The Hon. J. Dolan: You do not think it is desirable that the Electoral Office should be responsible?

The Hon. A. F. GRIFFITH: What is wrong with the present system? It has been in operation for many years. What disadvantages have people suffered under it? Under this provision would an electoral officer do the work? I do not think the electoral officers could do it because there are so many institutions.

The Hon. L. A. Logan: It must be done by an electoral officer.

The Hon. A. F. GRIFFITH: Yes, or by a person appointed by him. He could appoint one of the staff of the hospital who would not necessarily be a presiding officer.

The Hon. D. K. Dans: Surely this would not necessarily apply to every institution in the State.

The Hon. A. F. GRIFFITH: It could. It will apply to those which are declared by proclamation.

The Hon. D. K. Dans: This system operated at the hospital in Bunbury during the by-election.

The Hon. A. F. GRIFFITH: The amendment broadens the provision so that it will include any or every institution. I think the present system has operated satisfactorily. We have not yet had any explanation regarding why the change is considered necessary.

The Hon. J. DOLAN: I feel the Committee is entitled to a proper explanation. I must admit that I am a little confused. The Miniser in charge of the Bill gave me no notes for the Committee stage, and I cannot find the debate which took place on this clause in the other place. I do not think it would upset members if I moved to report progress and asked for leave to sit again.

The Hon. A. F. Griffith: Before you do, some other clauses which follow clauses 22 to 25 also need a deal of explanation.

The Hon. J. DOLAN: I will obtain a full explanation from the Minister who handled the Bill in the other House.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Leader of the House).

House adjourned at 10.30 p.m.

Legislative Assembly

Tuesday, the 6th November, 1973

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

BILLS (10): ASSENT

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

1. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
2. Official Prosecutions (Defendants' Costs) Bill.
3. Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Bill.
4. Railway (Kalgoorlie-Parkeston) Discontinuance and Land Revestment Bill.
5. Adoption of Children Act Amendment Bill.
6. Iron Ore (Murchison) Agreement Authorization Bill.
7. Housing Loan Guarantee Act Amendment Bill.
8. Constitution Acts Amendment Bill.
9. Pay-roll Tax Act Amendment Bill.
10. Pay-roll Tax Assessment Act Amendment Bill.

QUESTIONS (29): ON NOTICE

1. HOSPITALS: TERM OF TREATMENT

Hysterectomy and Cholecystectomy

Mr. W. A. MANNING, to the Minister for Health:

> What reasons can he advance for the average stay in Royal Perth Hospital for hysterectomy and cholecystectomy being so much greater than the time at Fremantle, Bentley, Osborne Park, Bunbury Regional and Narrogin Regional hospitals as set out in reply to question 14 on 30th October?

Mr. DAVIES replied:

> These cases include a number with complications and other diseases which required prolonged stay in hospital—some of these having been transferred from other hospitals because of their complex nature.

2. CANNING HIGHWAY

Canning Bridge Section: Widening

Mr. O'NEIL, to the Minister for Works:

(1) In view of the announced intention of the Main Roads Department to widen Canning Highway on the Fremantle side of Canning Bridge, will he please provide precise details including, if possible, plans?

(2) In the process of easing the traffic flow by widening Canning Highway, is it proposed to make any alterations to the traffic lights at Sleat Road, especially in respect of facilitating right-hand turns?

Mr. JAMIESON replied:

(1) The proposal is for minor widening to allow for adjustment of lane lines to provide three through lanes in Canning Highway from Reynolds Road to Canning Bridge for eastbound traffic. At the same time a number of bus bays will be installed on the from Perth carriageway between Canning Bridge and Riseley Street. With permission I hereby table the plans requested by the Member.

(2) No. However, a simple two phase signal system will be installed at Kintail Road as part of the widening project to allow right-hand turns from Canning Highway into Kintail Road.

The plans were tabled (see paper No. 453).

3. HEALTH

School Medical Service: Eye Tests

Dr. DADOUR, to the Minister for Health:

(1) Is the State Government satisfied with the eye screening services of the school medical service?

(2) Is there any evidence of a large percentage of occular defects being missed by the present services?

(3) Is the Government satisfied with the methods being used to detect eye defects by the school medical service?

(4) Does the Government consider the methods of examination for eye defects by the school medical service are satisfactory by modern standards?

Mr. DAVIES replied:

(1) Yes.

(2) No.

(3) Yes.

(4) Yes, as a screening service.
The above remarks apply to schools served by the School Medical Service.

4. ALBANY REGIONAL HOSPITAL

Bed Occupancy, and Staff

Mr. STEPHENS, to the Minister for Health:

(1) What has been the average bed occupancy rate at the Albany Regional Hospital for each month during 1972-73?

(2) What was the set staff establishment and actual numbers employed of—

(a) trained sisters;

(b) trained nursing aides;

(c) trainee nursing aides,

at 30th June, 1972 and 1973?

(3) If the staff establishment of categories mentioned in (2) have been reduced what is the reason behind such action?

(4) Is there any plan to reduce the staff categories mentioned in (2)?

Mr. DAVIES replied:

(1) Monthly bed average—

July, 1972	123.7
August	125.7
September	114.3
October	124.7
November	126.2
December	114.4
January, 1973	122.2
February	111.1
March	129.2
April	112.3
May	122.1
June	116.8

(2)

	Staff Establishment 30/6/72	Actual Staff 30/6/72	Staff Establishment 30/6/73	Actual staff 30/6/73
(a) Trained Sisters—				
full time	42·5	37	43·5	37
part time	....	17	....	15
(b) Trained nursing aides—				
full time	29·5	30	30·3	26
part time	....	6	....	4
(c) Trainee nursing aides—				
full time	35·5	23	35·5	33

(3) No reductions in staff establishment have been made.

(4) No reductions in staff establishment would be contemplated unless there is a reduction in work load.

A copy of the department's advice to hospitals dated 12th September, 1973, is tabled.

When the Albany Regional Hospital received the 1973-74 Budget, which was attached to the circular advice, showing the correct staff establishment, the administration recognised that overstaffing had occurred.

Reductions are applied on the basis of not replacing staff who resign.

The departmental advice was tabled (see paper No. 454).

5. KWINANA-BALGA POWER LINE

Towers: Darling Scarp

Mr. THOMPSON, to the Minister for Electricity:

(1) Have all bases for the shorter towers for the 330kV power line (adjacent to the Darling scarp) been constructed?

(2) If not, when will they be complete?

(3) When will erection of the rest of these structures be—

(a) started;

(b) completed?

Mr. MAY replied:

(1) No, there are eighteen bases not yet constructed.

(2) The contractor will resume work when the ground water table recedes.

(3) Programmed dates for these towers are:—

(a) 4th February, 1974;

(b) 28th October, 1974.

Actual dates will depend on delivery of steel which is at present in short supply.

6. LOCAL GOVERNMENT

Approach to Grants Commission: Circular

Mr. THOMPSON, to the Minister representing the Minister for Local Government:

(1) Has he seen a circular dated 29th October, 1973 issued by the Local Government Association and the Country Shire Councils' Association setting out the procedure to be adopted by regions in their approach to the Grants Commission, following the passage of a Bill through the Federal Parliament to give access by local government to that commission?

(2) Did he have any say in defining the regions?

(3) Is he satisfied with the composition of the regions?

Mr. MAY replied:

(1) Yes.

(2) The Minister for Urban and Regional Development has sought my comment on the suggested regions.

(3) Generally yes. Any comments received from municipal councils will be considered before final acceptance is notified.

7. TRAFFIC LIGHTS

Great Northern Highway-Morrison Road Intersection

Mr. BRADY, to the Minister for Traffic Safety:

(1) Is he aware accidents continue to occur on the intersection of Great Northern Highway and Morrison Road, Midland, the last being a three vehicle pileup on Sunday, 28th October?

(2) Are any plans being made to provide traffic signals on the above intersection?

(3) Is he aware considerable building has been proceeding along Morrison Road, and Swan View creating permanent vehicle traffic to and from the above areas via the intersection?

(4) Is his department aware that additional hazards are created by a school, a church, and a pedestrian crossing being permanently located at this intersection?

(5) Will he state the criteria for deciding the priority for erection of traffic lights?

Mr. JAMIESON replied:

(1) Yes.

(2) The position is much the same as when I answered the Member's question in March 1973. No timetable has been set for the installation of traffic lights at this intersection as there are many intersections in the metropolitan area having a much higher priority. Action has been initiated to

provide channelisation which will be capable of simple incorporation of traffic signal control at a subsequent date.

(3) Yes. This has been reflected in the traffic volumes which have influenced the department in deciding to proceed with channelisation.

(4) Departmental assessment of relative hazard is based on site investigation supported by accident history which automatically reflects any special problems which may be created by the school, church and pedestrian crossing.

(5) Priority for erection of traffic lights is determined by traffic volume qualifications (which are just met in regard to Morrison Road) and the accident pattern, especially right-angled collisions, over a four year period.

8. IMMIGRATION

Non-Europeans

Mr. McPHARLIN, to the Minister for Immigration:

(1) How many non-European immigrants entered Western Australia during the years from July 1970 to June 1973?

(2) From which country or countries did they come?

(3) How many from each country?

(4) How many have settled in Western Australia?

Mr. May (for Mr. HARMAN) replied:

(1) to (3) As there could be some uncertainty in defining "non-Europeans" and in order to be accurate, I have provided complete details of settler arrivals by nationality as provided by the Bureau of Census and Statistics for the periods concerned.

The information is tabled.

(4) Statistics are not kept on this question.

The information was tabled (see paper No. 455).

9. LABOUR DEPARTMENT ADVISORY COMMITTEE

Meetings

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

(1) (a) On how many occasions has the Minister for Labour's Advisory Committee, constituted by the present Government, met;

(b) on what dates did it meet;

(c) who was present on each occasion;

(d) how long did each meeting last;

(e) what persons or organisations have made representations to this committee;

(f) what was the nature of each submission;

(g) at which meetings were each of these submissions considered;

(h) what recommendations have been made to him by the committee;

(i) which recommendations have been endorsed or implemented and why;

(j) which recommendations have been rejected, and why;

(k) which recommendations are still under consideration?

(2) What particular aspects of—

(a) workers' compensation;

(b) industrial arbitration,

have been considered by the committee, and what were its recommendations?

(3) Will he table any files related to the formation and activities of this committee?

Mr. May (for Mr. HARMAN) replied:

(1) (a) 12.

(b) 17th February, 1972.
7th March, 1972.
22nd September, 1972.
5th December, 1972.
15th December, 1972.
18th December, 1972.
5th February, 1973 (a.m.)
5th February, 1973 (p.m.)
12th February, 1973.
26th February, 1973.
19th March, 1973.
6th August, 1973.

(c) and (d) The previous Minister for Labour (Hon. A. D. Taylor, M.L.A.), the Acting Minister for Labour (Hon. R. Thompson, M.L.C.) and the current Minister for Labour (Hon. J. J. Harman, M.L.A.) have all chaired meetings at various times. The three Members of the Committee, Mr. F. S. Cross, W.A. Employers Federation, Mr. J. W. Coleman, Trades and Labour

Council of Western Australia and Mr. H. A. Jones, Under-Secretary for Labour, have been present at all meetings. The meeting usually lasted for two hours.

(e) to (k) The Minister for Labour Advisory Committee is a non-statutory committee to informally discuss questions involving matters arising from the portfolio of the Labour Minister.

(2) The members of the committee were invited to comment on the proposed amendments to the Industrial Arbitration Act. Proposed amendments to the Workers' Compensation Act were only touched upon.

(3) I am making available for the member a copy of the functions, membership and scope of the activities of the committee. The activities of the committee are confidential.

10. *This question was postponed.*

11. EDUCATION

Aborigines Living away from Home

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

(1) To what extent in Western Australia are Aboriginal children separated from their parents during the period they attend primary school?

(2) What are the schools, hostels, institutions, etc. and approximate numbers of children involved?

Mr. T. D. EVANS replied:

(1) A check of known institutional facilities that are currently accommodating Aboriginal children while they attend primary school, away from their parents, has revealed a total of 888 such children; 78 in the metropolitan area and 810 in the country area. This amounts to some 14% of all Aboriginal children attending primary schools in Western Australia.

Many of these children have not been separated from their homes for schooling purposes alone but rather for welfare reasons. Their parents may be living close by in the local town but unable to care for them.

(2) The schools, hostels and similar institutional facilities in Western Australia, currently caring for children of the kind under discussion are as follows—

Metropolitan

Name of Facility	Location	Number of Children	Primary School
Castledare Home	....	6	Own school
Moffiyn Methodist Children's Home	East Victoria Park	2	Victoria Park Primary
Warminda Boys' Hostel	Bentley	1	Victoria Park Primary
Innamincka Hostel	Greenmount	2	Greenmount Primary
Methodist Overseas Mission Hostel	Applecross	8	Applecross Primary
Sister Kate's Children's Home	Queens Park	36	Queens Park Primary
Wanslea Children's Home	Cottesloe	1	North Cottesloe Primary
Hollywood Children's Village	Hollywood	1	Hollywood Primary
Cottesloe House Children's Home	Mt. Lawley	3	Maylands primary
Catherine McAuley Centre	Wembley	8	Balga Training Centre
Nadezda Hospital	Innaloo	2	Sir James Mitchell Spastic Centre
Deaf School	Mosman Park	8	Cottesloe junior primary deaf school—(5 children) Mosman Park primary deaf school—(3 children)
Total Metropolitan		78	

Name of facility	Location	Number of children	Primary school
Country—			
Oolanyah Hostel	Marble Bar	30	Marble Bar primary
Weerianna Hostel	Roebourne	43	Roebourne primary
Gilliamia Hostel	Onslow	60	Onslow primary
Kyarra Hostel	Cue	26	Cue primary
Warramboo Hostel	Yalgoo	12	Yalgoo primary
Amy Bethel Hostel	Derby	13	
St. Joseph's Hostel	Derby	16	Holy Rosary, Derby
Charles Perkins Hostel	Halls Creek	19	Halls Creek primary
Bulunburr Hostel	Wyndham	2	Wyndham primary
Nabbern Hostel	Leonora	33	Leonora primary
Church of Christ Mission	Carnarvon	85	
Karalundi Mission	Via Meekatharra	37	Mission school
Pallottine Mission	Tardun	82	On mission (Education Dept.)
Wiluna Mission	Wiluna	43	Mission school
Mowanjum Mission	Derby	3	Derby Junior High School
Balgo Mission	Via Halls Creek	32	Mission school
La Grange Mission	Via Broome	17	Mission school
Beagle Bay Mission	Via Broome	40	Mission school
New Norcia Mission	New Norcia	28	St. Mary's Yerecom Primary, Moora
Roelands Mission	Roelands	20	Brunswick primary
Marribank Mission	Katanning	30	Katanning primary
Norseman Mission	Norseman	33	Norseman primary
Kurrawang Mission	Via Kalgoorlie	24	Kalgoorlie primary
Wandering Mission	Wandering	17	
Nazareth House	Geraldton	1	
United Aboriginal Mission	Fitzroy Crossing	63	Fitzroy primary
Christian Brothers College	Broome	1	C.B.C. Broome junior
Total Country		810	

12. STATE FINANCES

Public Moneys Investment Fund

Mr. RUSHTON, to the Premier:

(1) At the time of the 1971 State election what was the total accumulated earnings in the Public Moneys Investment Fund?

(2) Was this accumulated fund taken into account by Sir David Brand's Treasury advisers when he was informed of the State financial situation immediately before the election?

(3) Does he still claim his Government inherited a bankrupt economy?

(4) If "Yes" to (3), will he please give a brief explanation to prove this claim?

Mr. J. T. TONKIN replied:

(1) $8,805,200.

(2) These moneys were not referred to in the Treasury report as it dealt specifically with the prospective deficit for 1970-71 which, at that stage, was estimated to be in the order of $10 million.

(3) I do not recall claiming that my Government inherited a bankrupt economy but, at the time, the State was certainly experiencing a marked downturn in economic activity and unemployment was rising.

(4) Answered by (3).

13. MEDICAL HEALTH CENTRE

Mandurah

Mr. RUNCIMAN, to the Minister for Health:

(1) Has land been acquired for a Medical Health Centre at Mandurah?

(2) If so, where is it located and what area is involved?

(3) When would it be expected that a start would be made on the construction of the centre?

(4) Can he give details of what is involved regarding services to the community in the centre?

Mr. DAVIES replied:

(1) No.

(2) Not applicable.

(3) February, 1974.

(4) Medical,
physiotherapy,
social workers,
family planning,
child health,
community nursing,
health education,
mental health,
chiropody,
dental,
domiciliary care,
X-ray,
laboratory collection service.

14. POLICE STATION

Mandurah

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

(1) Is it proposed to make extensions to the police station at Mandurah?

(2) Is he aware that because of its situation the Mandurah Shire Council is opposed to further extensions on the present site?

(3) In view of this and of the generally confined area in which the present police station is located, will he give consideration to the construction of a new station in another area of the town?

Mr. BICKERTON replied:

(1) Yes, when funds become available.

(2) No advice to this effect has been received by the Minister for Police or the Commissioner of Police, but inquiries indicate that there may be some objection.

(3) It is believed that the present site is ample for extensions, and relocation is not necessary for the present.

15. GOVERNMENT DEPARTMENTS

Mandurah Office Building

Mr. RUNCIMAN, to the Premier:

Has any progress been made towards obtaining land for Government offices in Mandurah?

Mr. J. T. TONKIN replied:

No further action has been taken to acquire a Government office site at Mandurah.

16. POLICE

Missing Girls

Dr. DADOUR, to the Minister representing the Minister for Police:

(1) What is the number of girls in this State from 13 to 18 years reported missing and not heard of again from 1st January to 31st October, 1973?

(2) Are there any girls younger than 13 years missing, and, if so, how many?

(3) As in his answer to question 34 of 17th May, 1973 he reported that four were missing in 1970, eight in 1972 and 57 in 1973, how many have been traced for each of these years?

Mr. BICKERTON replied:

(1) Reported missing: 423.
Not yet located: 6.

(2) Yes, one aged 11.

(3) 1970: Nil.
1972: 7.
1973: To 31st October, 1973—417.

17. MT. BARKER DISTRICT HOSPITAL

Additions

Mr. STEPHENS, to the Minister for Health:

As the Mount Barker District Hospital which was designed to accommodate 24 patients and now has an average bed occupancy rate considerably in excess of that figure (32.15 in October) will he advise when the urgently required additions will be commenced?

Mr. DAVIES replied:

Funds have been provided in the 1973-74 loan programme. It is hoped that tenders will be called in April, 1974.

18. EDUCATION

Average Cost per Pupil

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

(1) Are the national average costs of $312 or $525 for educating a scholar in Government primary and secondary schools related to the 1971-72 financial year?

(2) If not, to which financial or calendar year are they related?

(3) What are the components taken into calculation when arriving at these national average costs?

Mr. T. D. EVANS replied:

(1) and (2) The preliminary estimates were $312 and $525 respectively but as the result of discussions between the States and the Australian Government, a revised determination was made on the basis of the 1972-73 estimates. The accepted figures were $308 for primary and $519 for secondary.

(3) At a meeting of State and Commonwealth research officers on 9th August, 1972, in Melbourne, it was agreed to base the determination

of the national average costs in Government schools on the following items—

(a) Costs of instruction:
  (i) Salaries and allowances of teachers.
  (ii) Salaries and allowances of advisory and special staff.
  (iii) Salaries of clerical and general staff.
  (iv) Stores, stationery and teaching equipment.
  (v) Textbooks and library books.
  (vi) Telephones, telegrams, postage.
  (vii) Subsidies to parents' associations for equipment provided under recurrent expenditure.

(b) Cost of building operation and maintenance:
  (i) Wages of caretakers, cleaners, groundsmen.
  (ii) Cleaning and gardening materials.
  (iii) Fuel and electricity.
  (iv) Water and sanitation.
  (v) Maintenance of buildings, residences and grounds.
  (vi) Repair and replacement of furniture.

(c) Fixed charges.
  (i) pensions and superannuation.
  (ii) rents of school accommodation.

(d) Costs of administration.

It was agreed that it would be reasonable to add two per cent. to the sum of items in (a), to (c) for costs of administration. This approach would acknowledge that the administration costs of independent schools are not completely comparable with those of the Government systems, and also that some costs incurred by independent schools, e.g. insurance premiums, are not incurred in the Government systems.

19. PAINTINGS

Acquisition for Exhibition

Mr. MENSAROS, to the Minister for Cultural Affairs:

Has he considered, or if not, would he give consideration to, the purchase of the wildflower paintings presently exhibited in the Perth Concert Hall—18 paintings in total for $5,000—either through his department for exhibition purposes or in conjunction with the Perth City Council?

Mr. J. T. TONKIN replied:

Consideration will be given to this matter which will be referred to the W.A. Art Gallery Board for their advice. When this advice is received, the Member will be informed.

20. LIFE ASSURANCE AGENTS

Registration

Mr. MENSAROS, to the Minister for Labour:

(1) Has he or the Government been informed of the reported endeavour by the Federal Government that life assurance agents will be required to register by law?

(2) If so, what did such information contain?

(3) Is it the policy of the Government to agree that legislation for such registration regarding Western Australian agents should be enacted by the Commonwealth and not the State Parliament?

Mr. May (for Mr. HARMAN) replied:

(1) No.

(2) and (3) See answer to (1).

21. YUNDERUP CANALS DEVELOPMENT

Government Guarantee: Reduction

Mr. MENSAROS, to the Premier:

Has the liability of the State Government in connection with the guarantee for the Yunderup Canals development been reduced in accordance with the developer's publicly announced promise on Channel 7 on the 10th August, 1973, that she will repay $1 million of the loan within a few weeks time?

Mr. J. T. TONKIN replied:

No.

22. TRANSPORT WORKERS' UNION

State Secretary: Television Interview

Sir CHARLES COURT, to the Premier:

(1) Has he been acquainted with the content of the interview with Mr. Cowles, State Secretary, Transport Workers Union, on Channel 7 "State File", the 30th October, 1973?

(2) If not, will he obtain urgently, a copy of the transcript, and indicate to the Parliament his views on the comments made by Mr. Cowles?

(3) What action does the Government propose to take—
(a) in respect of the general statements by Mr. Cowles; and
(b) his threat to a biscuit company "down Fremantle way"?

Mr. J. T. TONKIN replied:

(1) No.
(2) Action has been taken to obtain a transcript.
(3) It is not established that action is required. Should, however, an occasion arise, appropriate action will be taken.

23. HOUSING

Interest Rates: Legislation

Mr. RUSHTON, to the Premier:

(1) How does he intend to uphold his election promises on page 10 of his policy speech—"Housing—New Deal for Home Buyers"?
(2) When does he intend to introduce legislation to control interest rates?
(3) Does he know what has been the total loss of deposits with building societies in Western Australia since the raising of interest rates as part of the Labor Federal Government policy?
(4) Has he any information which would show the expected loss of homes built in Western Australia for the next 12 months due to the draining off of deposits from the building societies?

Mr. J. T. TONKIN replied:

(1) and (2) Following the elections, I arranged for an inquiry for the purpose of having legislation prepared to amend the Building Societies Act to give effect to the particular promise referred to.

This legislation has been prepared, but the action of the Australian Government in raising interest rates, and its proposal to introduce legislation dealing with building societies and finance companies, has caused me to delay my proposed Bill until the situation is clarified.

(3) and (4) No.

24. LOCAL GOVERNMENT

Rates: Replacement by Tax

Mr. RUSHTON, to the Treasurer:

Referring to the report in *The West Australian* of the 1st November, 1973, headed "Group Studying Tax to Replace Rates"—

(1) Does he support the introduction of a local government tax?
(2) Has he initiated a searching investigation and review of all State taxation and local government rates?
(3) If "Yes" to (2), will he report to the Assembly the details of progress made to date?

Mr. J. T. TONKIN replied:

(1) As the Constitution now stands, it is difficult to see how such a tax could be introduced in this State.
(2) No.
(3) Not applicable.

25. WATER SUPPLIES

Reservoirs: Salinity

Mr. RUSHTON, to the Minister for Water Supplies:

(1) What has been the percentage increase of salinity in each of our major reservoirs in the last three years?
(2) What action is being taken or is to be taken to arrest the deterioration of salt content of the Wellington Dam?
(3) What action is being taken or is to be taken to arrest the deterioration in each of the other reservoirs?

Mr. JAMIESON replied:

(1) In terms of the maximum salinity recorded in each calendar year the salinities have fluctuated as follows:—

Mundaring:—
1971—up 3.3% on 1970.
1972—down 3.3% on 1971.
1973—down 11% on 1972.

Wellington:—
1971—up 21% on 1970.
1972—down 9% on 1971.
1973—up 1.6% on 1972.

Canning:—
1971—down 13% on 1970.
1972—up 3% on 1971.
1973—down 6% on 1972.

Serpentine:—
1971—up 4% on 1970.
1972—up 4% on 1971.
1973—down 4% on 1972.

(2) The type of development of alienated land on the Wellington catchment is being controlled as far as practical under existing provisions of relevant Acts and further alienation of Crown land on the catchment is being strongly opposed. Purchase of private land in critical sections of the catchment may have to be given consideration.

In the meantime, joint research into the overall problem is being undertaken by the Public Works

Department and the CSIRO assisted by a grant from the Australian Water Resources Council.

(3) Large areas of alienated land on the Mundaring catchment have been acquired during the past 17 years at considerable expense. The present position is considered to be satisfactory.

No action has been taken or is contemplated on the Metropolitan Water Board's catchments as no problems have arisen on these.

26. RURAL LAND

Salt Encroachment

Mr. RUSHTON, to the Minister for Agriculture:

(1) Has he made a protest to the Commonwealth Government over loss of fencing rebates which will reduce the capacity of farmers to fight salt encroachment?

(2) What policy is the department following to arrest and control the spread of salinity?

(3) What is the estimated acreage loss of rural land to salinity in the last three years?

Mr. H. D. EVANS replied:

(1) Yes.

(2) Departmental policy has been to place research emphasis on finding productive salt tolerant perennial fodder plants which will be economically attractive under the varying conditions of salinity, soil and water logging to which such plants are subjected.

At the same time longer term research studying water balance to determine if total preventive measures are possible is being undertaken.

(3) Information on changes in the area of rural land suffering from salt encroachment is gathered periodically but no information is available covering the last three years. The last data collection was in 1962 and it is intended that further information will be obtained from the 1974 census and statistics return.

27. DOCKYARD

Representations to Commonwealth

Sir CHARLES COURT, to the Premier:

Will he table the papers covering negotiations and discussions undertaken with the Commonwealth Government about the establishment of a ship repair yard and dry dock in Western Australia including the latest arrangements made with the Commonwealth referred to in the answers to my questions of the 30th October, 1973?

Mr. J. T. TONKIN replied:

Yes. Tabled herewith for one week.

The file was tabled (see paper No. 456).

28. COMMONWEALTH DELEGATION TO JAPAN

Premier's Press Comments

Sir CHARLES COURT, to the Premier:

In view of the report in *The West Australian* of the 31st October, 1973, that "his feelings about the talks agreed exactly with the opinions given in a leading article in *The West Australian* yesterday"—

(1) Does this mean that he agrees that "once again Mr. Whitlam has enunciated noble ideals in presenting his Government's resources policy, but he (Mr. Whitlam) has once again 'left that policy long on theory but short on reality' "?

(2) Does he agree that "it has still to be explained how all those aspirations can be achieved without the policy's foundering on the rocks of insufficient capital and inadequate expertise—hazards acknowledged by Mr. Whitlam without his making a convincing attempt to deal with them"?

(3) Does he agree that "the problems of translating the theory into reality are no better exemplified than in the field of energy resources from which the Government hopes to exclude new foreign equity"?

(4) Does he agree that "Mr. Connor has created his own vicious circle. On one hand he is preparing an energy budget. On the other he ignores the fundamental point that before Australia can catalogue and measure its energy resources it first has to find them. He is against exports of energy resources, notably natural gas, till he knows the extent of reserves. Yet his actions have discouraged the exploration required to get that assessment"?

(5) Does he agree that—"The only way Australia can frame an energy budget that has any

meaning is for it to intensify exploration—and that means providing incentives to attract foreign capital and expertise. The Government is setting itself an impossible task if it hopes to encourage exploration on the scale urgently needed without forfeiting some Australian equity."?

(6) Does he agree that—"If they (the Japanese Ministers) are still a little bewildered they are not alone. So are many Australians, including those deeply involved in resources industries"?

Mr. J. T. TONKIN replied:

(1) In stating that my feelings about the talks agreed exactly with the opinions given in a leading article in *The West Australian*, I made it clear that I was commenting on the "talks" which took place at the Ministerial conference in Tokyo, and it is not to be implied that I was necessarily commenting on matters which, although bearing some relation to those discussed, were not part of the exercise. I agree with the following:—

"Once again Mr. Whitlam has enunciated noble ideals in presenting his Government's resources policy. Once again he has left that policy long on theory but short on reality.

"In his keynote speech to the Japan-Australia ministerial conference in Tokyo yesterday, the Prime Minister struck what, on the face of it, was a nice balance. He sounded the note of reassurance for which the Japanese have been looking: Japan was a valued trading partner and, within the framework of Labor's policy, could rely on continued access to Australian resources.

And he laid down principles that no Australian could fault: Australia's requirements must come first, with goals of local ownership and control of resources projects, maximum processing in Australia and a fair price for exports . . . "

(2) and (3) Yes.

(4) and (5) The statements referred to in these questions formed no part of the "talks".

(6) Yes.

Sir Charles Court: That is a poor old answer.

29. HOUSING

Residential Land: Commonwealth Control

Mr. RUSHTON, to the Minister for Town Planning:

(1) Referring to the Federal Minister for Housing's reported statement in *The West Australian* of the 1st November, 1973, headed "Labor Moves on Housing Foreshadowed", and as Mr. Johnson is reported to have said the Commonwealth Government is planning to control the supply and hence the price of residential land, —does he know how this plan is to be accomplished?

(2) As this Commonwealth Government's reported intention negates the agreement of State Ministers worked out recently in Melbourne, has he protested at this planned action which concerns Western Australian constitutional rights?

(3) If "No" to (2), will he explain this apparent "about face" on the part of the Tonkin Government?

Mr. DAVIES replied:

(1) No.

(2) The supply of land for building is a matter of concern to all. Without constitutional changes the Commonwealth can only deal with the question of supply by co-operation with State Governments. I do not consider that there has been a negation and therefore until I have the facts I do not propose to make any ill-formed protest.

(3) Answered by (2).

QUESTIONS (7): WITHOUT NOTICE

1. MEMBERS OF PARLIAMENT

Staff and Offices

Sir CHARLES COURT, to the Premier:

(1) Can he expedite information regarding the conditions under which electorate offices and associated facilities are to be provided for members, as the absence of this information is inhibiting the decision about applications from those members who might be interested?

(2) Can an assurance be given that no facilities will be approved for any members until the general conditions that are to prevail are made public and those interested have reasonable opportunity to apply under the terms of those conditions?

Mr. J. T. TONKIN replied:

(1) Every effort is being made to expedite the availability of this information, and it is hoped details can be supplied to members during the current week.

(2) No approvals can be considered until the preliminaries, as indicated above, have been completed.

2. CLOSE OF SESSION: SECOND PART

Legislative Programme

Mr. O'NEIL, to the Premier:

In view of the fact that on the 2nd October, 1973, he advised the Opposition that approximately 48 additional Bills were to be introduced into the Parliament, and because a perusal of the list supplied shows that approximately 22 have not yet been introduced—

(a) is it intended to revise the list supplied; and

(b) if so, will he advise the House as to his intention in this matter?

Mr. J. T. TONKIN replied:

(a) Yes.

(b) Yes, but subsequent to next week's Cabinet meeting.

3. PREMIER AND MINISTER FOR MINES

Weekly Television Reports

Mr. RUSHTON, to the Premier:

(1) Which Budget estimate is being charged with the cost of the two television weekly reports by the Premier and the Minister for Mines?

(2) If he claims the cost of these programmes is not being paid for from State taxes, will he advise the source from which these payments have been or are to be made?

Mr. T. D. Evans: Please mind your own business!

Mr. RUSHTON: Continuing—

(3) Is the $400,000,000 mooted mining project to be a new development?

(4) How can the Government substantiate its claim to have created a $6,000,000,000 Pilbara development plan, when nearly 100 per cent. of the plan was explained by the present Leader of the Opposition to the parliamentary members at Tom Price mine approximately 12 months before the Tonkin Labor Government took office?

Mr. J. T. TONKIN replied:

(1) The cost of the weekly television reports referred to is in no way a charge to revenue.

(2) I regard this question as impertinent.

Mr. T. D. Evans: Hear, hear!

Mr. J. T. TONKIN: Continuing—

(3) The Member for Dale is asked to be a little patient and, in due course, the answer will become known to him.

(4) Quite easily. The so-called "Pilbara Plan" of Sir Charles Court does not exist.

Sir Charles Court: That is not right, of course.

Mr. J. T. TONKIN: Continuing—

If the Member for Dale insists that Sir Charles had a plan, and explained it at Tom Price, a simple way to prove the point would be to make the plan public.

4. NATIONAL ABORIGINAL CONSULTATIVE COMMITTEE

Election of Candidates

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

(1) As candidates for election to the National Aboriginal Consultative Committee have been contacted since nominations closed, and considering that the elections are to be held in less than three weeks, will he advise—

(a) the number of electors enrolled in each of the eight electoral divisions;

(b) when the candidates will be issued with a copy of their respective electoral rolls;

(c) where the polling places will be located in the northern region;

(d) what system of voting will be used; for example preferential or first-past-the-post?

(2) Will he broadly outline the duties and responsibilities of the successful candidates?

(3) As the delegates to the committee are to be paid the salary of $6,000 and allowances of up to $3,000, is it intended that representation should be on a full-time basis?

(4) Will delegates be expected to pay travelling and accommodation costs out of their electorate allowances?

Mr. T. D. EVANS replied:

(1) to (4) The National Aboriginal Consultative Committee is sponsored by the Australian Government and the information sought is not known to the Minister for Community Welfare.

Mr. Ridge: This information is required because of the imminent elections.

Mr. T. D. EVANS: The question should be directed to the right quarter.

5. LEADER OF THE OPPOSITION

Fuel and Energy Policy: Radio Broadcast

Sir CHARLES COURT, to the Premier:

(1) Will he please table the transcript of the broadcast of a radio programme on which he based his Press statement reported in *The West Australian* of the 2nd November, 1973, under the heading "Court criticised on fuel and energy"?

(2) Will he identify the parts of this transcript on which he based his statements that—

(a) I "seemed to be prepared to give foreign interests the control of fuel and energy that he would deny his own national Government";

(b) "Sir Charles had said on a radio programme that W.A. should surrender its northern resources to multi-national developers";

(c) "Sir Charles was suggesting that W.A. should adopt a dog-in-the-manger attitude and hold the rest of Australia to ransom"?

Mr. J. T. TONKIN replied:

(1) and (2) There is so much extraneous matter in this tape, and so much which is difficult to comprehend properly—because of interjections from several sources at once—that I have had transcribed only a long opening passage to introduce members of the panel, and to give an idea of the proceedings up to that section on which I based the charges to which the Leader of the Opposition has taken exception.

I shall table this relevant material, and if any honourable member wishes to listen to the tape in full, I am quite happy to make it available to him.

The transcript was tabled (see paper No. 457).

I shall be happy to comply with the Leader of the Opposition's request that I should identify the sources of my statements—

(a) that the Leader of the Opposition seems to be prepared to give foreign interests the control of fuel and energy that he would deny his own national Government;

(b) that the Leader of the Opposition had said on a radio programme that Western Australia should surrender its northern resources to multi-national developers;

(c) that the Leader of the Opposition suggested that Western Australia should adopt a dog-in-the-manger attitude and hold the rest of Australia to ransom.

My sources are contained in that passage of the resumé of the tape which I have tabled, and which I shall now read for the benefit of members. The Leader of the Opposition said—

> Well, could I put in a rather shattering suggestion about this. Western Australia would be safer—and let me make it clear, I'm not advocating secession, but I'm trying to put up the other argument.

The SPEAKER: I ask the Premier whether this is the transcript tabled?

Mr. J. T. TONKIN: No it is not. This has particular reference to the whole of the transcript and I am quoting it as the basis for the statements I made. The Leader of the Opposition continued—

> Western Australia would be much safer if it was a separate nation, than it is from a defence point of view, as part of the Australian nation. Now, there's a very good reason for this, if you want to be just a cold-blooded realist in the matter.

Sir Charles Court: Fair enough.

Mr. J. T. TONKIN: To continue the remarks of the Leader of the Opposition—

> If we were on our own, there'd be so many people in the world wanting to invest here . . . if we had the right type of political climate . . . there'd be so many people wanting to develop industry here, so much sophisticated type of development taking place in Western

> Australia . . . if we had the right type of drive at Government level . . . that you would be almost able to write your own ticket on a free defence force.

Sir Charles Court: That is good logic, too. We would have more defence than we are getting now.

Mr. J. T. TONKIN: To continue the remarks of the Leader of the Opposition—

> Now, there's historic reason for this—and there is, of course, plenty of precedent for it. You know the situation which existed for years, for instance in Malaysia and Singapore, and in these places where it cost them a pittance for some highly sophisticated, well-equipped, well-trained forces . . . and in fact, it was a part of their economy, almost. At no cost to them.

Sir Charles Court: You are making my statement sound better than I thought it sounded.

Mr. J. T. TONKIN: The Leader of the Opposition continued—

> And so, if we're part of the Australian nation, of course we have to rely on Australia to defend us. And I think we would be expendable at the national level, in the final crunch. But if we were on our own, and we had such huge investment, and had become such a reservoir for food, fibres, and metals and minerals, and so on . . . there'd be so many people falling over backwards to make sure we were safe that we'd be much better off than we'd ever be as part of the Australian nation.

Sir Charles Court: That makes good sense too.

Mr. T. D. Evans: Shame on you.

The SPEAKER: Order!

Mr. A. R. Tonkin: Sounds like treason to me.

The SPEAKER: Order!

6. LEADER OF THE OPPOSITION

Fuel and Energy Policy: Radio Broadcast

Sir CHARLES COURT, to the Premier:

> I gather from the first part of the answer he just gave, a copy of which I have not yet received, that he was not able to table the full transcript because of some difficulties in transcribing interjections. Would he please consider getting the whole tape transcribed, so far as the transcribers can do it, so that the whole transcript can be tabled and people can see the contents of the session in its proper context, and not merely the pieces plucked at random to suit the Premier's purpose?

Mr. J. T. Tonkin: Are you asking a question or making a speech?

Sir CHARLES COURT: I am asking a question. The portions the Premier read did not conform with the allegations he made.

Mr. J. T. TONKIN replied:

> I think they did; and I have already indicated that for any member interested further, the tape will be made available so it can be played.

7. MEMBER FOR MT. LAWLEY

Political Advertisement

Mr. BRYCE, to the Premier:

(1) In the light of the rather treasonable things which have just been alleged—

Points of Order

Sir CHARLES COURT: On a point of order, I ask that the member for Ascot withdraw that remark.

The SPEAKER: Order! The member for Ascot will be seated. Will the Leader of the Opposition make his point of order clear?

Sir CHARLES COURT: As I understand it, the member for Ascot alluded to the remarks of mine quoted by the Premier and he referred to "treasonable things". I ask that that be withdrawn.

Mr. A. R. Tonkin: Sounds like treason to me.

The SPEAKER: Order!

Mr. Hutchinson: That is disgraceful. That ought to be withdrawn too.

The SPEAKER: Order! The member for Cottesloe will keep order. He has had enough to say in the past about it. The member for Ascot will withdraw the remark about treason.

Mr. BRYCE: I find it impossible to withdraw a remark which was incomplete.

The SPEAKER: Order!

Mr. O'CONNOR: On a point of order, Mr. Speaker—

The SPEAKER: Order! I again ask the member for Ascot to withdraw the remark.

Mr. J. T. TONKIN: On a point of order, I suggest to you, Mr. Speaker, that before the member for Ascot can be asked to withdraw something, he must be told the words he is to withdraw.

The SPEAKER: I have referred to the word.

Sir Charles Court: It is "treasonable things".

Mr. BRYCE: I will withdraw the use of the word, but I find it impossible to withdraw the thought.

Sir Charles Court: That is not an unqualified withdrawal.

The SPEAKER: I asked the member for Ascot—

Sir CHARLES COURT: On a point of order, my understanding is that at your request words must be withdrawn unconditionally; otherwise we cannot have any order.

The SPEAKER: I asked the member for Ascot to withdraw the word "treasonable" which he said he did.

Several members interjected.

The SPEAKER: Order! The member for Ascot will now ask his question.

Question Resumed

Mr. BRYCE: Did the Premier see the advertisement appearing in last Wednesday's edition of *The West Australian*, on page 8 authorised not by the Liberal Party, but by the member for Mt. Lawley in a private capacity?

(2) Does he believe it was a coincidence that the photograph of the Leader of the Opposition did not appear?

(3) Is this because the young Liberal hopefuls in the advertisement find their leader to be an embarrassment?

Sir Charles Court: How silly can you get?

Several members interjected.

The SPEAKER: Order!

Mr. J. T. TONKIN replied:

(1) to (3) I did see the advertisement.

Sir Charles Court: It was a jolly good one.

Mr. J. T. TONKIN: It is not my practice to speculate or jump to conclusions; but that does not mean other people are prevented from doing so.

Sir Charles Court: You should have objected to the question.

RAILWAY (BUNBURY TO BOYANUP) DISCONTINUANCE, REVESTMENT AND CONSTRUCTION BILL

Second Reading

MR. MAY (Clontarf—Minister for Mines) [5.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill originated in another place. There are two provisions is the Bill, the first of which is to obtain parliamentary approval for the construction of a new section of railway of a total length of approximately 5.48 kilometres which is designed to give direct train access from the Bunbury-Boyanup railway to the East Perth-Bunbury railway and also to the line serving the new inner harbour at Bunbury.

The second part of the Bill deals with the closure of a short section of the Bunbury-Boyanup railway of 2.83 kilometres at Picton which will no longer be necessary when the new section of railway is constructed.

With regard to the new section of line to be constructed, this could be described as a new connecting line between the two railways rather than a new railway. Consideration was given as to whether the work required could be carried out within the limits of deviation of the existing railways, but Crown Law opinion was that legislation should be introduced as this was a new connecting railway.

Presentation of legislation will establish railway land requirements in this area and although there is no immediate plan to commence actual railway construction the Railways Department will be enabled to make a commencement in obtaining the land which will be required for this work.

I think it will be agreed that this will be a more satisfactory arrangement to landholders in this area as the precise land requirements for the new railway will be firmly established.

The particular requirements on which the proposed connecting railway is based are the outcome of approximately two years' planning in conjunction with other departments and authorities. In brief, these plans prescribe that eventually the railway alignments must permit bulk-train movements to and from the inner harbour railway line for haulage of such bulk traffic as may develop.

I should mention here that it will probably be necessary, so far as the haulage of bulk consignments of wood chips are concerned, initially to route this traffic via Bunbury and the north shore route to the wood chips harbour berth. This would be an interim measure until such time as the planned railway development associated with the new inner harbour complex is completed. It is also required that all these bulk trains must pass fuelling and trip servicing facilities.

The planning of the new section of railway is designed so that these fuelling and trip servicing facilities can be provided.

The existing servicing facilities are located at Bunbury and although these are adequate to meet present demands, they could not be extended to meet any substantial extra load which would be brought about by the introduction of bulk-train working because of site limitations at the Bunbury location and also because they are remote from the bulk-train routes.

The timing of re-establishment at Picton of the facilities for fueling and servicing would be dependent upon the rate of growth of bulk traffic, but, as I have already stated, the immediate requirement in presenting this legislation is to enable the Railways Department to acquire adequate land to satisfy location and configuration of the proposed railway without resort to repeated resumptions of contiguous areas—and possible improvements thereto—at ever-increasing cost to the department.

Another reason which favours the proposed railway work of realigning the railway connections at Picton to provide direct train access for bulk-train movements, is the change which has occurred over a long period in the origin and destination of railway traffic in the south-west district. Nearly two-thirds of the wagons now dealt with in the marshalling yards at Bunbury are wagons which are in transit through Bunbury.

The proposed connecting railway will permit direct traffic movements between Forrestfield and the lower south-west as well as preserving the direct access to Bunbury, and it is intended that in the work to be carried out at Picton provision will be made for lay-by sidings where loading may be attached or detached.

It seems certain that in the long term the growth of Bunbury and the probable establishment of industry, in accordance with the overall planning for future growth and industrialisation in the Bunbury area, will make Picton the centre of major activity and free the Bunbury yard for local traffic only.

The technical committee concerned with the approaches to the inner harbour at Bunbury comprises representatives of the Departments of Development and Decentralisation, Town Planning, Main Roads, Public Works, and Railways, the State Electricity Commission, and local authorities, and the proposals for this new connecting railway have been co-ordinated with the overall specification for the district whilst also satisfying railway requirements.

Members will note that provision has been made in the Bill for separate proclamation for construction of the new line and for closure of the section of the Bunbury-Boyanup railway. This will enable the Railways Department to make an early commencement on the land acquisition for the new railway whereas it will be necessary to continue to operate over the section of the Bunbury-Boyanup railway until such time as the alternative route via the new connecting railway is completed.

The Director-General of Transport has examined the proposal for the construction of this new section of railway and also the proposed closure of the small section of the Bunbury-Boyanup railway and a copy of his report has been tabled in both Houses, together with a copy of Railway Civil Engineering Branch Plan No. 66142 which has the new section of railway shown in red, the section of line to be closed shown coloured blue, and the railway land to be revested in Her Majesty as of Her Former Estate coloured yellow.

In his report the Director General of Transport recommends both the construction of the new connecting railway and closure of the redundant section of the Bunbury-Boyanup railway.

The director general and his staff have closely examined all aspects of this proposal and in making his recommendation he has pointed out that provision of this new section of railway will provide the W.A.G.R. with needed train working flexibility in order to handle efficiently additional export traffic in the future.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Sibson.

BILLS (2): RETURNED

1. University of Western Australia Act Amendment Bill.
2. Education Act Amendment Bill (No. 4).

Bills returned from the Council without amendment.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

MR. BICKERTON (Pilbara—Minister for Housing) [5.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been passed by the Legislative Council and comes to this House for its concurrence.

During the 1972 session of Parliament the Totalisator Agency Board Betting Act was amended to allow the Totalisator Agency Board to accept investments on greyhound racing. Further examination of the Act has found that some other amendments are desirable.

For greyhound racing, a sport which is comparatively unknown in this State, it has been found that novelty bets as confined by the Act to doubles and quinella betting would be too restrictive.

To introduce other forms of novelty betting under present legislation requires an amendment to the Act. This seems somewhat cumbersome and it is proposed to amend the Act to enable other forms of novelty betting to be prescribed by regulation. The effect of the Bill when passed will be to enable the board, when suitable regulations are made, to accept any prescribed form of novelty bet, but only upon galloping, trotting, and greyhound races.

A "race" is defined in section 3 of the Act as meaning a galloping, trotting, or greyhound race, and even with the proposed amendment the activities of the board will still be confined to these three particular types of racing.

If the Bill is passed, regulations will be prescribed to define four types of novelty betting—double and quinella betting, which are currently covered by the Act, and tierce and nomination tierce betting.

Tierce betting is simply an extension of what is commonly known as a quinella bet. In a quinella bet the punter is required to select the first and second horse of a given race in any order. A forecast quinella means the punter is required to select the first and second horse in a given race in the correct order. Tierce is a French term and a popular form of betting in France. A punter having a tierce bet must select the first three horses in a given race in any order.

I might interpolate at this stage to say that I cannot select horses in any order.

Mr. O'Connor: I think it is a doubling up of the quinella.

Mr. BICKERTON: A further extension of this type of betting is a nominated tierce whereby a punter must nominate the first three horses in a given race in the correct order.

This Bill also provides for two other minor amendments which were overlooked in 1972. One clause of the 1972 Bill was intended to delete all reference to horses, thus widening the scope of the Act to enable the board to accept investments on both horse and greyhound racing. Unfortunately one reference to horses was overlooked and the present Bill will rectify this omission.

The 1972 amendment was also defective in that it did not provide for the Greyhound Racing Control Board to receive funds accruing as a result of novelty betting on greyhound racing. The necessary amendment is included in this measure.

I commend the Bill to the House.

Mr. E. H. M. Lewis: Is there any reference to "dead" horses?

Mr. BICKERTON: There is no reference to "dead" horses!

Debate adjourned, on motion by Mr. O'Connor.

CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th October

MR. R. L. YOUNG (Wembley) [5.24 p.m.]: The Bill now before us is a very simple one, and it will not take long to handle. I understand the measure is introduced for the purposes of, and at the request of, the Co-operative Federation of Western Australia.

The purpose of the Bill is to increase the value of shares which a person may hold in a co-operative society from $5,000 to $10,000. The limit imposed by the parent Act, at the moment, is $5,000, and it is necessary to make four amendments to the Act.

The reason for the increase in share value is that a number of co-operative societies desire to increase the capital required for the carrying on of their businesses and, for that matter, for the purpose also of expanding their businesses into different fields. Many societies desire to increase from $5,000 to $10,000 the value of shares which members within their own ranks can hold.

Of course, inflation has also contributed to the necessity for the introduction of this Bill, and that point was mentioned by the Minister in his second reading speech. Members from this side of the House have no argument with the contents of the Bill.

There are a couple of matters which I would point out to the Minister, not for inclusion in this present Bill, but for consideration for future incorporation into the Act itself. The Minister referred to the fact that no member of a co-operative is permitted to hold shares exceeding the value of $5,000. That is how it is expressed in the Act. However, when we examine the four amendments contained in the Bill, and the sections which are to be amended, we find that the references to shareholding members are expressed in almost as many ways as there are clauses in the Bill.

In two cases there is reference to an interest in shares in a society; in one case there is reference to nominal value; and in another case there is reference to share capital to a sum of $5,000. I do not think there is much doubt in anyone's mind about what is meant, and I am not suggesting there is anything wrong with the wording of the Act. I am raising these points simply because I believe that any person reading the Act may have some difficulty in deciding what any interest in the shares of the society, exceeding a certain sum of money, might be. In only one section of the Act which is to be amended is the situation quite clear and

that is in section 43 where there is reference to the nominal value. That is a clear term with which nobody can argue. I can see the Minister is having a little difficulty in hearing me because of the noise in the Chamber.

I raise those points only for the purpose of recording them in *Hansard* with a request that the Minister could, perhaps, ask the department involved to examine the wording of the Act in case some doubt arises regarding nominal value, real value or some other value.

We have no argument with the contents of the Bill and it is obvious that the amendments are essential. We support the measure.

MR. E. H. M. LEWIS (Moore) [5.28 p.m.]: The first attempt to legislate for co-operative societies in this State was by means of a measure entitled the Industrial and Provident Societies Bill introduced by Walter James, who was the Minister without portfolio in the Leake Government of 1901. At page 1105 of *Hansard*, volume XIX, The Hon. W. H. James, when speaking to the second reading of the Industrial and Provident Societies Bill, said—

> It is founded on, and is almost a copy of, the Imperial Acts of 1893 and 1894. Those Imperial Acts were themselves founded on earlier Acts dealing with the same subject. The Bill deals with the incorporation of not less than seven persons as a society.

It is significant that the minimum number of shareholders allowed, in order to form a co-operative society, has remained the same right from the inception of the legislation. For a reason which I will give later, the Bill of 1901 was not proceeded with although it passed the second reading stage. The earlier Bill also limited the maximum shareholding of each shareholder, in terms of our present-day currency, to $400.

In 1903 the same gentleman, The Hon. W. H. James—who had by then become Premier of the State—introduced a Bill entitled the Co-operative and Provident Societies Bill. That Bill was introduced in August, 1903. On page 401 of volume XXIII of *Hansard* for that year, he said—

> This Bill, or practically the same Bill, was introduced during the session of 1901 . . . It is based upon an English Act passed in 1893, which Act was based upon earlier legislation existing in the old country.

The Bill of 1903, which became the parent Act of the amending Bill now before us, provided for a minimum number of seven shareholders and a maximum indivdual shareholding of $400. I quote again from the speech of the Premier of that day—

> When the Bill was introduced by me in 1901—

That is, the Bill which was dropped. He continued—

> —I think members formed the opinion that it was some advanced piece of labour legislation, and for that reason it excited a good deal of hostility, which resulted in its ultimately lapsing.

The Bill now before us has only one purpose; that is, to increase the maximum holding by an individual shareholder in a co-operative society from $5,000 to $10,000. As the member for Wembley pointed out, this is in line with present-day requirements; not only the vastly increased capital requirements necessary to set up a co-operative, provide plant, and so on, but also to take care of the decrease in the value of money over the years.

It is not an innovation to increase the maximum shareholding. The Act of 1903 set down a maximum shareholding of $400; by Act No. 48 of 1947 it was increased to $1,500; in 1969 it was increased to $5,000; and we now have a Bill increasing it still further to $10,000. I understand this has already been done in South Australia, and the Bill meets with no opposition from this side of the House.

We have come a long way since the days of the Rochdale Pioneers in 1844, when 28 mill workers decided to form a co-operative society with a maximum individual shareholding of £1 and a total capital of £28. The co-operative society was formed on a paid-up capital of £28, but it was not paid up then because the members agreed to pay off their £1 shares at the rate of twopence a week from their savings resulting from trading with the co-operative. We have come a long way since then, not only with co-operative societies but also with co-operative companies, which are dealt with under other legislation.

I would like to give some figures to indicate the growth of co-operative societies in Western Australia. The figures do not include credit unions, although they also come under this legislation. In 1968 there were 28 co-operative societies—as distinct from co-operative companies—with a total membership of 20,944 and a turnover of $8,500,000, with a surplus for the year of $184,000, paying dividends of $41,000 and rebates of $46,000. Four years later, in 1972, there were 57 co-operative societies—that is, more than twice the number in 1968—with 41,482 members, a turnover of $11,300,000, and a surplus of $224,000, paying dividends of $46,000 and rebates of $56,000. Again I point out those figures do not include credit unions.

In 1968 there were 23 credit unions with 14,000 members and assets of $5,000,000. By 1972 that had increased to 48 credit unions with 35,000 members and assets of $16,000,000. Those figures illustrate the vast increase in the development of credit unions in this State alone. Credit unions are at present operating under the provisions of the Co-operative and Provident Societies Act, but I understand the credit unions, collectively, have some reservations about the legislation and are working on new legislation; however, that is another story.

All in all, we support the Bill. As one who has had something to do with co-operatives, being the foundation chairman of my own local co-operative, it is pleasing to note that the growth of co-operative societies has been such that this Bill is necessary.

MR. DAVIES (Victoria Park—Minister for Health) [5.36 p.m.]: I thank both members who have spoken for their acceptance of the Bill and their contributions to the debate. The member for Wembley, with his particular knowledge of the subject, has pointed out some possible deficiencies in wording. When his speech is available I will ask the department to check the points he made and take whatever action is considered necessary. I thank the honourable member for bringing the matters to my attention. They may or may not require amendment after consultation with the department.

I thank the member for Moore for his interesting history of the co-operative movement. It must have taken him some time to get all the facts together. I was quite surprised to know that the number of co-operative societies and credit unions had more than doubled between 1968 and 1972. I would not have thought the increase had been so great, but obviously there is still plenty of scope for the co-operative movement and advantage is being taken of it.

The attitude expressed in the House this afternoon is one I would normally have expected, and perhaps it reflects a change in attitude since the earlier periods mentioned by the member for Moore, as expressed in the debates which took place in the House at the turn of the century. I am pleased to hear we are all in agreement on the Bill. I thank members for their support and the work they have done on it, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th October.

MR. RIDGE (Kimberley) [5.41 p.m.]: This is a very small and uncomplicated Bill which, as the Minister said when introducing it, is designed purely to lower the age at which children may legally attend the screening of "R" certificate films. At the present time six-year-olds are able to be exposed to sex, violence, eroticism, horror, and a multitude of other things. We on this side of the House agree there must be instances of so-called entertainment such as this having an adverse effect on the character and attitude of pre-school children, and we wholeheartedly support the proposal now before us.

In such a simple Bill, which seeks only to alter one word in four places, the Minister went to a great deal of trouble when introducing it by providing a considerable amount of supporting evidence from authoritative sources. It would be very difficult to dispute any of it, and we have no intention of doing so.

Unfortunately, by lowering the age from six to two years, we will restrict further the already limited entertainment available to some young families. Members will appreciate that at drive-ins these days it is common to see young families with pre-school children. In future they will not be able to attend with children over two years of age. In addition, we often see young mothers with pre-school children at the movies in the daytime, and the Bill will restrict them also.

When I say the Bill will restrict the already limited entertainment available to young families, I refer particularly to young people. To illustrate the entertainment that is available, I went through last night's issue of the *Daily News* and found advertisements for 30 theatres in the metropolitan area of Perth, which are showing a total of 34 feature and supporting films. Of those 34 films, 12 are "R" certificate movies, nine are for mature audiences only, seven are not recommended for children, and six are for general exhibition.

The six films suitable for general exhibition are being shown at five different theatres—three in the city and two suburban drive-ins. One of those drive-ins shows a supporting film which is for mature audiences only. As a supporting film it will probably be shown first, so that by the time the main film is shown most of the children in the audience will be asleep. Many parents are offended by the fact that when they go to the movies the

general exhibition film is usually shown last, after the children have fallen asleep. That effectively limits the straightout children's shows which are available at the present time.

It is not always convenient for families to travel into the city. At the present time one general exhibition film is showing at a drive-in, and three are being shown at theatres in the city. It is quite a complicated business for parents to take their children into the city; they must find a parking space and take the children through the city to the theatre; and they face the prospect of the kids going to sleep during the movie. Of course, going to a drive-in theatre is an entirely different proposition.

I want to know what is wrong with the people who exhibit these films when they cannot see that they are not providing reasonable shows for children. Week after week my family scans the newspapers for suitable shows to attend. I know many other families do the same. They are looking for shows which are not too violent or perverted. Even on the rare occasions when one finds that some enterprising theatre has put on a show which is suitable for general exhibition, one finds also that the kids have seen it in Perth at the Saturday matinee. So one is left with the alternative of staying at home and watching the trashy programmes shown on television.

Obviously there is money to be made out of sex, sadism, and terror, because these days we see movie advertisements that look like the centrefold of *Playboy* magazine paraded in the newspapers. Instead of being asked to go along and be entertained the public is urged to go along and be shocked, thrilled, or terrorised. I do not know what is the situation of country theatres lately, but I recall that not very long ago theatres in country towns generally showed films which were suitable for families, because the management appreciated the fact that if the children could not attend a show then the parents would not attend it.

I think it is a great pity that we cannot intimidate some of our city and suburban theatres to the extent of making them provide more suitable family entertainment. In my view motion picture exhibitors at the moment are displaying a totally irresponsible attitude towards our youth. I refer to young teenagers. Apart from sporting activities very little wholesome entertainment is available to young people today. On a Saturday night out they are left with three or four alternatives. Firstly they can go to a dance at the local pub—and that is about the only place at which dances are held these days. Secondly, they can go to a pool room; and the alternative to that is to hang around the streets. One can go to the Hay Street Mall on any night of the week and see dozens of young people hanging around there. Thirdly, they can go to a movie.

I would like to refer to some of the movies that have been advertised in the Press in recent weeks. Firstly, one can go to see "daddy, darling—a daring dish of Danish delight"; "The Nights of Boccaccio—master of the erotic; ribald stories of the 14th century's bedrooms"; "The Decameron—the world's first and still the greatest erotic masterpiece—raised skirts and lowered lashes; a blush on every cheek"; "Up the chastity belt"; or "Percy —he lost his most vital part".

If one likes, one can go to see "Rentadick"—and I do not think the person in that movie is related to Percy! One may also go to see the "Hands of the Ripper—three frightening hours of screaming terror"; "The Curse of the Werewolf"; or "Dirty Harry" who "doesn't break murder cases . . . he smashes them!" One may like to go and see "Women in Love", which is described in these terms: "The relationship between sensual people is limited. They must find a new way." Then there is the "Last Tango in Paris". I do not know how many members have seen that film, but it has been acclaimed by some critics as having a great deal of artistic merit; in my opinion it has about as much artistic merit as pigswallow. One would hear better language in the back bar of the Wyndham pub than one would hear in that film.

Mr. Jamieson: The pronunciation is not as good, though.

Mr. RIDGE: Then we have "Night of Fear"; and "The Wanton" and "9 Ages of Nakedness". The latter two movies are described as "Two compelling, revealing, provocative films of forbidden desires!"

Those films are examples of what motion picture exhibitors are providing for the entertainment of today's young people.

I support the Bill, but I would like to appeal to motion picture exhibitors to recognise the influence they have in the moulding of the character of our young people. I appeal to them to give us back some of the good family entertainment that we deserve.

MR. MAY (Clontarf—Minister for Mines) [5.50 p.m.]: In view of the absence of the Minister who would normally handle this Bill, I would like to thank the Opposition for its co-operation; and I refer in particular to the member for Kimberley. We fully appreciate the comments he made. The Minister concerned with this matter has had talks with the industry on a number of occasions to see whether any improvement can be made in the type of films which are being displayed in city and country areas.

One particular area of concern is the type of film shown during school holidays. It has been brought to the attention of the Minister that during school holidays if one picks up the morning paper one finds that about two-thirds of the shows

are rated "R"; and this during the time when children have the greatest opportunity to attend picture shows. The Minister has brought this matter to the attention of the film industry. I will indicate to him the concern expressed by the member for Kimberley and request further representations. The Opposition may rest assured that we will do everything we can to improve the type of film shown in Western Australia.

We realise that, as the member for Kimberley mentioned, some families will be penalised by this measure because they will not be able to take their children to a drive-in or other picture theatre; but, unfortunately, it is a fact of life that often we are forced to penalise a few in our endeavour to correct the situation applying to the majority. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. May (Minister for Mines), and passed.

BUILDING INDUSTRY CONTRACTORS LICENSING BILL

In Committee

Resumed from the 31st October. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Works) in charge of the Bill.

Clause 5: Interpretation—

The CHAIRMAN: Progress was reported on the clause after the member for Floreat (Mr. Mensaros) had moved the following amendment—

> Page 3, line 28—Delete the words "by way of trade".

Mr. MENSAROS: I moved my amendment simply because the attitude of the Opposition is that the main contractor should be in charge of the whole operation; and if we delete the four words we will emphasise that the contractor has a contractual relationship as a licensed contractor with the public.

I thank the Minister for his courtesy in notifying me of the amendments he proposes to move, which apparently endeavour to put into effect the point he made during the second reading debate. I refer to his proposed amendments which are intended to have the effect of saying that only those subcontractors who have a direct contractual relationship with the public should be licensed and registered. Some of the amendments I have placed on the notice paper are intended to do the same thing. Of course, the question remains whether the remainder of the Bill will need to be consequentially amended, and I think it would need a fairly long study to resolve that point.

Mr. JAMIESON: Firstly I apologise to the member for Floreat in respect of the words "working" and "carrying on contracting" in regard to which we were at variance.

There would have been no point in my putting amendments on the notice paper in connection with painters if at any time I suspected that any contractors other than those who are directly associated with the public, generally, would be affected by the legislation. I was assured no other contractors would be affected, but I referred the matter back to the Crown Law Department for double checking, and I was told, in effect, that the attitude of the member for Floreat in this instance is correct. Consequently, I have proposed amendments which will iron out that position.

It was not my intention that the provision should apply to contractors other than those who are directly associated with the public. I made that point very clear in my introductory speech, and it was clear to the draftsman even when I took the matter back to him in order to ensure that the position of painters was protected. However, his point was made. When I drew it to the attention of the senior officer of my department, he pointed out that people would be inclined to read the provision without due regard to the other definition.

On subsequent review, the Crown Law Department agreed that the submission of the member for Floreat in this respect was quite correct. As a consequence, I have to apologise because I was not in a position to argue on the merits of it, in any other way than I did. I have to rely on the Parliamentary Draftsman for the preparation of Bills, and it was put to me that the Bill was in order.

I intend to oppose the amendment of the member for Floreat to delete the words "by way of trade". The retention of those words is vital to the definition of "contractor".

Mr. HUTCHINSON: I find myself a little confused by the Minister's explanation. On the one hand he agreed with the member for Floreat, but then he harked back to the references he made in the second reading debate relating to the division between contractors and contracting work, and those contractors who carry out work for people in the community. What the Minister has said does not seem to be in accord with the amendment before us.

Mr. Jamieson: It is not. The member for Floreat referred to that aspect, and I felt it incumbent on me to reply to his remarks. He now seems to be satisfied with my explanation.

Mr. HUTCHINSON: Members on this side of the Chamber, when dealing with this amendment and with allied clauses, were concerned with the great confusion which the implementation of this legislation could cause, and with the litigation which might follow.

Amendment put and negatived.

Mr. JAMIESON: I move an amendment—

Page 3, line 38—Delete the word "Industry".

This is a consequential amendment and will make the provision conform to the short title of the Bill.

Amendment put and passed.

Mr. MENSAROS: I have caused some amendments to be circulated, and the Minister has been supplied with a copy. I tried to frame an amendment to take precedence over the one which has been defeated. It was to pursue the purpose which the Minister wants to be achieved later; namely, that only the subcontractor who directly contracts with the public will be liable to become registered. I now wish to deal with my next amendment which seeks to delete the word "firm" on page 4, line 8.

The CHAIRMAN: The Minister has an amendment on the notice paper which comes before the amendment of the member for Floreat.

Mr. JAMIESON: I move an amendment—

Page 4, after line 7—Insert two new interpretations as follows—

"painting" means the application by any method recognised or adopted by the painting trade of paint, varnish or stain or any substance or preparation of a composition similar thereto or recognised by that trade as a substitute therefor to the whole or any part of a building or other structure of a kind recognised by law as a fixture (but not being a floor, path or driveway composed of concrete or other similar substance) and includes such processes or treatments as are commonly known to that trade as graining, kalsomining, marbling, distempering, gilding, colour-washing, staining, varnishing and plastic relieving, and also includes the hanging of wall-paper and any substitute therefor;

"painter" means any person, firm, company or other body corporate who or which carries out painting.

The purpose of this amendment is to maintain in the Act the requirements for the registration of painters, except those who are working for wages. This amendment will not disrupt the Painters' Registration Act. As provided under that Act, and in accordance with the submissions put forward by the Master Painters' Association and the representatives of the painters' union, the present requirements have worked quite satisfactorily, so there is no need to alter them. As a consequence there is need to insert the new definitions as set out in my amendment.

Mr. MENSAROS: Logically when we are dealing with a Bill in Committee and intend to reject the provisions in toto there is not much purpose in opposing individual amendments. This is quite an interesting move on the part of the Minister. By bringing this definition back into the Bill the Minister is agreeing with some of the representations made by the painters. To my mind this, in an indirect way, supports our argument that whatever ill might be justifiably detected in the building industry could be taken care of after the two existing inquiries into the industry have been concluded, and after consultation between the Minister and the industry, by amending the Builders' Registration Act and the Painters' Registration Act.

For technical reasons, and to save the time of the Committee, I do not intend to raise any opposition to the amendment before us, except to point out that we are opposed to the whole concept.

Mr. HUTCHINSON: My remarks largely coincide with those of the member for Floreat. I am somewhat confused, because the Minister has said that the definitions of "painting" and "painter" will not affect the Painters' Registration Act.

Mr. Jamieson: They will enable the provisions which now apply under the Painters' Registration Act to apply under the proposed legislation.

Mr. HUTCHINSON: The Minister was completely wrong in saying those definitions would not affect the Painters' Registration Act. The Bill seeks to repeal that Act, so there is a profound difference between what takes place under the existing Painters' Registration Act and what will take place under the Bill before us.

Amendment put and passed.

Mr. MENSAROS: I move an amendment—

Page 4, line 8—Delete the passage "firm,".

Under the definition of "person" in clause 5 the following appears—

includes any partnership, firm, company or other body corporate;

When I first read this definition it seemed to be quite clear that the word "firm" was not a commonly used legal expression.

Perhaps it is a commercial description of a business. I consulted various dictionaries, and the result I came up with was that this word meant a partnership of two or more persons carrying on a business.

The definition in the clause is not strictly a legal definition. The word "firm" is derived from an Italian word which simply means a signature. Several centuries ago such a signature was accepted by people who dealt with the businessman, the company, or the partnership, as representing the business; hence the word "firm".

Great insecurity would be caused by retaining the word "firm" in the definition, because one does not know what it means, unless it is defined in the Bill and has a legal connotation. I have obtained a legal opinion from a well-known firm of solicitors in Perth. After pointing out that the derivation of the word "firm" was from an Italian word the opinion went on to say—

> Today it is almost exclusively used in a partnership sense, as a short collective name for the individuals who constitute the partners and the name under which they trade is their firm name. A firm has no legal entity unlike a limited company.

Taking this into consideration, I cannot agree to the retention of the word "firm" in the definition. To continue with the legal opinion—

> It cannot except where statutorily provided be the subject of any action in its own right and the Supreme Court Rules in Order 71 permit a partnership to be sued in the name of the firm. The partners who are sued in their firm name are sued individually just as much as if their names had separately been set out.

The only reference to the word "firm" appears in section 4(1) of the Business Names Act. This states as follows—

> "firm" means an unincorporated body of persons (whether consisting of individuals or of corporations or partly of individuals and partly corporations) associated together for the purpose of carrying on business;

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MENSAROS: From the dictionary meaning and the legal opinion I have quoted it appears to me that the word "firm" is covered under the rest of the definition of "person". If this word were left in the Bill it would only lead to confusion. From the dictionary, and in my opinion, the best we can get is that it might apply to an *ad hoc* syndicate which is not covered by either a partnership, a company, or other body corporate. The word would cause great confusion if it were incorporated in the Statute.

Mr. JAMIESON: I find it hard to follow the reasoning of the member for Floreat, particularly as he accepts the interpretation of "painting" and "painter" which means any firm, company, or other body corporate. This is almost the exact definition in the section from which he wants to remove the word "firm". The honourable member may wish to play around with dictionary meanings, but I think it is well established in our community that a "firm" is a group of people who are together for a particular pursuit.

If we remove the word "firm" the Bill will not achieve the purpose we seek. A firm is usually considered to be any association of persons without legal corporate identity, who would be exempt from the provisions of the Bill.

This would leave a loophole which we do not want because people would be able to avoid the obligations and provisions of the proposed Act. I oppose the amendment.

Mr. MENSAROS: I do not think the Minister's explanation is satisfactory. He says I am playing with words. This may be so but most Bills play with words and I feel Bills should be properly drafted. I repeat, the word "firm" would only cause confusion if it were left in the Bill.

I accept the Minister's definition that "firm" is an association of people who have no legal identity. It is hard to imagine there would be no legal tie. The Minister probably means that such persons are not registered as a partnership under the Companies Act, or something to that effect. I do not think the Minister is factual in saying a loophole would be created in the Bill. The repercussion of this definition on other clauses would add to the confusion. There would be utter confusion if the word remained. I wonder who drafted the Bill, because the definition is vague.

Mr. THOMPSON: I support the member for Floreat in his amendment. Could the Minister tell us who would not be covered if the word "firm" were removed, because partnership, company, or other body corporate, must surely encompass everyone? I cannot think of anyone in the building industry who would not be included in this definition if the word "firm" were removed. I agree that if the word were left in it could only lead to confusion.

Mr. JAMIESON: I do not believe the word would lead to confusion if it were left in. If this were the case the provision should not have been included in the Painter's Registration Act or the Builders' Registration Act; at least not in similar circumstances. For the benefit of the member for Darling Range I would say that if I accepted the amendment it would exempt from the provisions of the Bill any association of persons without legal

corporate identity. For a long time the word "firm" has been accepted in the community as meaning something particular. The word is included in many other Acts. I oppose the amendment.

Amendment put and negatived.

Mr. MENSAROS: I move an amendment—

Page 4, lines 24 to 32—Delete the definition "supervisor".

On very close scrutiny the Bill indicates that the word "supervisor" as a noun appears only once in the measure. It appears it is not important because in connection with an unrestricted license it is stated that those who apply for an unrestricted license other than under the grandfather clause shall have certain qualifications among which is that "if for seven years he was a builder, or a supervisor".

The word "supervisor" does appear in various parts of the Bill as a verb, or as a descriptive verb, but not as a noun. I would take exception to the verb "supervise" because if I understand the provision correctly—and I think I do—it would mean hundreds of people being put out of work, particularly if it is the intention of the Bill to relate to fully licensed contractors whether they be registered builders or a person or a company or other entity which is defined under "firm". There is no provision as to what these persons or companies have to do. Anyone who knows the building trade knows that large building contractors employ supervisors where they have more than one job on hand. The supervisor virtually manages the entire job, because neither the individual nor the registered man in the partnership would be able to look after the job.

This would be impossible and the work would suffer. If the Minister considers a supervisor to be something more than a foreman because he has two or three jobs under his control, and feels that he should be registered, virtually 95 per cent. of those who are supervisors at the moment would be without jobs. There is no provision in the Bill to register supervisors under a grandfather clause, unless we interpret the restrictive license provision to mean that supervisors will be licensed, as such, under a restricted license.

These people cannot come under the grandfather clause because they are not registered builders. They are all good tradesmen or they would not remain in their jobs or be able to manage jobs for huge building companies. They would all be left without a livelihood. I submit that not more than 5 per cent. of the supervisors today have a builder's license. This 5 per cent. are usually builders who were in a small way on their own but got tired of it; or they are retired builders employed to supervise jobs. They do not like to have businesses of their own—perhaps they do not like the risk or the paper work involved. Some of the building contracting firms are fairly impersonal as huge undertakings generally are. Several of these supervisors are known to me.

If the expressions "supervisor"—as well as the expression "supervising" to which I will refer later—remains in the legislation this will create tremendous hardship, not only for the persons concerned but, indeed, for the whole of the building industry. If, say, from tomorrow onwards not one of these supervisors could continue to work, because he was not registered, the jobs would not be looked after properly. The simple reason is there would not be anyone to look after them. One could not expect one of the registered contractors of a huge building firm to rush out to all the sites. This applies to architects or other business people. The jobs could not be proceeded with because, according to this definition, a supervisor is more than a foreman or a leading hand.

A supervisor's task is really to engage and look after the subcontractors, to employ the bricklayers and the men who lay concrete, etc. The supervisor's task is to show them the specifications and to explain what is meant if the specifications are not understood. A supervisor tells such a person verbally what must be done. I realise that this is set out in the specifications but, as I have said, it is sometimes not fully understood by the bricklayers and the concrete makers even though they fully understand their work.

Furthermore, a supervisor organises the purchases and supplies. Sometimes it is a question of filling in a form to allow materials to be purchased from an organisation and on other occasions in an emergency he makes the purchases himself. Such a person lists supply items and enters into a great deal of negotiation with the various people I have mentioned. He is usually more skilled than many registered builders.

For some reason or other he never registered himself. Perhaps the circumstances could have been that he was not quite as young as he had been and, as a consequence of looking after a family, he did not have time to take courses and examinations which he possibly could have passed without much difficulty. As I have also said, such a person may not have been inclined to run the risk of going into business. Instead, he executes business on someone else's behalf.

I urge the Minister, if he knows the circumstances of the whole industry, as he ought to do, to consider this seriously. With one stroke the Minister could take away not only the livelihoods of the people involved but he could also virtually bring the industry to a standstill. The alternative to bringing the industry to a standstill is that shoddy building work could come about.

It would be impossible to find enough registered builders to look after these matters. As I see it, the people concerned

would work on and would be called foremen—or something of this nature, thus bringing them within the provisions of the legislation—but a registered person would be put above them, although that person may well do nothing. That person would be called a supervisor.

I ask the Minister to look into this and consider what I have said. He will find in discussion with people who know anything about the building industry that this is the case.

Mr. JAMIESON: All I can say is that the member for Floreat and I must be talking about two different building industries. My appreciation of the building industry seems to be nothing like his. I draw the attention of the Committee to the definition of "supervisor" as set out on page 4 of the Bill.

Most building groups which are constructing, say, a number of cottages have only one of these people. He may be called the "pannikin-boss" who looks after the whole establishment. He deals from day to day with the supply of materials and his work is vastly different from the actual supervision of the materials for which a foreman or a leading hand in a particular trade is responsible.

There is no doubt these people exist. If the definition of "supervisor" is removed there will be no obligation on the part of a firm or company, licensed under the Act, to have such a person to supervise work to ensure that it is properly carried out.

If the inspector who is to be appointed under the legislation went out to a job he would want to talk to the supervisor. If something goes wrong it is useless to come to the firm in Perth and say, for example, that a complaint has been lodged to the effect that one of the dwellings is not being correctly constructed. The complaint may be made by the person who will occupy the house or the one who is having it built. As I have said, a group of houses in the suburbs, say, could be involved.

It is pointless to come into a city office. Action must be taken initially on the job through discussion with the supervisor. This is the reason for the inclusion of the provision. I know it will cause more bother to larger construction firms than to smaller ones. Usually in the case of a smaller firm a working supervisor is a partner in the business or at least is associated with it.

I see nothing wrong with the definition of "supervisor". I will not enter into an argument as to whether it is used in one place as a noun and in another as a verb. There are too many school teachers on both sides of the Chamber for me to start teaching English at this stage of my career. I will bow out of that one. I do not know whether the member for Floreat is right or wrong on this point, but I do not think it matters much. The definition is included in the legislation. Regardless of whether it is used as a noun, or as a verb, it surely means that any supervision is to be done by a supervisor. To me the definition makes sense and I ask the Committee to retain it in the measure.

Mr. MENSAROS: I do not entirely disagree with the Minister but I think we are, once again, in the same position as we were last time in that the Minister has said one thing and the legislation states another. I always thought very highly of the Minister —despite the fact that he would not acknowledge this—when he was in Opposition. This was because of his thorough knowledge of legislation which was before the Chamber. This was when he was in Opposition. It appears to me that, as a Minister, he is relying only on advice without studying the matter himself. I am sure he would come to a better conclusion if he were to study the Bill himself.

I could not agree more with what the Minister said about supervisors in that they should assist on the job. Every job needs a supervisor.

I am not being pedantic in referring to a noun and a verb. However, the infinitive "to supervise" appears in the Bill and makes it obligatory for the supervisor to have a license. The Minister has said that there should be a supervisor for every job and that people ought to be able to approach that supervisor. He was referring to architects, inspectors, scaffolding inspectors, and the like. The Minister did not say that these people should be licensed but this is the provision in the legislation. This is my reason for endeavouring to delete the definition "supervisor" from the measure.

I contend that the measure will effect this, and the Minister has not answered my contention. The Minister should know that supervisors are rightly employed on these jobs. By the way, the Minister is not quite right in saying that one business organisation would have only one supervisor, because the definition itself refers to an overseer or a construction site manager. Many construction companies have to employ one man for each large project.

To revert to my theme, these people are not registered builders and the legislation seeks to make them registered builders. I apologise for the repetition but I am trying to get across to the Minister that the great majority of supervisors are not registered and, up to date, have not had to be registered. If they are now to be registered this will mean two things. Firstly, they will lose their livelihood or else they will go down the scale and be employed as simple tradesmen, such as carpenters, plasterers, bricklayers, and the like. They may well have done this work before they advanced to the position of becoming a foreman or a supervisor. The second point is that the industry would be thrown into chaos. The

simple reason is that it could not produce the necessary number of fully registered builders. The measure is silent on the point, but I assume that if a supervisor deals with all aspects he should be fully registered. If this is so, there should be enough of them. I am not quarrelling with the definition or saying that it is wrongly or badly drafted. I am saying it is unnecessary, because it does not appear in the legislation. Why define something which does not appear in the legislation, except in one place which is rather irrelevant?

My second point is that the word "supervisor" is used as a verb in some places and as a restrictive noun in various other passages of the measure. This could result in the interpretation that all supervisors have to be licensed.

The Minister contends there must be a supervisor. I agree, but he should not be licensed. After all, a supervisor is a person who is employed; he is not a contractor. We would find ourselves in the situation that an employed man had to be registered. I have not seen one single instance of a construction firm contracting with a supervisor. Of course, the firm may pay the man a bonus or suggest that if he is successful in ensuring that the job is finished on time he will receive a certain bonus.

As a rule such people are paid a salary. By receiving a salary, they also receive a car allowance in the same way as highly salaried people in other types of businesses receive such allowances. If the people concerned must be registered, this will throw the industry into chaos.

Today I happened to speak to a couple of people about this provision. They said that less than 5 per cent. of supervisors are licensed. Hence, I borrowed this percentage. If they are licensed they happen to be builders who were not successful in business and went to work as supervisors for other firms. They could have relinquished their license but perhaps they did not do so because they thought of the time when they may, perhaps, go into business again.

I realise the Minister thinks the legislation is properly drafted and he is resisting any amendments. He is doing this because he believes that everything is all right. This is an attitude which I can understand, even though I do not agree with it. I appeal to the Minister's common sense to listen to what I am saying instead of referring continually to advisers.

I am sorry the Minister has not had time to study the measure to the extent to which he studied other legislation when he was in Opposition. In my estimation he was one of the most astute members of the Chamber when in Opposition. He always knew what we were talking about but, unfortunately, this does not seem to be the case now.

Mr. JAMIESON: I have no desire to be damned by faint praise. This legislation was my innovation right from the start until the finish. I went through it a dozen times, and then a dozen more times. Notwithstanding my study of the legislation I admitted to a salient mistake today.

Neither I nor the member for Floreat admits that the definition is wrong in its description of the person whom it is meant to define.

The honourable member's argument is in connection with whether or not they should be registered or will be liable to be registered under the legislation. This has nothing to do with the definition of a "supervisor". Such a person is defined in the legislation for a purpose. I think the definition should remain in the Bill.

Mr. Hutchinson: What is the purpose?

Mr. JAMIESON: The purpose is quite simple. If a person comes within the statutory category of a supervisor, someone else knows to whom he is talking within the scope of the legislation.

The member for Floreat is talking about supervision associated with partnerships and this sort of thing which is not applicable to the same sort of situation. If we confuse the two, it will finish up that they are incompatible. However, this is not the case.

Mr. Hutchinson: The only place where it is mentioned is in clause 43 (a).

Mr. JAMIESON: That is the noun, as the honourable member pointed out. I am not going to argue about the verbs and nouns in the Bill.

Mr. Hutchinson: The word "supervisor" is not a verb, and it cannot be used as a verb.

Mr. JAMIESON: Various other sections referred to by the member for Floreat deal with a person, a firm, or an organisation which is required to be registered. I see nothing wrong with this definition, and I ask the Committee to retain it.

Mr. MENSAROS: I do not think we can go very far. I ask the Minister two questions, and I would be obliged if he would answer them. Does he contend that a supervisor, as he defines him, shall be registered? Under the provisions of the present legislation, a supervisor does not need to be registered when he is employed by a registered builder. The second question is: What was wrong with the operation of the present Act with regard to this clause? Were any complaints received, or did such an obnoxious situation arise that it has become necessary for the supervisor to be registered?

Mr. JAMIESON: As far as I know no complaints were made in respect of supervision or supervisors. The member for Floreat does not seem to understand that we chose to create new legislation. The verbiage has been used to suit the circumstances. If it does not suit the honourable member, I cannot help it.

Mr. Mensaros: Do you want them to be registered?

Mr. JAMIESON: The honourable member is attempting to get me into the same position as he did on the other occasion. This provision is different from the one relating to the person who will be registered under a later clause. We will deal with that when we come to it.

Mr. HUTCHINSON: I want to point out that this fairly lengthy definition of "supervisor" is all right in its own sense and I have no quarrel with it. However, it must be here for a purpose and a supervisor is mentioned in only one other part of the Bill; that is, clause 43(a) which deals with the granting of unrestricted licenses. Therefore, the Minister must mean that a supervisor must be licensed, and yet he is denying that intention.

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

Mr. HUTCHINSON: That is my understanding.

Mr. Jamieson: Let your understanding be your own understanding.

Mr. HUTCHINSON: I hope the Minister will get up and tell us frankly that this is so, because so far he has not admitted it. It seems to me to be the only reason for the inclusion of the definition and, yet, the Minister will not agree with what the member for Floreat has said.

Mr. JAMIESON: We could argue about this all night and we will not get anywhere. I want the definition to be retained, and if there is anything wrong with a later clause, we will deal with it then.

Mr. Hutchinson: The Committee stage is to deal with matters like this.

Mr. JAMIESON: It is to deal with the clauses as we come to them. The member for Cottesloe has agreed that the definition is not a bad one.

Mr. Hutchinson: As long as we know why it is there.

Mr. JAMIESON: The honourable member has just picked on this particular one. Some of the other definitions are used only once or twice in the Bill. This is included to define a supervisor whether the word is used on one occasion or a half-dozen occasions.

Amendment put and a division taken with the following result—

Ayes—18

Mr. Blaikie	Mr. Ridge
Sir Charles Court	**Mr. Runciman**
Mr. Coyne	Mr. Rushton
Mr. Grayden	Mr. Sibson
Mr. Hutchinson	Mr. Stephens
Mr. E. H. M. Lewis	**Mr. Thompson**
Mr. W. A. Manning	Mr. R. L. Young
Mr. Mensaros	**Mr. W. G. Young**
Mr. O'Connor	Mr. I. W. Manning
	(Teller)

Noes—18

Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Brown	**Mr. May**
Mr. Bryce	Mr. Norton
Mr. B. T. Burke	**Mr. Sewell**
Mr. T. J. Burke	Mr. Taylor
Mr. Cook	Mr. A. R. Tonkin
Mr. Fletcher	Mr. McIver
	(Teller)

Pairs

Ayes	Noes
Mr. Gayfer	Mr. Harman
Mr. Nalder	Mr. Jones
Mr. A. A. Lewis	Mr. J. T. Tonkin
Mr. O'Neil	Mr. T. D. Evans
Mr. McPharlin	Mr. H. D. Evans
Dr. Dadour	Mr. Davies
Sir David Brand	Mr. Moiler

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause, as amended, put and passed.

Clause 6: Application—

Mr. JAMIESON: I move an amendment—

> Page 4, line 37—Delete the words "contracting work" and substitute the word "contract".

This amendment was drafted by the Parliamentary Counsel consequential upon the decision to alter the status quo in regard to the licensing of painters and the rather substantial amendment I moved earlier.

Mr. MENSAROS: Notwithstanding that we oppose the Bill, I am very happy to accept this amendment. However, I am not happy to accept the Minister's explanation. The amendment he proposed is a crucial one and it bears out the argument we put forward the other night. As we have been told over and over again, and as set out in the definition, a contract refers to any work carried out for anyone. The Minister now asks us to substitute the word "contract" for "contracting work", so we must return to the definition of "contractor". We see that a contract refers to work carried out for an owner or an occupier of a building. This means that anyone contracting with the public must have a restricted license.

Even so, I am not quite sure—and I say this deliberately because I physically did not have time to re-examine the Bill from this point of view—whether this is a solution to the problem. From the point of view of insurance we are talking of

domestic buildings up to a value of $25,000. The reference to the owner or the occupier of a building may very well refer to domestic buildings only. We may find ourselves—and again I am not really sure—in the situation which I do not think the Minister desires in relation to commercial buildings. In some cases there may be an owner, but there would not be an occupier. Then the subcontractors, even though working for the builder, would have to be registered.

Unfortunately, technicalities prevented me from amending the Bill in the manner suggested in the paper I circulated because the Minister's amendment took precedence over mine. My amendment to alter the definition of "contracting work" would have taken care of all doubts once and for all. However, I repeat that I accept the amendment notwithstanding the fact that I oppose the Bill. I am not happy with the Minister's explanation.

Mr. JAMIESON: The member for Floreat says he is not happy with my explanation. I explained to him that my original intention, as mentioned in my second reading speech, would not have been achieved with the Bill as it stood. I have placed amendments on the notice paper from time to time to rectify this situation. I admitted today that it was for this reason an amendment was necessary in respect of painters. Otherwise every facet of the work would have required licensed operators.

Consequently when this provision was being ironed out by Parliamentary Counsel they went through it again and decided that this was the best way to achieve the purpose set down in the Bill. As they are the experts in this field we have to rely on them in these matters. Therefore to achieve the object I espoused in my second reading speech it is necessary to do this.

The amendment does alter the context of the Bill, but the provision in the measure should never have given the impression it did in the first place. I have admitted to that and, as we are in the hands of the experts in regard to the drafting of the measure, I suggest that the Committee accept the amendment.

Amendment put and passed.

Mr. MENSAROS: I now come to an amendment which I am sure the Minister will not accept. Indeed, he will vehemently oppose it, and rightly so, because it will negate some of the reasons for his thinking and the drafting of the Bill. However I will explain my amendment which aims at substituting a limit of $2,400 for the limit of $100 in the clause. At the present moment we have a two-tier registration system, with another sector of the building trade which can operate but does not have to be licensed. These men can carry out building work up to a value of $2,400 without a license. For the want of a better name we can call them odd-jobbers. Then we have journeymen builders which, in itself, is a very bad expression and we also have the registered builder. Prior to that we had the "A"-class and the "B"-class registered builder.

The Minister seeks to license these handymen to carry out very small jobs, especially under today's monetary conditions. They do repairing or renovating jobs around a house. The Minister now seeks to have them operate under a restricted license. At the same time the Minister claims that this Bill is essentially a consumer protection measure, but I am quite sure that this particular provision will hurt the consumer and not protect him.

As I have said, these are men who carry out small jobs up to a value of $2,400. They are particularly skilled in executing small repairs and, virtually, they perform small jobs which relate to practically every part of the building trade except where it is necessary to call in a plumber or an electrician, because these tradesmen are licensed in accordance with the regulations which apply to them through the Metropolitan Water Board or the State Electricity Commission. They do a little concrete work; they lay a few bricks; do some joinery work and plastering work, almost without exception to the satisfaction of their clients for the lowest possible price, because they do not worry about any administration costs or paper work. They order their materials progressively and they pick them up in their utilities. Their continuity of work is generally governed by a recommendation from one client to another.

The registered builders are acquainted with these men because often a builder is approached by a person for whom that builder may have built a house and that previous client requests the builder to carry out some small job. However the builder concerned cannot reasonably accept such a small job because if he performed it it would probably cost more than if it were done by one of these odd-jobbers. Therefore a builder generally recommends these men to people who want a small job carried out.

Speaking from personal experience, I had a foreman who worked for me for 11 years, but he was anxious to go out on his own. He preferred physical work to paper work. He is not registered and he is doing small jobs, and as a result I pass to him many small jobs which come under the present statutory limit. A man such as he will be adversely affected by this clause. For example, should such a man come under the grandfather clause on a restricted license, will he receive a restricted license for all of the building trades he becomes involved in, with the exception of plumbing and electrical work? I will admit that some of these men do carry out some very minor plumbing and electrical jobs, but will such men be licensed for every facet of the

building industry? If they are to be so licensed, the department will not be able to cope with all the applications that are received for such licenses.

How can this measure be regarded as being a protection for the consumer when we consider a person who wants to add a bedroom to his home to the value of $1,200? He will be obliged to engage a fully registered builder who, of necessity, will have to charge that person the maximum for the job because he will have to call in subcontractors or engage his own tradesmen to perform the work. Another aspect is that such a client will have to wait quite some time for the work to be done because invariably a registered builder will be engaged on other jobs and he would be unable to give preference to a job that is to cost only $1,200 when he is already engaged on work which may involve thousands of dollars. The only alternative the client would have would be to engage several tradesmen who hold restricted licenses to perform each part of the work, such as the brickwork, the windows, the tiling, and so on, until we reached a ridiculous situation.

In reply to that, the Minister may say, "But the unlicensed people do shoddy work". It could be that some of them do, but in such circumstances they will soon find themselves out of business because, as I have said, these men keep themselves in employment by being recommended from one client to another.

I do not believe in taking this protection principle to the ultimate; I cannot agree that everybody should be protected, because surely members of the public must be able to show some judgment themselves. It has been said that the whole principle of the Bill is to protect the little man, but in my opinion it will hurt him instead of protecting him, because he will be required to take out one or more restricted licenses.

Mr. Bickerton: When you start worrying about the little man, I am worried.

Mr. O'Connor: Why, are you the little man?

Mr. MENSAROS: Perhaps the difference is that I know more about them than does the Minister. I represent the little man as well as the consumer who is supposed to be protected by this Bill. Hence, I now formally move an amendment—

> Page 4, lines 38 and 39—Delete the words "one hundred dollars" with a view to substituting other words.

Mr. JAMIESON: Obviously this amendment must be opposed. It is the whole crux of the legislation to give protection to the person employing such men and to cut out those against whom the most complaints are received. I only wish the member for Floreat would visit the commissioner in charge of consumer protection to find out how wrong or how right he is and then return to the Chamber and talk on these matters.

The situation is very clear. The Painters' Registration Act contains this limit of $100. It would seem that it may prevent the odd-job man from operating, but on the other hand it will protect the person who brings this odd-job man onto his property to carry out certain specialised work. Whether these odd-job men hold a conditional license for more than one section of the building trade will be the question that will have to be decided by the board. The board will be in a position to judge the proficiency of such men. It is given authority under the legislation to do this.

It is true that some carpenters can carry out some bricklaying work. In fact, I have done a little myself in my time.

Mr. O'Connor: At how much a thousand?

Mr. JAMIESON: I do not think my bricklaying would run into that many. However the facts are that some carpenters could be quite proficient in laying bricks in a certain situation and they could carry out such work on a restricted license. I cannot visualise any problems arising as a result of that but I can see many problems if we resort to such a man being granted exemption. For instance, the recaulking of a tiled roof could be undertaken by a contractor at a price much less than what it should be and on the first occasion it rained there could be water all over the house, with the owner having no redress. However, if we restrict the amount we could have such a man put out of business, and we do not want these shoddy tradesmen in the building trade.

I can recall the member for Floreat returning from a visit to Europe and on the first opportunity when he spoke in this Chamber he said, in effect, that he was appalled at the standard of the building work being done in certain parts of Europe. About 10 minutes later he had forgotten what he said, because he was complaining that the building trade unions in Australia would not allow tradesmen from overseas into this State because they were not proficient enough. So he cannot have it both ways.

People are entitled to a reasonable return for capital outlay for work on additions, repairs, renovations, driveways, etc. costing up to $100. This amount may not seem much to the member for Floreat, but to the member for Pilbara, myself, and others in the community it is quite a sum.

Mr. THOMPSON: If ever a sledgehammer were used to crack a nut, it is the position with this Bill. The amendment the member for Floreat seeks to have passed is extremely desirable. I know many handymen working on renovations,

repairs, and so on, who are proficient in many trades. They provide a tremendous service to the community. However, the people the Minister says this Bill is designed to protect are the very ones who will be hurt under it.

Mr. Jamieson: They will not be prohibited. They can have their proficiency made clear on the certificate.

Mr. THOMPSON: Does the Minister suggest that a tradesman will be given a license to operate in dozens of different sections of the trade?

Mr. Jamieson: I did not refer to dozens of sections. That is carrying things to the absurdity to which you usually carry them.

Mr. THOMPSON: Many jobs involve a dozen different operations. I know of several jobs in this category. This means that the person who is getting the work done will have to employ a dozen different people when, at present, one man can do the work.

I do not doubt that the workmanship of some people is not of the highest standard; but the majority of work done by these people is of a high standard. A person would not be recommended from job to job if he were not performing well.

I recall a man named Bartlett who lived in Bunbury. He did a splendid job for the people of that community because he could undertake anything at all. I have known him to make additions to houses and he has done all the work himself, including the plumbing permitted under the present law, the painting, the plastering, the bricklaying, and the carpentry. Under the provisions of the Bill people requiring such additions will have to employ several tradesmen, and this will considerably increase the cost of the work involved. I therefore support the amendment.

Amendment put and negatived.

Mr. JAMIESON: I move an amendment—

> Page 5, line 1—Delete the word "contracting".

This is another consequential amendment suggested by the Parliamentary Counsel as a result of the decision to maintain the status quo concerning painters.

Amendment put and passed.

Mr. MENSAROS: I will not move my second proposed amendment to this clause because the arguments for it are exactly the same as those I just canvassed, but the Minister did not accept them. For the record, I merely wish to indicate that I desired to pursue my intention concerning the deletion of the $100 limit. However, in view of the result of my last amendment it would be a waste of time to pursue the next one.

Mr. JAMIESON: I move an amendment—

> Page 5—Insert after subclause (2) the following new subclause to stand as subclause (3)—
>
> (3) Where materials used in painting are provided or supplied at the cost of a person other than the painter, the consideration for the contract in respect of that painting shall be deemed, for the purposes of this section, to be increased by the value of those materials.

This is another of the provisions drafted by the Parliamentary Counsel as a consequence of the decision to maintain the status quo as was intended in the first place.

Mr. Hutchinson: The provision is already in the Painters' Registration Act?

Mr. JAMIESON: Yes. It is taken from that Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Prohibition on recovery of charges for certain work—

Mr. MENSAROS: Irrespective of my thoughts on the Builders' Registration Act and this Bill, I cannot be anything but critical of this clause because it will be a dirty blot on our Statute book if it becomes law. I go so far as to say that it is a sad attempt—I am not pointing to the Minister—on the part of any police State to include such a clause in legislation.

The clause combines an administrative rule with the rule involving civil liberties, individual freedom of people, and economic security of people. It indicates that the State forbids a person to do something and if the person does that something he can be punished because he commits an offence. That is fair enough; but the clause goes further and states that if the person indulges in the offence he cannot recoup his legitimate charges. This is ridiculous. If an unlicensed person indulges in some building operation, unless the owner who contracts with him knows that he is unlicensed, the builder is not permitted to get his money at common law. He can build a house for $15,000, and then receive not a cent for his work.

I wonder that anyone can agree to such a principle. If a person goes to a restaurant or any other shop and the shopkeeper sells that person liquor, although the shopkeeper is not licensed to do so, it is obvious that the shopkeeper has committed an offence and there are certain repercussions under law. That is fair enough. However, if that customer gets drunk and smashes the shopkeeper's property and causes a great deal of damage, under the principle in the Bill, the customer would not have to pay for

the liquor or for the damage. That is the same principle. The law would say that the shopkeeper cannot sue the man because he sold him liquor when he was not licensed to do so.

I cannot recall this principle having been included in any other piece of legislation. I wonder whether the Minister can give us an example. I do not claim to know all the legislation.

To me this is an untenable principle. I am glad the member for Boulder-Dundas has returned to the Chamber because I would like him to read clause 8. I am reasonably sure he would not agree with its principle. For his benefit I repeat that we should not combine an administrative action—something which prohibits someone from doing something administratively—with one to prevent a person exercising his civil liberties to recoup outstanding moneys due to him.

I do not even know whether the provision is constitutional. I am fishing in the dark. However, it certainly negates the rights of people.

Mr. Hartrey: It has always applied to unregistered dentists.

Mr. MENSAROS: It may do. I was asking whether it applied to anyone else.

Mr. Hartrey: I assure you it does, and has done for many years.

Mr. MENSAROS: I accept what the honourable member says, but surely a tremendous difference exists between the amount involved with a dentist and the amount involved with a builder of a home or commercial building. A builder could be ruined if he could not claim the amount due to him. I go further. Apparently the member for Boulder-Dundas accepts the principle.

Mr. Hartrey: The State accepts it.

Mr. MENSAROS: That is the member's privilege; but to me it is an atrocious principle. Even if we were to accept it, my opinion is that the drafting is so bad that much litigation would follow. All that is required is for the defendant to furnish a statutory declaration stipulating that he had indicated to the person with whom he made the contract that he was unlicensed. It would be the builder's word against that of the person with whom he contracted and endless litigation would follow.

This is not only my opinion, but also that of a firm of solicitors. The solicitors concerned strongly objected to the principle as they say it is untenable and unusual because it does not conform to the principles as we know them in this State. They pointed out that the provision could render the execution of the legislation very doubtful. Accordingly I will vote against the clause.

Mr. JAMIESON: I do not doubt that the member for Floreat obtained a legal opinion, but I do not know what those solicitors were thinking of when they gave the opinion.

The provision has two purposes. The first is to ensure that the unlicensed person does not make a profit by illegally representing himself to be a licensed contractor. Surely we, as a legislative body, do not want to be on-side with a person who would do that. On the other hand, if two people make an agreement concerning the erection of a building, and the workmanship is found to be unsatisfactory, if the person with whom the contract was made knew that the builder was not licensed, he should not have the right at law to take action against the builder. I think that is fair enough. My legal friend from Boulder-Dundas is nodding his agreement. I cannot see the objection to the clause which prevents the double dealing. If a person claims to be registered and he is not, then he cannot recover the money at law. On the other hand, if a person engages a builder to do the work, and he knows he is unregistered within the meaning of the Act, then he cannot sue him afterwards for shoddy workmanship. I think that is fair and proper. Any Act of Parliament should be able to protect a situation which could exist if either of the circumstances to which I have referred came into being.

Mr. HUTCHINSON: I propose to vote against the clause. The previous clause enables people, notwithstanding the provisions of this legislation, to have civil remedy if they so wish. This clause deletes that right of civil liberty.

Mr. Jamieson: In certain circumstances.

Mr. HUTCHINSON: True; one has only to read the clause to appreciate that. This is the sort of law which gets onto the Statute book, and it is one of the faults of registration legislation.

There are States in Australia which do not have any form of builders' registration. That means that unregistered persons are able to build homes, build multi-storied buildings, and do jobbing work without any registration at all.

Mr. Hartrey: I would say they were very backward areas.

Mr. HUTCHINSON: That is a doubtful point which I do not wish to debate at the present time because it is not pertinent to my point.

Mr. Hartrey: I think it is.

Mr. HUTCHINSON: I disagree. This is the type of thing that comes from registration legislation. The question of civil liberties is involved and it is quite conceivable that under the provisions of this type of clause there could be an open invitation for a contractor to swear that

he had told the consumer that he was an unregistered person. It would be a case of one man's word against the other. Despite the fact that I have amended registration legislation in the past, I have always pointed out its evils.

Mr. THOMPSON: I do not like the clause, either. I would ask the Minister how many people will administer the Act, and how many people will be involved in inspections and the checking of claims.

Under the provisions of this clause there could be many circumstances where contracts are entered into verbally. The member for Boulder-Dundas has interjected and said that he had heard of contracts in writing, but, as I have said, many contracts could be entered into on a verbal basis. I am thinking of odd jobs, such as the construction of driveways. In many cases the people concerned would not even think of inquiring as to whether the contractor was registered. The contractor may disclose that he is not registered but that could not be proved afterwards, so the contractor would be denied any remuneration for his work. A vindictive client could escape under the provisions of this clause and not pay a contractor for work performed.

Mr. MENSAROS: I think the Minister wants to make the best out of a bad situation which he, himself, must see, and I compliment him because, obviously, he does not like it. It is fair enough that if a person does shoddy work and he is unregistered, and the arrangement involves small "making good" jobs, he should not have any rights. It is also reasonably fair, as the Minister has said, that unlicensed people should not make profits. However, this clause provides much more than that.

An unlicensed person could contract with an owner to build a modest house for $15,000. On its completion, the owner could refuse to pay the contractor because he had discovered that the contractor was not registered. If the contractor went to court he would not be able to get his money. Is that justice? There seems to be some feeling towards unlicensed persons and it is thought that every one of them does shoddy work, but I would point out that the Sydney Harbour Bridge was built by unregistered people.

The legal opinion which I obtained is as follows—

> The introduction of the knowledge of the defendant into this clause is unsatisfactory as there are always going to be arguments over this, and the clause as it stands is an open invitation for a contractor to swear that he advised the defendant by word of mouth that he was not licensed. There is no similar provision in the Builders' Registration Act or in any other Act that we know of.

Mr. HARTREY: The member opposite said he could not understand the justice of not paying a man for his services because he had not taken the trouble to register himself, or because he could not register himself. I would like to give one simple example and remind the honourable member that every legal practitioner in Australia has a right to appear before the High Court of Australia. When I registered with the High Court of Australia it cost me 7s. 6d., and that registration was for life. However, had I not paid that 7s. 6d. I could not recover any costs. If the High Court of Australia is prepared to go that far, what is wrong with going further when it comes to the construction of a $15,000 building?

Clause put and a division taken with the following result—

Ayes—19

Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Norton
Mr. B. T. Burke	Mr. Sewell
Mr. T. J. Burke	Mr. Taylor
Mr. Cook	Mr. A. R. Tonkin
Mr. Fletcher	Mr. Moller
Mr. Hartrey	*(Teller)*

Noes—19

Mr. Blaikie	Mr. Ridge
Sir David Brand	Mr. Runciman
Sir Charles Court	Mr. Rushton
Mr. Coyne	Mr. Sibson
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr. Harman	Mr. Gayfer
Mr. Jones	Mr. A. A. Lewis
Mr. J. T. Tonkin	Mr. Nalder
Mr. T. D. Evans	Mr. O'Neil
Mr. H. D. Evans	Mr. McPharlin
Mr. Davies	Dr. Dadour

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Clause thus passed.

Clause 9: Offences—

Mr. JAMIESON: My next amendment has come from the Parliamentary Counsel. It is a drafting amendment to ensure that the situation is clear regarding those contractors who apply to be licensed. The member for Floreat drew my attention to this particular point, and he was quite right in his submission. I move an amendment—

> Page 6, line 7—Delete the words "or act".

Amendment put and passed.

Mr. JAMIESON: I move an amendment—

> Page 6, line 13—Delete the words "or acts".

This amendment, again, clarifies the situation and the subclause will now indicate that the only persons really required to be licensed are those in direct contact with the public.

Amendment put and passed.

Mr. MENSAROS: An examination of clause 9 makes it patently clear—and I am referring to subclause (2)—that a partnership, firm, company, or other body corporate, which engages in or carries on any contracting work to which the provisions of this Act apply, in the capacity of a contractor, shall itself be the holder of a license to carry on work of that kind. That is fair enough and it is in the Builders' Registration Act; but it goes on—

> (b) shall cause that work to be properly managed and supervised by an individual who is licensed for the purposes of that kind of work.

I come back to the point that the word "supervisor" does not appear in this provision. The provision contains the verb "supervised". From the definition of "supervisor" we see that he is a construction site manager or overseer who is responsible for the day-to-day performance or execution of building contracts. These are the supervisors who are employed by all building contractors except those whose businesses are so small that the contractor himself can take care of the one or two jobs he handles. Every large or medium-sized organisation must have supervisors.

The Minister must know that Public Works Department and State Housing Commission specifications sometimes call such a person a foreman and require him to be on the job all the time. if the specifications are to be adhered to 100 per cent.—which, by the way, for practical purposes, is often not the case. If a building contractor has two jobs in progress, he cannot be at both jobs all the time. A firm which carries out several jobs at the same time employs supervisors for those jobs.

I do not think there will be any argument about this because it will be known that the inspectors or supervisors of the Public Works Department and the State Housing Commission are not licensed. The situation will be that if the Public Works Department does some construction work by day labour and employs supervisors, those supervisors will not have to be licensed because the Bill states that if they are acting on behalf of the Crown they are exempted. But if a school, hospital, or other public work is constructed by private enterprise, it will have to be supervised by a person who is licensed.

The clause says "for the purposes of that kind of work". I ask the Minister: What kind of work? The supervisor is responsible for the job from the time the first shovelful of sand is turned until the completion of the contract. He is responsible for organising labour, supplies, and so on. Almost without exception, those engaged in the building industry are unlicensed, and they do a very good job. Some of them have 20 years' experience but they have not obtained a license because they are not interested in going into business. It is farcical to require that those people should be licensed. Why should anyone who is employed be licensed? This is a Bill designed to license contractors but it provides for the licensing of employees. In law, an employee is a servant of his master, yet he will have to be licensed.

If this is the case, not only will those persons lose their livelihood but there will also be chaos in the building industry. A firm like Jennings possibly has one fully licensed contractor who might be a partner or a director. How can he look after all the jobs? Let us go a step further. There are inspectors in the Minister's department. Do they have to be licensed? No, because they are servants of the Crown. However, those people will be inspecting the work of someone who has to be licensed.

The Minister argues that people who are not licensed do shoddy work. Will the obtaining of a license miraculously make a man immediately do good work? Yet a man who has 20 years' experience is labelled as doing shoddy work just because he does not have a license. The people who inspect the work do not have to be licensed and they will tell the man whether his work is good or bad, even though they might not have and do not have to have the qualification. An inspector employed by a board or a local authority does not have to be licensed. The building supervisor of a local authority does not have to be licensed but he will tell the licensed contractor how to do his work.

My amendment seeks to make the whole situation practical and logical. I suggest it is sufficient to require that the partnership or whatever it is that engages in building activities shall hold a license and cause the work to be properly managed. I am definitely opposed to supervision by an individual who is licensed because it does not make any sense. It is impractical, it would throw the building industry into chaos, and it would take away the livelihood of many people in Western Australia who have so far operated satisfactorily. I move an amendment—

> Page 6, lines 18 to 20—Delete all words after the word "managed" down to and including the word "work".

Mr. JAMIESON: The amendment is not acceptable. The honourable member is grasping at words again. The word "check" and half a dozen other words could have been used instead of the word "supervise". It does not have the importance which the honourable member is attaching to it.

We are dealing here with a partnership or firm and it is considered essential for the protection of the public that in organisations which are not natural persons there should be a person who supervises or checks contracts, as is required under

the Builders' Registration Act. People obtain a license for the very purpose of accepting the responsibility.

Members on the opposite side insist on thinking in terms of contracts worth millions of dollars. This Bill is designed to give protection in relation to small building contracts. I have repeated that so often. The question of what should be done in the major building industry in the State is at present being inquired into and we will have a report on it. It has nothing to do with small building contracts. Although the major section of the industry is experiencing problems, as proved by the evidence given to the committee of inquiry, I doubt whether any complaints about that section of the industry would have found their way to the Commissioner for Consumer Protection.

If people group together to form a firm of roofing contractors or repair experts, they must have a licensed person.

Mr. Mensaros: That is already provided for. In addition, they have to have licensed supervisors.

Mr. JAMIESON: Such firms must have a responsible person in charge who is capable of doing the work and who will be responsible to the public for the actions of the firm. When one is not dealing with a natural person, one must be able to refer to somebody, and this is the person to whom one will refer. The Opposition is jumping at shadows and there is no reason for it.

Mr. THOMPSON: Subclause (2) says—

> (2) A partnership, firm, company or other body corporate which engages in or carries on any contracting work to which the provisions of this Act apply or acts in the capacity of a contractor in relation to any such work—
>
> (a) shall itself be the holder of a license to carry on work of that kind; and
>
> (b) shall cause that work to be properly managed and supervised by an individual who is licensed for the purposes of that kind of work.

It appears to me to mean the person who supervises the brickwork must be licensed for brickwork, the person who supervises the carpentry must be licensed in carpentry, the person who supervises the plastering—

Mr. Jamieson: You are reading into it something that is not there.

Mr. THOMPSON: That is what it says.

Mr. Jamieson: If he has a complete building license, he has overall responsibility.

Mr. THOMPSON: Many of these people do not have a complete building license. These days, people employed in the supervision of building contracts are not licensed and are not likely to be licensed.

Mr. Jamieson: Of course they are licensed in their respective fields. Here again, you are thinking of the $1,000,000 contract.

Mr. THOMPSON: Not at all. I am applying this to the house-building industry.

Mr. Jamieson: He would not be doing all these things you are referring to.

Mr. THOMPSON: What would he be doing?

Mr. Jamieson: The job for which he contracted.

Mr. THOMPSON: He is a qualified carpenter who has progressed through the building industry and has been given the responsibility of supervising jobs. He is qualified as a carpenter and the Minister's Bill says he cannot supervise brickwork. The Bill says, "an individual who is licensed for the purposes of that kind of work".

Mr. Jamieson: Yes.

Mr. THOMPSON: That is what the Bill says. So if he is not qualified in the bricklaying field he cannot supervise bricklaying.

Mr. Jamieson: Again, when you get into the figures of this gigantic supervision that you are talking about, you are getting into something major.

Mr. THOMPSON: I am not. I am relating the position to, say, Trident Homes or A. V. Jennings Ltd.

Mr. Jamieson: That is where you are making a mistake because they take on contracts in groups which are well in excess of $25,000.

Mr. THOMPSON: It is true that they do build groups of houses, but they also build houses for individual people. Many builders are responsible for the construction of half a dozen homes at the one time, but they are being built for different people; and they have a person who has been a skilled tradesman in one of the building trades as a supervisor because not only is he expert in his own field, but he knows the building trades, generally. So he is charged with the responsibility of supervising the work. The Bill says he will not be able to do that. So every building contractor will have to employ a person who is licensed in each of the particular fields. That is what the Bill says.

Mr. Jamieson: No, it does not.

Mr. THOMPSON: Will the Minister explain to me how it does not say that?

Mr. Jamieson: I will not because you can't be explained to.

Mr. THOMPSON: That is what the Bill says.

Mr. Jamieson: No it doesn't say that.

Mr. THOMPSON: It says, "and supervised by an individual who is licensed for the purposes of that kind of work".

Mr. Jamieson: In the case of the work to which you are referring he would have a general builder's license.

Mr. THOMPSON: Well, there are not many of those available at present—

Mr. Jamieson: Yes there are.

Mr. THOMPSON: —and there will not be in future because every person who is charged with the responsibility of supervising the construction of a house under the present conditions will become a registered builder.

Mr. Jamieson: Rubbish and nonsense.

Mr. THOMPSON: The Minister will deny the home building industry the services of those people who at present provide a splendid service to the community.

Mr. MENSAROS: We are not getting very far because the Minister does not want to see the argument. The member for Darling Range is perfectly right, because we will have a situation of so many supervisors who have so many restricted licenses; or else builders will have to employ supervisors who have unrestricted licenses. As the member for Darling Range said, 95 per cent. of the present supervisors will not be able to continue in that work. Bear in mind they are supervisors by their own choice because they do not want to get a license, but would rather be employed because they have a secure job and they need take no risks. It does not matter whether we are thinking of a contract worth $1,000,000 or one worth $10,000; the Bill does not refer to either amount: it includes the whole range.

The situation will arise of virtually 95 per cent. of the present supervisors being unable to continue. We need those supervisors, because not all homes are built by small builders; many are built by large builders, and they will be forced to supervise all the work personally, which is impossible. So not only will we take away the services of the supervisors, but we will disrupt the industry. Furthermore we have the wrong principle that every supervisor who is employed must be licensed as a contractor; and there are many of them.

When we were arguing about the definition of "supervisor" the Minister implied that I do not have to be right. Now he says that there has to be one person upon whom we can fall back. But that is clearly provided in paragraph (a) of subclause (2), which says that he shall be licensed. The Builders' Registration Act does not say that; it says that the firm, partnership, or company must be licensed and in addition to that it must have one person who is licensed. It does not say that all work must be supervised by a licensed person.

Amendment put and a division taken with the following result—

Ayes—19	
Mr. Blaikie	Mr. Ridge
Sir David Brand	Mr. Runciman
Sir Charles Court	Mr. Rushton
Mr. Coyne	Mr. Sibson
Dr. Dadour	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Noes—19	
Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Brown	Mr. McIver
Mr. Bryce	Mr. Norton
Mr. B. T. Burke	Mr. Sewell
Mr. T. J. Burke	Mr. Taylor
Mr. Cook	Mr. A. R. Tonkin
Mr. Fletcher	Mr. Moiler
Mr. Hartrey	*(Teller)*

Pairs	
Ayes	Noes
Mr. Gayfer	Mr. Harman
Mr. Nalder	Mr. Jones
Mr. A. A. Lewis	Mr. J. T. Tonkin
Mr. O'Neil	Mr. T. D. Evans
Mr. McPharlin	Mr. H. D. Evans
Mr. E. H. M. Lewis	Mr. Davies

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Mr. JAMIESON: I move an amendment—

> Page 6—Insert after subclause (2) the following new subclause to stand as subclause (3)—
>
> (3) No painter shall carry out painting, otherwise than as an employee for wages, in pursuance of a contract to which this Act applies unless he is licensed under this Act for the purposes of that work.
>
> Penalty: For a first offence, a fine not exceeding one hundred dollars; for a second or subsequent offence, a fine of not less than one hundred dollars, irreducible in mitigation notwithstanding any other Act, and not more than two hundred dollars; and in either case a further penalty of eight dollars a day for every day or part of a day during which the offence continues to be committed after any conviction.

This provision has been taken from the Painters' Registration Act, and is consequential upon the earlier amendments providing that the present situation shall not be interfered with.

Mr. MENSAROS: This amendment is acceptable. However, I have a query. It would seem to me, unless the Minister further explains the provision, that the wording of the amendment even does away with the limit of $100. In other words, the Minister wishes to achieve the situation that no painter may do any painting, even if it is worth only $10; otherwise the

matter would have been covered under the previous clauses. The painter must be presently registered. Possibly painters now feel they have lost some standing because up to date they have been the only tradesmen, apart from the builders themselves, who have been required to be registered; and now they will be in the same category as all other licensees.

The provisions of previous clauses—especially clause 6—and the provision of clause 9 (1) will amply cover this situation. I do not object to the Minister including the provision in this clause, but I think it will have the effect that no-one will be allowed to do any painting job, even if it is under $100—not that it will make a great deal of difference, because $100 worth of painting is not much anyhow.

Mr. JAMIESON: The problem is that when we get too many experts we are not too sure exactly where we are going. I must rely on the experts who have drafted this legislation. My advice is that the provision does not do what the honourable member has said it does because there is a very clear indication that this measure will not apply to any work under the value of $100. A provision to that effect is contained early in the Bill. Therefore, any person who does work to the value of under $100 cannot be deemed to have committed an offence. That is the intention of the draftsman.

Mr. MENSAROS: I accept the Minister's explanation. However, in this case I want to say that the whole amendment is superfluous. No bricklayer can do any bricklaying under contract unless he has a restricted license. The same applies to carpenters and all other trades. Therefore, I cannot see why we have to spell out the position with regard to painters, because we already have the Painters' Registration Act.

If this is the intention of the Minister, why do not we add clause after clause to spell out all the trades? The intention of the Bill is that the categories will be created in consultation with the board, and by prescription. I do not offer strong opposition to the amendment. I think probably it satisfies some painters who may think it gives them better standing.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Holding out—

Mr. MENSAROS: Without wishing to amend this clause, my only comment is that it contains drastic penalties. The provision of clauses of this nature is not strange in measures which include registration. We find such provisions in legislation dealing with the registration of architects and other registrable trades or professions. The people in those trades or professions may not use the title of the trade or profession unless they are registered or licensed.

But surely it is a drastic step to increase the penalty from $50—if my memory serves me correctly—to $1,000 for the offence of calling oneself a contractor. Either it is a tremendously drastic jump, or else it anticipates a galloping rate of inflation which even the Opposition does not think will occur.

Mr. JAMIESON: The honourable member has mentioned the maximum fine, but that is not the actual fine which could be imposed. Depending on the severity of the offence, the appropriate fine would be imposed. However, the maximum fine must be sufficiently high to enable the court to deal with all cases which are brought before it. Sometimes a particular case warrants a heavy fine.

In the case of dummying, it has been said that the imposition of a fine of $400 for each house built by an unregistered builder is not a sufficient deterrent. In the building industry, as in many others, there are occasions when the penalty should be sufficiently high to enable it to act as a deterrent.

Clause put and passed.

Clause 11: Sign to be displayed—

Mr. MENSAROS: I shall not move my foreshadowed amendment, because it is consequential on two which have been defeated. They were to delete the word "firm" and the word "supervise". I do not blame the Minister for answering my comments in the way he did. This brings me back to the time when I was sitting on the opposite side of the House and some members of the then Opposition queried the maximum fine provided in a particular piece of legislation; the Ministers invariably said it was the maximum fine and not the minimum. I admit that the same philosophy could be applied to the maximum proposed in the Bill before us and the maximum provided under the existing legislation. In one case the maximum is to be increased from $50 to $1,000; and in the other case it is to be increased to $500.

Under this clause a fine of $500 could be imposed for failure on the part of a contractor to display his sign. It could be a case of the building being commenced and the signwriter not being able to complete the sign in time. This is a tremendously high fine.

Mr. JAMIESON: I move an amendment—

> Page 7, line 27—Insert after the word "work" the words "in the capacity of a contractor".

This amendment has been drafted by the Parliamentary Counsel to ensure that the contractor's obligation to be licensed is clear. This is an amendment to which I referred earlier, and it is a consequential one to clarify who is required to become registered.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Purported delegation of responsibility—

Mr. MENSAROS: Even if the Bill does not become an Act, it would be a tremendous exercise for lawyers and the subject of a thesis by law students to show how badly legislation can be drafted. I pose a question to the Minister: Has the Parliamentary Counsel read this provision? In his comments to the Minister he was very guarded.

Subclause (1) is as follows—

> (1) Unless he has first obtained the approval in writing of the Board a licensed contractor who delegates or purports to delegate to any other person the responsibility or authority for carrying out any contract on his behalf commits an offence.

That is fair enough. If a contractor delegates his responsibility without the approval of the board he commits an offence, in respect of which a fine not exceeding $500 may be imposed.

Subclause (2) is as follows—

> (2) For the purposes of subsection (1) of this section a licensee shall not be taken to be guilty of an offence if he, for the benefit of any partnership of which he is a member or of any employer by whom he is engaged in a full-time capacity, carries on any contracting work of a kind in respect of which he is licensed.

We have the situation where under subclause (1) a "delegator" commits an offence, but under subclause (2) a "delegatee" is not to be guiltiy of any offence if certain things happen. How does that come about? This provision is incomprehensible to me. There are two lawyers in the Chamber and they might be able to explain the significance of the provision.

Mr. JAMIESON: I shall proceed with the amendments standing in my name on the notice paper. I would draw the attention of the member for Floreat to the fact that he is disregarding the different categories of licenses. In one case a person is licensed in a restricted capacity, and if he carries out work in the field for which he is qualified it would not be an offence. There is nothing wrong in defining that in the Bill.

Mr. Mensaros: In the first instance the person concerned commits an offence, and in the second case the person is not guilty of an offence which he cannot commit in the first place.

Mr. JAMIESON: He cannot receive full delegation of responsibility if he is a conditionally registered builder. So far as I am concerned that covers the situation. I have never pretended to be a Parliamentary Draftsman and some of the methods they use are beyond my understanding. The provision covering the delegation of responsibility is included to clarify the situation when certain circumstances arise.

I move an amendment—

> Page 8, line 2—Delete the words "licensed contractor" and substitute the word "licensee".

This is a consequential amendment relating to the licensing of painters.

Amendment put and passed.

Mr. JAMIESON: I move an amendment—

> Page 8, line 12—Delete the word "contracting".

This is a further consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13: Unsatisfactory work—

Mr. MENSAROS: Despite the fact we have been told this is consumer protection type of legislation, the principle contained in the clause will apply only—in view of the later provisions relating to the insurance fund—to residential buildings with a contractual value not exceeding $25,000. I submit this is entirely wrong in principle.

If the Minister contends that we on this side represent the big people, and members opposite represent the small people—of course, this is very far from the truth—then he would not apply the provision to homes not exceeding $25,000. It is a hypothetical philosophy that Labor supporters would build homes up to a value of $25,000 while Liberal supporters might build homes above that figure, and therefore we would afford protection only to those who build up to $25,000.

Apart from this aspect, the provision is open to misuse because it refers to the original contract value. If somebody wants the protection of this provision and also to build a house costing $35,000, the easiest way is for him to enter into a contract for $25,000, and then later to request that extras and additions be built costing another $10,000. If a person did that he would still be covered by the provision in the clause.

If it is desired to strike a limit, then there should be a limit in the claim and not in the contract value. We could limit a claim up to $25,000, or even to an X number of dollars; otherwise when a person builds a house costing $25,000 he would be covered for the whole amount, but if another built a house costing $25,001 he would not be covered for a cent.

Surely the Minister would not claim that he would not have good supporters in small businessmen. If a small businessman, self employed, constructed a small shed on his premises he would not be covered under this provision, because it would not be classed as domestic.

According to the provisions of this clause, if a building is erected on land on which there is already a domestic building, and the new building is for the purpose of carrying on some small domestic industry, that situation will not be covered. That could involve the so-called little people about whom we hear so much.

I cannot see anything wrong with the present provisions which are not biased, and give the same protection to everybody. The insurance could easily be left to the private insurance companies. At least the present provisions of the Builders' Registration Act give equal protection to everyone. The Builders' Registration Board, at present, has to investigate every complaint.

Another provision which I do not like is that the board will be able to cancel a license. There will be one appeal to the next local court, and that is all. According to the provisions of the Builders' Registration Act there could be rehearings and the whole structure of appeals is much more equitable.

Mr. JAMIESON: Here again, I cannot win. Whatever I do it seems the Opposition has set itself up to oppose me. If I had made the amount $30,000 the Opposition would have argued, perhaps, that it should have been $25,000.

We wanted the provisions of the Bill to apply within a reasonable scope. Once a building reaches a figure of $30,000 it is usually under the supervision of an architect—although that is not always the case. There is usually an intermediary responsible for the situation which obviates the requirements of the Act because there is somebody to look after the affairs of the owner and make sure, in his official capacity, that the work is done.

We are out to cover the other little people, and we are not going to argue at this stage, because there are a number of other things which could be covered. Maybe, out of the overall building industry inquiry, something will come up to indicate there should be a cover.

Finally, today I heard from the Housing Industry Association that it was prepared to do something similar to what is being done in Victoria. The association explained that it really had not raised this matter because it had not had the opportunity. That is a lot of rubbish and nonsense; it had just as much opportunity as the building trades and anybody else. It did not raise the matter and as far as I am aware it did not send any communication to me, so how was I to know its thoughts? It could be said that the matters contained in this Bill do not comply with the attitude of the Builders Labourers' Union. I did not consult the union, and I did not consult a dozen and one other people. If I consulted everyone about proposed legislation I would never get it before Parliament.

So I suggest the association has made much too little and too late. It should have come along at the right time and indicated its willingness to do something. That might have saved the other inquiry. However, that is an aside. I have received a letter from the association and I will answer it. I now have something on which I can talk whereas previously I was completely mystified.

This clause sets out to show what can be taken to task, and I suggest it could well be left as it is drafted.

Mr. THOMPSON: The Minister earlier said we were talking about major contracts which are the subject of an inquiry, but then a little while ago he spoke about insurance and suggested that had the housing industry people came to him and presented their policy on insurance, there would have been no need for the inquiry.

Mr. Jamieson: I said, "maybe".

Mr. THOMPSON: It has no relationship. Why mention it?

Mr. Jamieson: For the same reason as the member opposite sometimes does—just to be obscure!

Mr. THOMPSON: I cannot agree with the Minister when he says it was too late. It would be far better to have a voluntary system than have one imposed by legislative processes.

Mr. Jamieson: I am going to get the details of the Victorian scheme. As far as I am able to understand it, it is not very successful.

Mr. THOMPSON: I think it was during the Minister's reply to the second reading that he referred to the problems which many people have with regard to swimming pool construction. Do I understand that the construction of a swimming pool will be covered by this part of the Bill? It seems to me that this provision is meant to apply to buildings to be used for residential purposes. I point out that buildings could be erected which would not comply with this part of the legislation, or be covered by this provision.

Mr. JAMIESON: I do not want to be disrespectful but I would like members to learn how to read a Bill in order to save some time. The definition of a building is as follows—

> (a) When used as a noun, means a building (other than a farm building) which is of a permanent nature and is used or intended to be used for residential, professional, manufacturing, trading, commercial, hospital, institutional, assemblage or public purposes, and includes any driveway, fence, outbuilding or other thing ancillary thereto;

Mr. Thompson: Thank you.

Mr. MENSAROS: I appreciate what the Minister has said in reply to my remarks because he made two very valuable statements. Firstly, he said the present inquiry will come up with some solution to this matter so he directly contradicted what he has said time and time again. The Minister has repeatedly told the member for Cottesloe, the member for Darling Range, and myself that the inquiry has nothing to do with this legislation.

Mr. Jamieson: Well, it has not.

Mr. MENSAROS: Read it in *Hansard*.

Mr. Jamieson: It has nothing to do with it.

Mr. MENSAROS: That is what the Minister said.

Mr. Jamieson: Of course, I made reference to the other section of the building industry. There is no need to bring in that I am applying it to this section. This is when the mind of the member opposite fails him.

The CHAIRMAN: Order!

Mr. MENSAROS: My mind does not fail me.

Mr. Jamieson: I am satisfied that it does.

Mr. MENSAROS: The Minister said the inquiry will come up with something so he supplied the contradiction to his previous statements that the inquiry has nothing to do with this legislation.

The other statement by the Minister was quite well received because it was in line with what we have been saying: He does not want to consult people before he legislates. That is exactly the view of this Government. If we legislate, we consult the people first.

Mr. Jamieson: That is a lot of nonsense and rubbish, too.

Mr. MENSAROS: If the Minister reads *Hansard* he will see what he said. He said he does not consult with people because he would never be able to bring down legislation.

Mr. Jamieson: I never said that at all. If the member opposite obtains a copy of *Hansard* and reads it, he might understand.

The CHAIRMAN: Order!

Mr. MENSAROS: There are provisions in Standing Orders under which we can request the Chairman to report to the Speaker.

Mr. Jamieson: Take that course, and see just what Standing Orders do provide.

Mr. MENSAROS: The Minister said, "I do not consult many people because I could never bring legislation to the House". Furthermore, the Minister was not fair when he quoted the letter from the Housing Industry Association, a copy of which I have also. It is better not to be personal for the purposes of arguing this legislation. The letter reaffirms the honesty of the Minister when he said he did not want to consult the association.

Subclause (7) will have a very big impact from the point of view of practical application because it virtually sets out that it is an offence if the contractor does something shoddy or wrongly, but then the clause states that it is not an offence if the owner knew about it. This could open up a wide field of misrepresentation and will allow the unscrupulous contractor to write specifications, and draw up plans, which are not quite correct. The contractor could specify all sorts of things which would not be picked up by the owner. However, under the provisions of subclause (7) if the owner has agreed to the plans and specifications he will not be able to claim on the contractor. I have mentioned this for the record. If the Bill is enacted this will be another obnoxious provision.

Clause put and passed.

Clause 14: Failure to comply with building licence or by-laws—

Mr. MENSAROS: We all know that building regulations are usually applied through by-laws. However, paragraph (b) refers to any contracting work that has not been carried out in conformity with any law of the State. My simple question is: What sort of law of the State applies to building conditions? In my experience so far all regulations concerning building licenses are by-laws made by local authorities.

Once again, there is an indication that a rather peculiar draftsman drew up the Bill. Hence my suspicion, which I aired at the second reading stage, that the measure was not drafted by the Parliamentary Counsel.

I repeat the words, "any law of the State with which it is required to conform". I merely wonder which regulations, relating to building, are included in the laws of the State. We could perhaps talk about some laws which apply to particular matters. For example, we could talk in terms of the State Electricity Commission Act, although even there regulations apply to a contract. There is also the Metropolitan Water Supply, Sewerage and Drainage Act but, once again, regulations apply to the work.

It beats me how the expression came into the legislation and confirms my suspicion that the legislation was drafted in an entirely different place from the office of the Parliamentary Counsel.

Clause 14 states that the work shall be carried out in accordance with the plans and specifications, the subject of a building license. That is fair enough. However, as I have said, the words "in conformity with any law of the State with which it is required to conform" are totally unfair.

We have a contractor and sometimes we have an architect. In any event the plans and specifications are drawn up and agreed to by the owner. The local authority is supposed to scrutinise them and is supposed to say that the plans and specifications, in accordance with the contract, are in accordance with the existing by-laws. On top of that we now find they are supposed to conform with any law of the State.

How would an architect who draws up the plans and specifications be able to know every law of the State? How often do architects make mistakes or omit something? Quite often it is necessary for more vents to be put in or for something else to be done which was not mentioned in the plans and specifications.

It is ludicrous to bring in a blanket provision such as this. The provision will compel the contractor to conform with every law and it will take away the responsibility of all the others concerned. It will take away the responsibility from the local authority which is supposed to supervise the plans and specifications. Similarly it will perhaps take away the responsibility of the inspector of the board who is supposed to supervise it.

If the contractor does not comply with all the laws his work will be regarded as not having been carried out in a proper and workmanlike manner. This is a stark provision and if it were put into practice and policed it would lead to an entirely unjust situation. Like other provisions—and many in this legislation—it would leave the way open for a vendetta against somebody. I say this because some members of the proposed board may be prejudiced against somebody. I guarantee to the Minister that after a little work I could detect something which did not comply with all the laws of the State in every single plan or specification. It would only need a little time to find something. I could immediately hit out and say that the work should not be regarded as having been carried out in a proper and workmanlike manner. The provision is quite stupid.

Clause put and passed.

Clause 15: Penalty for failure to comply with Board requirements—

Mr. MENSAROS: Clause 15 deals with the penalty. I draw the attention of the Committee to the wording of subclause (1), paragraphs (a) and (b). I again contend that this is a blanket provision, because of the wording which refers to a licensee not complying with any limitation, restriction, or condition imposed by the board. The board could impose any condition at all. It would be fairer to legislate in a manner which would tie a licensee down to certain specified restrictions instead of leaving the provision wide open and saying that anything can apply.

What could these conditions be? Let me go to the extreme to give an example. The board could say to the contractor that he must go on all fours three times round Forrest Place. That would be a condition! Why does the legislation not specify what the conditions would be? The position is quite absurd.

Perhaps the Minister may say, in reply, that it is the intention of the law which counts. We cannot accept this statement because time and time again we see misuse of the intention of the law. I appreciate that the member for Boulder-Dundas may wish to contradict my statement but section 96 of the Constitution is being used for an entirely different purpose from what was originally intended. No-one could possibly claim that section 96 was originally intended to take away all the legislative power from the States.

This kind of situation could occur under this blanket provision. I never like legislation which is not specific.

Clause put and passed.

Clause 16: Board may apply for injunction—

Mr. MENSAROS: In connection with this clause I refer once again to the penalty. The maximum penalty has been raised from $50 to $1,000, which is a twentyfold increase. Once again, I think that this provision is not acceptable.

Under clause 16 the board may apply for an injunction and this could lead to tremendous delays in the completion of a building. I said at the second reading that the present board operates in a proper way. I do not think anyone could level an accusation against any member of the board—the registrar, the board members, or the inspectors. No-one could say that the board members do not do their work in a proper way. They hurt the least number of people and try to satisfy the greatest number.

It simply would not work to include such wide powers as these. The composition of the board will be altered in such a way that bias could obviously creep in. This is definitely very wrong.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Establishment of the Board—

Mr. JAMIESON: I move an amendment—

> Page 12, line 35—Delete the word "Industry".

This is a consequential amendment to the decision to amend the short title. I do not think I need to comment further.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19 put and passed.

Clause 20: Membership of the Board—

Mr. MENSAROS: This clause deals with the composition of the board. Even the title of the Bill—as well as all its provisions—makes it clear that the legislation deals with the building industry. It does not deal with industrial relationships. It does not deal wth employer-employee relationships. It deals with the building industry and with contractors. In one or two places I think apprentice training is mentioned, too. This is the only reference to "employees"—or "workers" if one likes to call them that.

Despite this, there is a quite unusual turn-around in that the board shall consist of the chairman who is to be a public servant, two union representatives, only one representative of the Master Builders' Association, one contractor, holding a restricted license, and one architect. Of course, an architect is a part of the industry but not a part of it in the sense that the Minister emphasises; namely, that of consumer protection. This is because very few lower-priced domestic homes are built with the professional services of an architect. Usually architects are employed in the case of larger homes or commercial buildings.

The clause makes provision for two union representatives who are to be nominated by the Building Trades Association of Unions of Western Australia. A public servant is to be chairman of the board. This is quite unusual because, as we saw in the previous clause, the board does not represent the Crown and is not an agent or a servant of the Crown. Nevertheless, the chairman is to be a public servant. I have already briefly mentioned the contractor, who is to be a restricted licensee, and at the moment this is a new animal. We do not know him as yet and do not know who he will be.

Mr. Hartrey: Probably a subcontractor.

Mr. MENSAROS: Perhaps. I submit that because the legislation deals with the building industry the members of the board should represent the building industry. To a great extent, the present board does. There is provision for one union representative. I do not want to enter into an argument on this matter because the Minister contends I am against unions, but I am not. I simply ask what industrial unions of workers would say if we were to create a situation whereby employers were represented in a sphere in which employers had no place whatsoever. The clause under discussion does just this, the other way around. The legislation is dealing with builders and subcontractors; it is not dealing with the relationship between employers and employees.

The board will consist of one public servant, two union representatives, one restricted licensee, one architect, and one person nominated by the Master Builders' Association. Only two of the six will really represent the industry.

I have a series of amendments which I wish to explain briefly. The amendments have been drawn up in a way whereby the legislation can be most easily amended. The chairman would be nominated by the Governor, which is quite usual with such boards. There would be a representative of the Royal Australian Institute of Architects; a representative of the Master Builders' Association; and a representative of the Housing Industry Association which is extremely closely connected not only with the industry but with the specific cases to which the Minister, on his own admission, referred; namely, domestic buildings. There would also be one union representative, as is the case in the present Builders' Registration Act.

In order to achieve my objectives, I shall have to move a first amendment and subsequent ones. I move an amendment—

Page 13—Delete paragraph (a).

Mr. JAMIESON: I am completely opposed to the amendment. This would reduce the overall membership of the board by one. If the member for Floreat succeeds with his amendment it would also mean that the chairman would not be an officer of the Public Service.

Members were informed during my second reading speech that the legislation is aimed at protecting the consumer. In drafting the provision that a public servant shall be the chairman of the board, it was considered that the person appointed would be one of the officers working with the Minister for Consumer Protection. Such a person, having experience in consumer protection matters, could make a valuable contribution to the deliberations of the board.

I see no reason to accept this amendment. The board, as proposed, is a reasonable one. I do not think the member for Floreat has put forward any reason to cause us to change drastically the composition of the board. As a consequence, I oppose this first amendment he has moved to clause 20.

Mr. THOMPSON: I support the amendment. The Minister sees this Bill as a panacea to all the problems in the building industry.

Mr. Jamieson: No, I do not.

Mr. A. R. Tonkin: That is unreasonable.

Mr. THOMPSON: It is not.

Mr. A. R. Tonkin: When did he use the word "panacea"?

Mr. THOMPSON: He did not use it.

Mr. A. R. Tonkin: It is a step forward —that is not a panacea.

Mr. THOMPSON: This idea has been promoted right throughout the debate.

Mr. A. R. Tonkin: Knock everything!

Mr. THOMPSON: I am not knocking it. The Minister wants the board presided over by a representative of the Consumer Protection Bureau. This measure is to control the building industry. I submit that the chairman ought to be from the industry and not from the Consumer Protection Bureau. I strongly submit that there should not be two representatives of the Building Trades Association of Unions. The people who will have to work under this Act will be mainly builders and contractors. There will be very few employees. As the member for Floreat has said, to a great extent industrial relations do not come within the scope of this measure—with the exception of some provisions relating to apprentice training.

Mr. Hartrey: Didn't you read clause 21?

Mr. THOMPSON: I support the amendment.

Mr. MENSAROS: I want to emphasise once again that this is one of the clauses to which the whole of the industry most vehemently objects, and rightly so. Contrary to the Minister's remarks that I did not give any reasons for this amendment, I believe I did. How many law clerks are on the Barristers' Board? How many people who are not chiropodists are on the board dealing with chiropody? The same thing applies in regard to many other professions. A board to control an industry is composed usually of people who belong to the industry. That is logical. If the Minister denies this, he just adds to our suspicion that the whole reason for the introduction of this measure is to get at the subcontractors and to have full union control of the industry. The Minister said I am biased, and I say that he is biased.

I can see the member for Boulder-Dundas is very impatient. He interjected and asked the member for Darling Range, "Didn't you read clause 21?" He brought up the wrong example. He wanted to correct the honourable member who had said that the measure had very little to do with employees. I have read clause 21 and the subsequent clauses. Through you, Mr. Chairman, I would like to tell the member for Boulder-Dundas that he hits the Minister with one more stone. However, I do not want to go past this clause now. We will come to clause 21 in a minute. I mentioned this because I am aware of the intention of the member for Boulder-Dundas. The industry is definitely opposed to a board consisting mostly of people who do not belong to the industry.

Mr. HARTREY: The honourable member who has just resumed his seat talked about the industry as though it did not include any workers at all.

Mr. Jamieson: He relies on them to make his profits.

Mr. HARTREY: He denied that the Building Trades Association of Unions represents the building industry. The board will be set up for the purpose set out in clause 21. It commences—

> It shall be the duty of the Board to establish and maintain a standard of performance . . .

Who will maintain the standard of performance if it is not the workers?

Mr. Mensaros: How many law clerks are on the Barristers' Board?

Mr. HARTREY: The objectives of the board are set out in clause 21.

The CHAIRMAN: We must confine the debate to clause 20. I will allow members to refer to clause 21.

Mr. HARTREY: The whole object of the exercise is that the board is appointed under the provisions of clause 20 for the purposes set out in clause 21. This provides that the board shall maintain a standard of performance and conduct within the building industry. I presume the conduct of the workers in the building industry is a matter of some importance, and the performance of work carried out by the workers in the industry is of great importance to the people who have buildings erected. The provision continues—

> . . . and in relation to the persons employed in that industry—

Of course, that directly affects the workers. They are the people employed in the industry. It continues—

> —for the protection and benefit of the community generally . . .

And the building trade workers will be just as much interested in this protection as any other members of the community. The representatives of the workers are ideally suited and qualified to play their part in achieving the objectives set out in clause 21. There is no reason why they should not be represented.

Mr. HUTCHINSON: I am drawn to my feet because of the remarks made by the member for Boulder-Dundas. I do not think he has helped the Minister one scrap.

Mr. Jamieson: Yes, he did.

Mr. Hartrey: I hope I helped the Chamber.

Mr. HUTCHINSON: The Minister says he did, but I do not think so. Certainly he has exposed himself and the Government in his endeavours to explain. Let us get back to the Builders' Registration Act which will be replaced by this measure. The original purpose—

Mr. Hartrey: And much improved by it, too.

Mr. HUTCHINSON: Do try not to interject when I am just in the middle of making a point.

Mr. Bickerton: You have not made a point yet.

Mr. HUTCHINSON: I am serious. I believe in interjections; they are an important part of debate. However, I ask members to watch the timing.

As I was saying before I was so rudely interrupted, this Bill will replace the Builders' Registration Act. That Act was introduced for at least two reasons. One was to protect the public and the other was to raise the standards of building. The board constituted under the Builders' Registration Act had a certain balance and its objective was to carry out the purposes for which the legislation was introduced. This Bill is supposed to do the same thing, but perhaps in a better way. However, the balance of the proposed board is not good, and the whole purpose of the amendment moved by the member for Floreat is to give it better balance.

The member for Boulder-Dundas is quite wrong when he said that the member for Floreat did not wish any union representatives on the board. The amendments put forward by the member for Floreat cater for this very thing. It is just that we do not want the board overloaded with union representatives—there is no necessity for two. The proposed amendments will reduce the composition of the board from six members to five. Surely that is fair.

In regard to clause 21, again we are indebted to the member for Boulder-Dundas for referring to the standard of performance in and the conduct of the building industry. The board must have proper and balanced representation. In the view of members on this side of the Chamber, the amendment moved and the subsequent amendments to be moved by the member for Floreat will give a better balance to this board to administer the industry. So the member for Boulder-Dundas exposed the whole weakness of the clause we are discussing.

Mr. THOMPSON: When I spoke during the second reading debate on this measure, I suggested the Bill was introduced to force those people who now operate as subcontractors back into the day-labour force. I am quite convinced that is one purpose for its introduction.

The disproportionate representation which is proposed for the unions is not acceptable to us. It is obviously intended that the building unions will become supreme. I am sure this is the reason for the disproportionate representation of the Building Trades Association of Unions on the board.

Amendment put and a division taken with the following result—

Ayes—20

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. Ridge
Sir Charles Court	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Sibson
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning

(Teller)

Noes—20

Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Bryce	Mr. Moiler
Mr. B. T. Burke	Mr. Norton
Mr. T. J. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Hartrey	Mr. McIver

(Teller)

Pairs

Ayes	Noes
Mr. Gayfer	Mr. Harman
Mr. Nalder	Mr. Jones
Mr. A. A. Lewis	Mr. T. D. Evans
Mr. O'Neil	Mr. Davies

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Mr. MENSAROS: I do not want to continue in the same vein as did members of the present Government when, in Opposition, they were debating the Industrial Arbitration Act Amendment Bill some years ago. Therefore I will not move the consequential amendment I had intended to move.

Clause put and passed.

Clause 21: Duty of the Board—

Mr. MENSAROS: We have dealt with this point before, but it is remarkable that whereas in clause 19 the board does not represent, and is not an agent of, the Crown, in subclause (2) of this clause, "The Minister may give to the Board directions of a general character as to the performance of its duty, and the Board shall give effect to any such direction". To my mind this is quite contradictory.

Clause put and passed.

Clause 22: Functions of the Board—

Mr. MENSAROS: This clause will give a tremendous amount of power to the board which has been loaded already in the interest of the employees. Indeed, in accordance with subclause (6), the board may make grants, pay subsidies, provide scholarships, or make advances for the purpose of the technical training of persons employed or intending to obtain employment in any kind of contracting work. Further, the board, with the approval of the Minister, may establish any endowment or create any trust upon such terms and conditions as the board thinks fit.

The board can perform all these acts. Then, subclause (7) provides—

> The Board may, in accordance with the regulations, levy dues from persons holding a licence under this Act and make charges and impose fees in relation to any activity carried on by the Board in accordance with the provisions of this Act.

So, on the one hand, this clause enables the board to hand out many benefits to the employees, and yet, on the other, the

board can impose dues and charges on those persons holding a license, but on no-one else.

If we read those provisions closely the board could decide that it will build a huge building as its headquarters for the various purposes set out in subclause (6), and then levy each contractor $1,000 or $2,000 or whatever amount may be necessary to carry out these purposes. Therefore, whether the Minister accepts it or not, I think it is quite just that I move an amendment—

Page 15—Delete subclause (7).

With the deletion of this subclause I want to prevent the board from levying contractors who will be hit from all sides with levies and in regard to which the sky is the limit.

Mr. JAMIESON: I could not agree to the deletion of this subclause because it seeks to give the board the staff of life. The philosophy behind the legislation is that administration will not be a charge on general revenue. If the board does not have the power to make charges and impose fees at a level which would enable it to reach a "break even" situation, the activities of the board can be a charge on general revenue. This is not desirable and it is not intended. If these boards are to be established they must make their own way. Therefore I strongly oppose the amendment.

Mr. HUTCHINSON: The cost of the board and the cost of administering this legislation will be extremely high—we do not know how high. Under this subclause we seek to delete the proposal that the board may, in accordance with the regulations, levy dues on persons holding licenses under this legislation and may make charges and impose fees in relation to any activities carried on by the board.

I warn the Committee that the cost of this board will be high and, among other things, this will mean increases in the cost of housing which will not be of any advantage to consumers. Also we must bear in mind that this legislation will apply not only to the metropolitan area but to the whole of the State, and the cost involved will be terrific. The subcontractors will not be pleased with the charges and fees that will be levied on them. I think they may have been hoodwinked as to the possible advantages that could accrue to them with the passing of this legislation.

Amendment put and negatived.

Clause put and passed.

Clauses 23 to 42 put and passed.

Clause 43: Unrestricted licence—

Mr. MENSAROS: I have displayed fair co-operation by not moving amendments which are consequential to amendments that have been defeated. We now come to clauses 43 and 44 which contain grandfather provisions.

Whereas clause 43 confers security on the present registered builder, who will come in as a fully licensed contractor, at the same time we should not forget the fact that this brings in the journeyman builder also. The Minister has said quite often that this is consumer protection type of legislation, and he has referred to the quality of work as being related to the type of license, but I should point out that a person is not able to do a better job just because he is given a piece of paper. Under this clause the journeyman builder will automatically become a fully registered contractor, because as the provision reads he cannot be given any other type of license.

I do not quarrel with this provision, because it will be the means of granting more liberal treatment to some contractors who so far have been restricted to work up to a certain value. However, I doubt whether the experience, the quality of work, the management, and the supervision of such contractors will become higher as a result of the law making this provision.

Clause put and passed.

Clause 44: Restricted licence—

Mr. MENSAROS: This clause also contains a grandfather provision. It deals with restricted licenses. If the Bill becomes an Act I only hope that the small jobbers who so far have been permitted to carry out building work up to $2,400 in any particular field of the building industry will be embraced somehow. Subclause (1) is as follows—

> (1) Where any person applies to the Board for a licence under this Act and satisfies the Board that he proposes to engage in contracting work only in relation to any particular trade or occupation, or in relation to any branch or kind of contracting work, the Board may, if satisfied as to his experience and practical knowledge, grant to him a licence that is so restricted.

The clause then spells out the restricted license. I hope it will be interpreted in such a way that the restricted licenses will cover not only the various fields of the building industry but also the quantum of work to be performed. I emphasise again—and the member for Narrogin has pointed this out—that this is not a compulsory grandfather provision. Here again we could have a loaded board which might be prejudiced against an applicant. It is to be given a discretionary right as to whether or not it grants a restricted license.

An applicant could have been engaged in a trade all his life, but because the board did not like him, it would not grant him a license. Under this clause the board may grant a restricted license, but under

the previous clause the board shall grant an unrestricted license under certain conditions.

Clause put and passed.

Clauses 45 to 47 put and passed.

Clause 48: Alterations to Register and licences—

Mr. MENSAROS: This again is a tremendously restrictive and harsh clause. It provides for a fine of up to $200 for failure to notify the board of a change of address. We all agree that changes of address should be notified to the board, but in some cases the omission to notify the board could be caused by an oversight. To provide for a penalty of $200, whereas at present no penalty exists for such failure to notify the board, is quite unjustified. Perhaps in the first instance the board should bring to the attention of the person concerned his failure to notify his change of address, without imposing a fine.

Mr. JAMIESON: Both the registrar and the board must be provided with certain powers, so that they may compel people to comply with the provisions of the Act. In these cases justice always prevails. In many Statutes rather stringent penalties are prescribed, but they are not imposed except against those who offend frequently. I see no reason why any alteration should be made.

Clause put and passed.

Clauses 49 to 51 put and passed.

Clause 52: Annual fee—

Mr. MENSAROS: Compared with the clauses which have been contested, this clause seems to be tremendously unjust from the point of view of the contractor because the annual fees which have to be paid to the board are not to be limited. Under some other Acts the maximum fees are set out, but in this case the sky is to be the limit.

In view of the functions of the board, and perhaps some of its functions are contrary to the wishes of registered contractors, it could be that the annual license fee is fixed at so high a level that the contractors would be squeezed out.

Mr. Hutchinson: On top of that levies could be imposed.

Mr. MENSAROS: That is correct. If the Minister contends that the board would be reasonable in its actions, then I cannot see he has any argument against an amendment to specify that the maximum annual fee shall be set at $25. I move an amendment—

> Page 32, line 24—Delete the passage "fee." with a view to substituting other words.

Mr. JAMIESON: I oppose the amendment. The proposed limit of $25 is not even a decent membership fee of a trade union.

Mr. Mensaros: That is the present fee.

Mr. JAMIESON: This matter will be governed by the time and the circumstances.

Mr. Mensaros: I repeat, that is the present fee.

Mr. JAMIESON: I do not care what it is. I do not want people to register as painters merely because it is cheaper than joining a trade union. If a ridiculous minimum is set this is what will occur and people will join the industry not because they are interested in it, but for what they can get out of it.

I am strongly opposed to our setting a maximum. The regulations must be formulated from time to time and I will rely on the good sense of members to ensure that no excessive fees would be applied. The fees should be left open so that, although the board is not a profit-making body, it can crack even. The other two boards have accumulated a few dollars which they will need to deal with situations as they arise from time to time. It is not unreasonable to ask the Committee to leave the provision as it is because when the regulations are formulated members will ensure that no fee is excessive.

Mr. HUTCHINSON: Earlier in the debate the Minister said that he had gone through the Bill a dozen times and then another dozen times. I wonder whether when doing so he considered the amount which would be prescribed as the fee. We would not be setting a precedent to include a maximum. We fear that the implementation of the legislation as it is will result in great cost to the industry.

Mr. Jamieson: You keep saying that, but I can see no evidence of it.

Mr. HUTCHINSON: If the Bill has State-wide application there is no doubt whatever that it will cost a great deal. Will the Minister indicate whether he has given any consideration to what the annual fee should be?

Mr. JAMIESON: The annual fee would vary according to the classification of the license and the category involved. The fee would be higher for a person specialising in some work than it would be for work of a less skilled nature. However, whatever fee was applied would be included in regulations which would be subject to scrutiny by members. I do not see how a standard fee could possibly apply under the provisions we propose.

Amendment put and negatived.

Mr. MENSAROS: Subclause (2) provides for a licensed contractor to be deregistered if he has not paid his fees for three months from the time they are due. This is fair enough. When dealing with the fees for estate agents the Attorney-General conceded that, because of an oversight, a person could operate while not licensed and therefore be deregistered. The

same thing could apply under the legislation we are discussing. I merely wish to move an amendment to provide that the board shall give notice to the contractor that he has not paid his fees for three months. Then, after the expiry of the notice of 14 days, he can be deregistered if he has not paid his fees.

Mr. JAMIESON: I think this is a reasonable approach. I would be happy to accept the amendment of the member for Floreat if he would agree to add to his amendment, after the word "him", the words "by addressing a letter to his last recorded address".

Mr. MENSAROS: I am quite happy to accept the suggestion of the Minister and I therefore move an amendment—

> Page 32, line 26—Insert immediately after the word "payable" the passage "and fourteen days after the Board has notified him by addressing a letter to his last recorded address of his failure,".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 53 to 55 put and passed.

Clause 56: Disciplinary powers—

The CHAIRMAN: On page 35 a line has been repeated and I respectfully suggest to the Minister that he move for the deletion of line 29.

Mr. MENSAROS: I will not move the amendment of which I have given notice because it was consequential. However, I wish to remark that it is most unusual not to specify the kind of offence for which a contractor is to be penalised or delicensed.

In most Acts of Parliament offences are specified. Sometimes the penalty with which the offence is punishable is spelt out. However, in this instance it is stated that if a person is convicted of an offence the board could render him unable to carry out his work. That is the complaint. Again, the board is loaded and the situation is left wide open to favouritism and injustice.

Mr. JAMIESON: I do not think the board is loaded. The board could be loaded either way, if members opposite have to use that word. We have tried to keep the composition of the board in such a way that it will help it to carry out the functions of the Act.

It will be noticed that line 29 on page 35 is superfluous. It is a printing error and, accordingly, I move an amendment—

> Page 35—Delete line 29.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 57 put and passed.

Clause 58: Evidence at inquiries, etc.—

Mr. MENSAROS: The powers of the board in regard to evidence while sitting in judgment are tremendously wide. From a practical point of view, the board consisting of six people will sit almost as a court in judgment and I wonder whether the board will have time to deliberate on any other subject. The Minister has contended that the number of complaints is the reason for the introduction of the Bill.

Clause put and passed.

Clauses 59 to 61 put and passed.

Clause 62: Order on individual consequential on inquiry into body corporate—

Mr. MENSAROS: The clause contains two provisions. The first concerns the principle of supervision about which we have argued and disagreed. The second principle concerns a supervisor who has had nothing to do with the contracting work. As I have indicated, I will vote against the clause.

Clause put and passed.

Clauses 63 to 65 put and passed.

Clause 66: The Fund—

Mr. JAMIESON: As a result of an earlier decision by the Committee to remove the word *"Industry"* from the short title of the Bill, I move—

> Page 42, line 26—Delete the word "Industry".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 67 to 76 put and passed.

Clause 77: Inspections—

Mr. MENSAROS: It is not logical to license all contractors, and then to provide for inspectors who do not have to have any qualifications whatsoever. The inspectors, who do not have to be licensed, will supervise the licensed contractors.

Clause put and passed.

Clause 78 put and passed.

Clause 79: Offences by body corporate—

Mr. MENSAROS: The provisions of this clause will render the provisions of the existing Acts innocuous. I have received advice that much better drafting would be achieved as a result of my proposed amendment. The clause will then spell out that a director who is held to be responsible for an offence has had something to do with that offence. Accordingly, I move—

> Page 49, lines 29 and 30—Delete the words "authorised or permitted".

Mr. JAMIESON: I oppose the amendment. It would mean that people in the background could allow an offence to be committed, knowingly, and escape any penalty. I think that is wrong. We want to keep everybody in fair order and it is considered necessary that the board should have the power to charge people who remain in the background and who permit

their workers to break the law. If we accept the proposal of the member for Floreat, who is directly concerned, we would cause legal arguments for a long time to come when it came to trying to prove whether or not a person was directly concerned. If they are concerned in the organisation, they should have enough responsibility to be associated with its management. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 80 to 82 put and passed.

Clause 83: Time for complaints—

Mr. MENSAROS: This is a small clause but it is most obnoxious, in my opinion, from a practical point of view. I do not care what the provision is in the present legislation. If it is similar to the provision under discussion, it is equally obnoxious.

Clause 83 virtually states that a person can wait for two years before making a complaint against a contractor, despite the fact that that complaint may result in the contractor being heavily penalised or his license being taken away.

A period of two years leaves the position wide open for all sorts of blackmail. Almost every building contractor—and this applies even in the case of large and complicated jobs—has a so-called maintenance period of six months. Once the contractor has handed over the job as completed he is liable in the next six months to remedy any defaults which occur because of faulty workmanship or, perhaps, workmanship which was not exactly proper.

If we give a complainant a two-year period he could bargain with the contractor in a completely unreasonable way. We have seen this happen. This has happened when nothing else is in question except the maintenance, because every contract makes provision that some moneys shall be retained for a six-month period to meet any maintenance. Many owners want to opt out of the responsibility of paying the maintenance retention and come forward with completely unreasonable requests. Often the builder does not have sufficient money to go to litigation in connection with the matter. He does not undertake the work required by the owner, because the request is unreasonable, and consequently the maintenance is not paid.

It is completely wrong to give a complainant a two-year period in which he can go to the board and lodge a complaint which could have serious consequences against the contractor. Even if the consequences were not serious, this would be a harassment to the contractor. The contractor would be wide open to all sorts of blackmail. Therefore, the principle is extremely bad. I move an amendment—

Page 51, line 14—Delete the words "two years" with a view to substituting the words "six months".

Mr. JAMIESON: I must oppose this amendment, too. Some defects in a house can be hidden almost completely until the house or building starts to mature. Perhaps hairline cracks in a concrete path could develop shortly after the paths are laid. Some time later it could be shown that this was the result of faulty workmanship.

To cut the period down to six months would mean that we would be providing for only half the time which is now provided for in the Builders' Registration Act. Under no circumstances would I wish to cut the period down to six months. I oppose the idea of reducing the time period and I suggest that the Committee support the clause, as printed.

Mr. THOMPSON: I believe it is completely unreasonable that a contractor should be held responsible for a period up to two years. I do not think the Minister has advanced a sufficiently strong argument to retain the present clause. The Minister has said that concrete may develop hairline cracks which could become worse with the passage of time. I am sure it would not take two years for a defect in concrete to become evident.

A two-year period would certainly lead to a situation whereby a pedantic client could hold a building contractor to ransom. It would harass the daylights out of a contractor to have a client coming back for two years.

The maintenance provision in this clause is two years. I know of no contract which has a maintenance period in excess of six months under ordinary circumstances. I have known of one or two when the maintenance period has gone to 12 months, but this has been in the case of large and sophisticated buildings.

In the case of a domestic house or type of building which would be catered for under this legislation, I see no justification for a two-year maintenance period.

Mr. HUTCHINSON: I, too, would like to join with previous speakers on this side and point out that a defects-liability period of two years is really too long. It would impose a financial strain on the builder, and this cost would have to be included in the price of the house or the work. A builder would have to make provision for this sort of thing.

Mr. Jamieson: How long do you suggest is a reasonable period?

Mr. HUTCHINSON: I say six months is long enough.

Mr. Jamieson: There has been a period of 12 months in the Builders' Registration Act for years.

Mr. HUTCHINSON: I would go along with any period which is shorter than two years.

Mr. Jamieson: If you move for a period of 12 months, I will accept it, for the sake of going home.

Mr. HUTCHINSON: Perhaps the member for Floreat could withdraw his amendment.

The CHAIRMAN: The amendment before the Chair is to delete the words "two years".

Mr. Jamieson: I will do this on the understanding that it will be no less than 12 months.

Amendment put and passed.

Mr. MENSAROS: I move an amendment—

> Page 51, line 14—Substitute the words "twelve months" for the words deleted.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 84 to 87 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

House adjourned at 11.19 p.m.

Legislative Council

Wednesday, the 7th November, 1973

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

QUESTIONS (7): ON NOTICE

1 to 3. *These questions were postponed.*

4. LAND

"The Forts": Vesting

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

(1) Has the Government received an application from the Albany Town Council to have the area known as "The Forts" vested in the Council?

(2) If so, what has the Government done in this regard?

The Hon. J. DOLAN replied:

(1) The Albany Town Council has approached the Government for assistance in acquiring freehold Lots 7 and 19 of Albany Lot 869 with a view to its reservation and vesting in the Council.

(2) Representations have been made to the Commonwealth Minster for the Environment and Conservation, who has indicated he is unable to assist in the acquisition of the land. It is known the Albany Town Council is investigating the question of the revestment of the land for non-payment of rates.

5. *This question was postponed.*

6. TOURISM

South-West: Report

The Hon. D. J. WORDSWORTH, to the Minister for Tourism:

(1) Has a report been printed on developing tourism in the South West region of the State by the Australian National Travel Association?

(2) What is the cost of this report to the general public?

(3) (a) Does the region chosen by this Association bear any resemblance to the regions referred to in the draft legislation being circulated to selected tourist authorities;

(b) if not, would the Minister indicate the proposed regions of Western Australia?

The Hon. J. Dolan, for the Hon. R. THOMPSON, replied:

(1) Yes. This report was prepared by ANTA without financial cost to the State.

(2) $50 a copy.

(3) (a) The region covered by the report was defined by ANTA.

(b) No action has been taken to define regions for future tourist planning purposes.

7. LOCAL GOVERNMENT

Building Code

The Hon. W. R. WITHERS, to the Minister for Local Government:

(1) Has the Government given drafts of the proposed Building Code to all members of the Building Surveyors Association?

(2) How many pages are in the proposed Building Code?

(3) When will officers of the Local Government Department meet the representatives of the Building Surveyors Association to discuss the suitability of the Building Code?

(4) What is the proposed schedule for the meeting?

(5) If the answer to (1) is "No", when will the Building Surveyors Association be given copies of the proposed draft?