no diminution of the traditional role of the department. The work of the department will extend into the field of supervision, including laboratory testing currently carried out by the Milk Board. These services are already a cost on the industry and under the provisions of the legislation the money will be recouped in a slightly different manner. A charge will be made by the department on the levies to which the Milk Board has access.

Mr. I. W. Manning: Does the department charge for these services now?

Mr. H. D. EVANS: In its supervisory capacity, no, but I understand that it charges for certain testing. It is this service which will be extended. It is preferable that rather than a direct charge being made, we should make a calculation upon the integral operation of the many roles of the department. In that way the most economic and effective application of the department's resources will be available to the authority.

Mr. I. W. MANNING: Would these charges come under the administration or jurisdiction of the price fixing tribunal? If it is to be a charge on the industry, some definite scale of charges should be laid down. It introduces a very peculiar state of affairs if the department is simply allowed to say to the authority, "You owe us so much for this job."

Clause put and passed.

Clauses 86 to 88 put and passed.

Clause 89: Saving of rights, etc., of certain inspectors—

Mr. H. D. EVANS: I move an amendment—

Page 63, line 25—Delete the word "inspector" and substitute the words "health surveyor".

This amendment is the result of a request from the Public Health Department to conform with its terminology requirements.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 90: Inspectors—

Mr. H. D. EVANS: For the same reason I move an amendment—

Page 64, line 5—Delete the word "Inspectors" and substitute the word "Surveyors".

Amendment put and passed.

Mr. H. D. EVANS: I move an amendment—

Page 64, line 7—Delete the word "Inspector" and substitute the word "Surveyor".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 91 to 106 put and passed.

New clause 6—

Mr. I. W. MANNING: I move—

Page 7—Insert after clause 5 the following new clause to stand as clause 6—

Proclamation of dairy produce.

6. (1) The Governor may from time to time by proclamation published in the *Government Gazette* declare any substance, not being milk, in the production or manufacture of which—

(a) milk is used; or

(b) any substance produced or manufactured from milk is used, and which is ordinarily used as a food for humans,

to be dairy produce for the purpose of this Act.

(2) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(3) The provisions of section 36 of the Interpretation Act, 1918 apply to every proclamation made under this section as if the proclamation were a regulation.

A most desirable part of the new clause is the provision which requires proclamations to be laid upon the Table of the House for approval.

Mr. H. D. EVANS: I have no objection to the new clause.

New clause put and passed.

New clause 30—

Mr. H. D. EVANS: I move—

Page 26—Insert after clause 29 the following new clause to stand as clause 30—

Transfer of quotas.

30. (1) The Authority shall—

(a) as soon as practicable after the coming into operation of this section in relation to applications under paragraph (a) of subsection (4) of this section; and

(b) from time to time thereafter as the Authority considers necessary or as requested by the Minister in relation to all or any of the types of applications under this section,

submit to the Minister a statement in writing setting out its recommendations as to the bases or principles on which applications under this section should be determined.

(2) The Minister shall, after considering any statement submitted to him under subsection (1) of this section, furnish the Authority with directions, not inconsistent with this Act, as to the bases or principles on which the Authority is to determine applications made to it under this section, and in determining such applications, the Authority shall comply with such directions as are for the time being in effect.

(3) Without limiting the generality of subsection (2) of this section, it is hereby declared that a direction may be made by the Minister prohibiting the Authority from granting any particular class or classes of applications made to it under this section for such period or periods as the Minister directs.

(4) Any person who holds a quota may apply in writing to the Authority in a form approved by the Authority—

(a) for the approval of the Authority to the transfer of the whole or part of that quota

to another person specified in the application;

(b) for the consent of the Authority for the surrender to it of the whole or part of that quota subject to the payment by the Authority to him of an amount of compensation to be agreed between the Authority and him.

(5) Any person may apply to the Authority for the grant to him, subject to the payment by him of an amount to be agreed between the Authority and him, of the whole or any part of a quota surrendered to the Authority under this section, if that person, at the time of making the application, is licensed under this Act for the production of the class of milk to which that quota relates.

(6) Subject to the preceding provisions of this section, the Authority shall consider every application made to it in accordance with this section and shall approve or refuse the application and shall, in either case, advise the applicant in writing of its decision.

(7) Where an application has been made under this section for the grant of a quota or part of a quota surrendered to the Authority, the amount to be paid on approval of the application and prior to the grant shall be an amount which is equal to the amount paid by the Authority upon the surrender to it of the quota or part of the quota which is proposed to be so granted.

(8) Where an applicant for a transfer of a quota or part of a quota considers that the Authority failed in considering his application to comply with, or give effect to, the directions given to it in that regard by the Minister under subsection (2) of this section, the applicant may within twenty-eight days of receiving from the Authority written advice of the decision of the Authority with respect to that application appeal in writing on that ground only to the Quota Appeals Committee established under this Act against the refusal of the Authority to approve the transfer of a quota or part of a quota and the applicant shall set out in his appeal the grounds on which the appeal is made.

(9) The Quota Appeals Committee shall consider each appeal made to it in accordance with subsection (8) of this section and may confirm, vary or set aside the decision of the Authority, and the decision of that Committee on the appeal is final and not subject to any appeal.

(10) The decision of the Quota Appeals Committee on such an appeal shall be given effect according to its tenor, by the Authority.

(11) A person shall not, without the prior approval in writing of the Authority granted under this section, transfer a quota or part of a quota from himself to another.

Penalty: For a first offence, a fine not exceeding two hundred and fifty dollars and for a second or subsequent offence a fine not exceeding five hundred dollars.

This new clause clears up a number of misapprehensions on the part of members opposite. Briefly, it requires that the authority shall draw up its bases and principles pertaining to the issuing of quotas in the forthcoming year. It gives to the authority the flexibility it has long required. It means that if the authority so wishes it may repurchase and reallocate quotas in any manner it thinks fit. The authority must submit a recommendation to the Minister, and this principle has worked effectively in the wheat and egg industries.

Mr. I. W. MANNING: The new clause deals with the negotiability of quotas. During the second reading debate the Opposition pointed out the omission of such a provision from the Bill, and appealed to the Minister to provide one. In the past it has been possible to transfer a quota from one person to another by transferring the property. However, that involves a lot of negotiation, and this method is much more desirable. I commend the Minister for producing the new clause.

Mr. RUSHTON: This matter has attracted serious thought throughout the industry for a long time. I recall the traumatic experiences of a number of producers who have wished to retire from the industry, but could not be released from their quotas and were placed in an awkward position. The producers on the executive at that time resisted this move, and continued to do so until quite recently. Slowly they all changed their minds. I think the

new clause will make the industry far more viable and will enable producers to look forward to old age and retirement with more certainty regarding their assets. Unofficial referendums were held within the industry in relation to this matter, but the results varied because the referendums were not conducted in a formal manner. I think it is a good idea to conduct a referendum on a vital issue such as this so that the industry may decide whether or not it would like the proposition. I support the new clause.

New clause put and passed.

New clause 40—

Mr. H. D. EVANS: I move—

Page 31—Insert after clause 39 the following new clause to stand as clause 40—

40. (1) The Authority may, in writing, require the holder of a quota for the supply of milk for use for human consumption as milk to supply such greater quantity of milk during such period as the Authority specifies in its request.

(2) Where the holder of a quota for the supply of milk for use for human consumption as milk—

(a) fails to comply with a request made under subsection (1) of this section; and

(b) does not satisfy the Authority that his failure to so comply was due to reasons beyond his control,

the Authority may, in any succeeding quota year, decline to grant to that holder a quota for the supply of a greater quantity of milk for use for human consumption as milk than the quantity specified in the quota issued for the quota year in which the holder failed to comply with the request of the Authority, notwithstanding that but for the provisions of this subsection the Authority would have been obliged to issue to that holder a quota for the supply of such a greater quantity. .

I outlined earlier this evening the reason that subclauses (1), (2), and (3) of the original clause 40 were redundant. The original subclauses (4) and (5) now become subclauses (1) and (2) of the new clause. This is an attempt to ensure that a supply of over-quota milk will be maintained by incentive rather than by penalty. In this case the incentive is the continued eligibility for, and expectation of, increased quotas. This practice is already in existence unofficially in the milk section of the industry, and I feel it is desirable to write it into the legislation.

Mr. I. W. MANNING: I believe this new clause is most desirable, and that the old clause which we defeated was most undesirable. This system is already largely practised in the whole-milk section of the industry.

It actually means that if a whole-milk dairy farmer wishes to participate in a quota increase he must establish that he has the capacity to produce additional quantities of milk. The whole-milk quota is based on a contract between the company and the farmer and I suggest this should be the situation in this case; namely, that the surplus should also be the subject of a signed contract between the farmer and the company to establish firmly a sufficient quantity of milk in the period the milk is desired.

Probably there is a great deal more in this amendment than meets the eye. By that I mean it could well be that the dairy authority will have the opportunity to persuade farmers to produce sufficient surplus milk to make it an economic proposition for the companies treating the product. For that reason I am quite happy to support the new clause. However, as an additional step, I suggest that the quantity over and above the quota should be the subject of a written contract between the company and the farmer.

New clause put and passed.

New clause 47—

Mr. I. W. MANNING: I move—

Page 37—Insert after clause 46 the following new clause to stand as clause 47—

Power of the Governor to declare dairy produce for the purpose of S. 46.

47. (1) The Governor by proclamation published in the *Government Gazette* may declare any produce to be declared dairy produce for the purposes of section 46.

(2) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(3) The provisions of section 36 of the Interpretation Act, 1918 apply to every proclamation made under this section as if the proclamation were a regulation.

We discussed this new clause earlier and I understand the Minister agrees with it.

Mr. H. D. EVANS: As the member for Wellington has assumed, there is no objection to this new clause.

New clause put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.35 p.m.