(f) does the provision for "a more suitable area for development on the Maylands Peninsula" given as the reason for the realignment include the new "Tranby-on-Swan" residential development;

(g) what additional residential projects are envisaged as a result of the realignment;

(h) is any part of Hunt Reserve to be used for the new Freeway alignment?

The Hon. J. DOLAN replied:

(a) 37.

(b) 17 at the time of the recommended change.

(c) No, but the Metropolitan Region Planning Authority consulted the local authorities and the District Planning Committee which advised support of the proposal before it was adopted and notified in the *Government Gazette* of 2nd June, 1972.

(d) Detailed resumption costs have not been taken out since the proposed development is many years in the future and values change markedly in that time.

(e) Finance is made available by joint agreement between the Metropolitan Region Planning Authority and the Main Roads Department.

(f) Yes, but only coincidentally.

(g) As the released land in the Urban Zone is in private ownership information is not available about development concepts which may be in course of preparation by the owners of individual lots.

(h) There is no record of a "Hunt Reserve", but approximately one-third of the reserve in Richard Street is affected by the new route.

House adjourned at 5.29 p.m.

Legislative Assembly

Thursday, the 11th October, 1973

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

ALUMINUA REFINERY (WORSLEY) AGREEMENT BILL

Report

Report of Committee adopted.

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING BILL

Third Reading

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Report

Report of Committee adopted.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Third Reading

MR. T. D. EVANS (Kalgoorlie—Assistant to the Treasurer) [11.06 a.m.]: I move—

That the Bill be now read a third time.

When addressing himself to the second reading debate last evening, the member for Moore asked me to clarify or augment the comments I made when introducing the Bill relating to the expenditure the State would be relieved of and the consequences.

When I moved the second reading of the Bill, I indicated that no saving would flow to the State at all in the short term. However, it is likely that a saving will be effected in the long term. I apologise to the honourable member for overlooking this point when I replied to the debate; it was not my intention to do so.

The explanation is that the cost of tertiary education over recent years has increased to such an extent that the proportion the State has been carrying has increased at a rate in excess—and I emphasise that point—of the growth rate in the financial assistance grants to the State from the Commonwealth. So in effect we are being relieved of an obligation, the cost of which has been increasing at a greater rate than the growth rate in our own resources. So it becomes clear that in the long term the State must benefit. I trust this explanation is accepted by the member for Moore.

Question put and passed.

Bill read a third time and transmitted to the Council.

JURIES ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The amendment made by the Council was as follows—

> Clause 8, page 4, line 34—Insert before the word "in" the passage "in line four of paragraph (a) and".

Mr. T. D. EVANS: During the second reading debate on this measure, the member for Floreat drew my attention to paragraphs (a) and (b) of subsection 11 of the principal Act. Clause 8 of the Bill seeks to amend paragraph (a).

Whilst he did not move an amendment he highlighted what appeared to be an inconsistency. This matter was checked and it does appear that paragraph (b) should have been amended in the same manner as paragraph (a). The explanation of the Parliamentary Counsel is that when courts of sessions were abolished by the District Court of Western Australia Act, 1969, the references to "Court of Sessions" in the Juries Act became unnecessary. The word "session" appearing in both paragraphs (a) and (b) of subsection (2) of section 11 were references to hearings of the court of sessions, whereas the Supreme Court and the District Court have sittings.

This was an inadvertent omission of the draftsman. As a result an amendment was drafted and presented in another place. It was accepted by that Chamber and is now before this Committee. I move—

> That the amendment made by the Council be agreed to.

Mr. MENSAROS: The situation is as the Attorney-General outlined it, so it needs no further comment. We all know that the sessions of the Supreme Court and the District Court are called sittings, so the word "session" should be deleted wherever it occurs, not only in one place.

My only other comment, with all due respect, is that such errors are occurring with greater and greater frequency. Not long ago we talked about the proliferation of the personnel in the Crown Law Department. To my mind when a department has employed so many additional staff in the course of time such simple omissions should not happen, and it is not right that they should be picked up by members of Parliament who are at least just as busy as the officers of the department. I often wonder whether a member of Parliament —particularly from the Opposition—does not have to study more legislation than a Parliamentary Draftsman has to study. Also, those people are professionals and should do a better job, or at least get someone to check what they do. It should not be the job of a member of Parliament to pick up these deficiencies. I agree with the amendment.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

CHURCH OF ENGLAND (DIOCESAN TRUSTEES) ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.15 a.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill now before members is to obtain Parliament's authority for the Church of England to vary certain of the present trusts upon which it holds the land bounded by St. George's Terrace, Pier Street, Hay Street, and Cathedral Avenue, Perth. The land has been developed under the name Cathedral Square and is described in the schedule to the Bill.

Early land grants by way of endowment were made to the Church of England for the benefit of the Cathedral Church of St. George and the Diocese of Perth but it is now felt by the Anglican Church that this land should be held on trust for ecclesiastical purposes for the needs of the Cathedral Church of St. George, the Diocese of Perth, and the Province of Western Australia of the Church of England in Australia.

The Synod of the Diocese of Perth at the Third Session of its Thirty-fourth Synod resolved—

> In deciding the use of capital or income available through the sale or development of diocesan property, this Synod authorises the Archbishop-in-Council, after consultation with the Diocesan Trustees, and subject to the provisions of any trust applicable thereto, to take into consideration the rights and needs of other Dioceses of the Province, and to allocate for their use such proportions as they shall think right.

The Third Session of the Thirty-fourth Synod held in October, 1972, resolved that the Perth Diocesan Trustees be requested to take the necessary action to have the principal Act amended in the manner now before members and as explained below.

The amendments provide for the merging of the various trusts of all the lands which now comprise Cathedral Square now vested in the Perth Diocesan Trustees and that Cathedral Square be made subject to a trust for ecclesiastical purposes for the Cathedral Church of St. George, the Diocese of Perth, and the Province of Western Australia of the Church of England in Australia and to vary all existing trusts accordingly. Prior approval has been obtained from the three bodies concerned. At this point I would mention that the request to have this legislation presented

was originally made by His Grace the Archbishop of Perth to the Premier and, in fact, the Bill has been drafted by the solicitors acting for the Church of England. They were also responsible for preparing the speech notes for the introduction of the Bill.

The format of the legislation is for all income derived by the Perth Diocesan Trustees from Cathedral Square to be applied in all normal outgoings of Cathedral Square and for the balance to be paid by the trustees to such one or more of the Cathedral Church, the Diocese of Perth, and the Province of Western Australia of the Church of England in Australia as previously determined by a standing committee called the Foundation.

Members will note from clause 3 of the Bill that the Foundation is to consist of the Archbishop of Perth, the Dean of the Cathedral Church, and four laymen, two appointed by each of the Cathedral Chapter and the Council of the Perth Diocese of the Church of England in Australia.

The prime function of the Foundation is to make determinations for the distribution by the Perth Diocesan Trustees of any income of Cathedral Square then remaining amongst one or more of the Cathedral Church, the Diocese of Perth, and the Province of Western Australia of the Church of England in Australia after paying the normal outgoings of Cathedral Square.

I commend the Bill to the members of this Chamber.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

MINE WORKERS' RELIEF ACT AMENDMENT BILL

Second Reading

MR. MAY (Clontarf—Minister for Mines) [11.21 a.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend the Mine Workers' Relief Act, 1932.

This Act makes provision for a fund to which the Government and the employers and employees in the metalliferous mining industry throughout the State contribute, and from which mineworkers, who contract certain incapacitating diseases as a result of their employment in the mining industry, receive benefits.

Subject to certain qualifications and subject to his having exhausted all his entitlements under workers' compensation, a mineworker is entitled to fund benefits for incapacity due to—

(1) silicosis in the advanced stage;

(2) silicosis in either the early or advanced stage in association with tuberculosis;

(3) tuberculosis; or

(4) if he is registered under section 50 of the Act as an early silicotic who has ceased work as a mineworker and who—

(a) becomes an old age, invalid, or service pensioner; or

(b) is certified by the Mines Medical Officer to be unfit for gainful employment by reason of his suffering from silicosis in association with some malady or disease not attributable to the industry.

The benefits in category (4) are payable under section 56A of the Act, and recipients are referred to as section 56A beneficiaries.

Despite the fact that these beneficiaries receive benefits from the fund, they have also been continuing to contribute to the fund, because of uncertainty in the legislation. It is considered that continued contributions while in receipt of benefits is inequitable, and this Bill then is to correct the position by making it quite clear that the beneficiaries under section 56A may maintain their registration under section 50 of the Act, without further contributions to the fund.

Also the Bill validates contributions received in the past by the fund from section 56A beneficiaries.

I commend the Bill to the House.

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

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [11.25 a.m.]: I move—

That the Bill be now read a second time.

The Standing Committee of Commonwealth and State Attorneys-General, at the request of the Australian Agricultural Council, and in co-operation with Commonwealth and State departments, drafted a uniform Bill covering the activities of aerial operators. The draft uniform Bill has been used as the basis for legislation in several States, including Western Australia.

In particular, the Act provides that aerial spraying with defined chemicals should not be commenced unless the owner of the aircraft has lodged security by way of a contract of insurance for an amount of $30,000, which indemnifies the owner against liability in respect of damage caused by aerial spraying.

At the request of the operators, some of whom move from one State to another, provision was made for insurance cover to be on an Australia-wide basis.

Recently the Western Australian Aerial Operators' Association approached me regarding economic difficulties confronting

the industry associated with a substantial reduction in aerial agriculture in this State and increases in the insurance rate per aircraft. The association contended that the claims ratio in other States exceeds that in Western Australia and requested that—

(a) a reduction be made in the required minimum security of $30,000, and the amount not be increased if a company operates more than one aircraft;

(b) insurance on a State basis be permitted when required.

By this means it was hoped to obtain reduced premiums.

As a policy of uniform Australia-wide legislation was agreed to by the Australian Agricultural Council, the reaction of the council to the proposal was sought. At its meeting on the 5th and 6th February, 1973, the council supported the Western Australian request that operators be permitted to restrict their insurance cover to the State in which they work. The Australian Aviation Underwriting Pool Pty. Ltd., the main company concerned, has indicated that it is prepared to review the premium in the light of claims experience in Western Australia but the likely reduction has not been disclosed. The original Australia-wide premium of $250 per plane had increased to $450 last year, with a further increase of possibly $200 likely in 1973 because of extensive claims in Victoria and Queensland.

Under the draft Bill, an operator may continue to have a policy covering spraying activities throughout Australia, but has the alternative of cover within the State only.

The minimum security for compensating damage will remain at $30,000, but with no increase if a company operates more than one aircraft.

These relatively minor alterations to the legislation will reduce the cost to operators at a time when the industry is suffering financial hardship, without affecting the protection provided.

I commend the Bill to the House.

Mr. Gayfer: Everything's going uniform, but nobody's in one.

Debate adjourned, on motion by Mr. Nalder.

AUCTION SALES BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.30 a.m.]: I formally move—

That the Bill be now read a second time.

With the considered necessity to make certain amendments to the Auctioneers Act, which was enacted in 1921, the opportunity has been taken to consolidate the law in relation to auctions and auctioneers in this State; to update the legislation for present-day requirements; and to establish a degree of uniformity between Western Australia and other States of the Commonwealth in this regard.

This Bill is therefore designed to repeal the Auctioneers Act, 1921-1972; the Sales by Auction Act, 1937; to prohibit certain practices in relation to sales purporting to be sales by way of auction; and for incidental and other purposes.

The Bill replaces the provisions of the Sales by Auction Act including the proposed amendments to the Act now set out in the Bill before Parliament.

It has been considered necessary to compel all auctioneers to maintain records; to account for money received by them in the course of their business; and to render accounts to the person on whose behalf the sale was conducted.

Whereas the Bill now before Parliament —to amend the Sales by Auction Act— contains a proposition whereby auctioneers conducting sales within the precincts of the Midland Junction Abattoir Board saleyards at Midland would be exempted from keeping certain records of sales and compelled to make these records available for inspection—and I emphasise that—this Bill makes no such exemption.

The Police Department which is responsible for investigating the theft of stock throughout the State considers it imperative that the Midland saleyards, which is the largest stock clearing outlet in the State, be included in the provisions of the Bill relating to records.

A further important new provision—which supplements the provisions of the Stock (Brands and Movement) Act, 1970 —is that a drover or carrier delivering cattle or pigs for sale by auction is required to hand over the original copy of the waybill referred to in section 46 of the Stock (Brands and Movement) Act, 1970.

Investigation of alleged stock thefts will be less difficult if all the provisions of the Bill in relation to records become law.

Provision has been made to provide a statutory authority for police to enter and remain on premises where an auction is being held; to inspect certain records in relation to the sale by auction of cattle, sheep, pigs and goats; and for the Minister to give written approval for a particular person to conduct a full examination of all books, records of account, etc., required to be kept by a licensee under the provisions of the Act—including an account at a bank. The Minister would also be empowered to appoint an auditor if considered necessary to audit the accounts of a licensee.

The restriction as to hours of business —that is, sunrise to sunset—has been dispensed with as the hours when a business may operate is a matter dealt with in other legislation.

All States of the Commonwealth have been plagued during recent years by a practice which has come to be known as "mock auctions". Various other names have been used by the operators, including "action sale", "advertising sale", "crazy sale", "custom cleared goods sale", and others of a like nature.

The police and consumer protection authorities have been disturbed at the extent and success of some unscrupulous salesmen who capitalise on the gullibility of the public.

The method of operation of these persons is usually to hire a hall, a shop, or something of that nature in a country town or suburban area for a few hours. I can recall one operating in the heart of the city a few months ago. The accommodation is hired for a limited period of time and, as I have said, for a few hours in some cases. The sale is advertised by the distribution of handbills or newspaper advertisements. Extravagant claims are made in the advertisement which gives the impression that goods are going to be given away or sold at ridiculously low prices. In fact, people are persuaded by subtle means to put up large sums of money for the purchase of inferior quality merchandise, in the mistaken belief that the salesman is going to give them most of their money back. The trade names of these inferior goods are almost identical with those of reputable makes, obviously for the purpose of deceit.

I am advised that the police in this State have kept a close watch on these persons and, wherever possible, action has been taken. However, because of the polished methods used by the salesmen concerned and the present inadequacy of current legislation, control is most difficult.

The provision contained in this Bill to prohibit the practice known as "mock auctions" has been designed after consideration of legislation introduced in South Australia, New South Wales, and Queensland. If accepted by the Parliament, these provisions will, I am sure, be helpful in the control of these sham operators.

Other new provisions in this Bill include more clearly defined interpretations of all areas coming within the scope of the Act, a widening of exemptions to include sales conducted by the Public Trustee and those held for the benefit of projects such as Telethon and other charitable services of that kind.

The various kinds of licenses under existing legislation comprise three basic ones—general, country, and district—as well as an occasional district license and a temporary license. It is now proposed to define the kinds of licenses as follows—

(1) General license which is—or will be—unrestricted as before.

(2) Restricted license, which is similar to the country and district licenses but allows the court to exercise discretion in relation to area and class of business to be conducted.

(3) Occasional license, which is less restrictive than before and also available to unlicensed persons and can be granted subject to conditions and limitation for any period not exceeding seven days.

(4) Interim license, which is similar to the temporary license.

(5) Provisional license, which is the same as the previous provisional auctioneers certificate provided for by amendment No. 62 of 1970 which has never been proclaimed.

The hearing of applications for a license has been simplified in that an applicant will not be required to attend unless directed by the court or an objection has been lodged with the court. It is also proposed that licenses will be valid for a period of 12 months instead of expiring on the 31st December.

The existing Act makes no provision for a license to be cancelled or suspended other than upon conviction for a breach of the Act. Provision is now made also to allow an application to be made for a license to be cancelled or suspended for any misconduct which would indicate that a licensee is not a fit and proper person to hold such license. A determination of that application, of course, would be made by the court.

Overall, and as initially stated, the opportunity has been taken to prepare a clear and concise Act—and, I might mention, having regard to the Sales by Auction Act, to prepare a comprehensive Act—and at the same time include safeguards in the public interest which have not been entirely evident in the past. It is with pleasure that I commend the Bill to the House.

Debate adjourned, on motion by Mr. Stephens.

RAILWAY (KALGOORLIE-PARKESTON) DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.41 a.m.]: I move—

That the Bill be now read a second time.

This Bill seeks the approval of Parliament to the closure of a small section of narrow gauge railway between Kalgoorlie and Parkeston which is redundant.

With the commissioning of the standard gauge railway between Perth and Kalgoorlie, connecting with the Commonwealth

Railways standard gauge line, this small section of narrow gauge line remained to provide for traffic consigned to destinations on the Esperance and Leonora narrow gauge branch lines. Consignments for these branch lines were transferred from standard gauge wagons to narrow gauge wagons at Parkeston. Very little use has been made of this small section of line, however. No timetabled services have operated and there have been only intermittent livestock movements for destinations on those lines.

In May of this year all services over the line now to be discontinued were suspended to enable commencement of work associated with the Leonora branch standardisation project, and suitable alternative arrangements have been made at the West Kalgoorlie yard to handle transfer requirements which may become necessary.

When the work of standardising the Esperance and Loenora branch lines is completed, the small section of narrow gauge railway described in the first schedule to this Bill will be completely isolated and not required for any purpose. The Bill accordingly seeks formal parliamentary sanction to close the line and to revest in the Crown the portion of land no longer required for railway purposes on which the line is located.

The Director-General of Transport has examined the proposal to close this section of railway and has recommended that it be agreed to. A copy of the report of the director-general, together with a copy of Railway Civil Engineering Branch Plan No. 66163, which shows the section of line to be closed and the land to be revested in the Crown, was recently tabled in the House.

I commend the Bill to members.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.44 a.m.]: I move—

> That the Bill be now read a second time.

There are three amendments proposed in the Bill now before the House, only one of which introduces a provision which does not already exist in the principal Act. The other two amendments are concerned merely with strengthening provisions already existing.

The Adoption of Children Act can be viewed as promoting the welfare of and also, importantly, giving protection to the three parties involved in the adoption process—the natural parents, the adopting parents, and the child in question. Two of the amendments in this Bill have the effect of strengthening the protection offered to the participating parties in adoption.

An aim of the present Act, after all the necessary consents have been given, is to limit the period in which the natural parents can validly demand that their child be returned to them. This is to protect the adopting parents who have accepted a child into their care for adoption and have grown to love it. However, the Act has proved to be deficient in this regard. It has been found that in certain cases the natural parent may make a valid legal claim for the return of the child, even after the 30-day period prescribed by the Act has expired.

This does not apply in the case of a legitimate child, where it is necessary to obtain the consent of both its father and its mother. However, in the case of an illegitimate child the consent of the mother only is required and it is in these latter cases that problems have arisen.

It is the intention of the Act that a person who gives consent has 30 days after signing the consent form in which to revoke the consent. If it is not revoked within the 30 days, then the consent is irrevocable and the child can be placed with the adopting parents with a guarantee that the natural parents have no further legal rights to the child.

In some cases involving an illegitimate child, consent has been obtained from the natural mother and the child has been placed with adoptive parents on the understanding that after the 30-day period for revocation has expired, the mother no longer has a legal claim for the return of the child. Subsequently the adopting parents grow to love the child and care for it as if it were their natural child. However, it now appears that should the natural parents of the child later marry, then by operation of the Commonwealth Marriage Act the child is retrospectively legitimated back to its birth and two consents become necessary. This then gives the natural parents a legal right to demand that the child be returned to them. They can do this because, as the father of the child has not previously given his consent, the child is not available for adoption and the father is therefore able to assert his rights to guardianship.

The proposed amendment seeks to remove the necessity to obtain the father's consent should he eventually marry the mother, by allowing an order to be made if at the time consent was given it was the only consent required under the Act.

The second amendment introduces new provisions which relate to an adoption when one of the adopting parents is the natural parent of the child, and that parent and a new spouse wish to adopt the child into their marriage. This situation can arise in three ways: a woman has an

ex-nuptial child and then marries; a person is divorced and then remarries and the former spouse will agree to the adoption of the children of the former marriage; or a person becomes a widow or widower and then remarries.

Under the present Act, if these people wish to adopt the children into their present marriage they are subject to an investigation and assessment, as are any other adopting parents, although at least one of them may have been caring for the child since birth. The proposed amendment removes from the Act the provisions which require a responsible officer of the Department for Community Welfare to investigate and assess such applicants and report both to the court and the director. It also removes the necessity for the director, after considering the report of the responsible officer, to form an opinion as to the suitability of the applicants to be adopting parents and to furnish that information to the judge.

Many parents who have been looking after their child since birth resent very much the requirement that they should be investigated and judged as to whether they are fit to adopt their own child. It is felt that parents in general look after and provide for the future of their child in a satisfactory manner and should not be subjected to investigation unless the department has some reason to believe that the child's welfare is in jeopardy.

The amendments, however, do provide for a judge to call for a report on the applicant and under the existing provisions the report of the responsible officer would normally suffice should he—the judge—consider a report necessary in a particular case. The amendment also allows the director, as he thinks fit, to report any information to the judge regarding the applicants.

It is also proposed that when one parent of a legitimate child is deceased and the other parent—that is, a widow or a widower—remarries, and the child is the subject of an application for adoption into the new marriage of the natural parent, the relatives of the deceased natural parent be informed about the adoption application.

This provision has been added because grandparents, uncles, and aunts of such a child on the deceased spouse's side may have a great deal of love and concern for the child. Adoption will have the effect of depriving the relatives of their existing legal relationship to the child, and if they are to be deprived of this then they should be informed of the application.

The other amendment to strengthen existing provisions of the Act concerns publicity. The present Act restricts publicity of the identity of those involved in the adoptive process, but not to the degree thought desirable. At present no protection from publicity is afforded to the natural mother, her child, or the adopting parents until an application is filed. The three parties may be involved in the adopting processes for many months, even over 12 months, and the present Act does not impose a restriction over most of that period. The restriction applies only after an application is filed and up till an order is made. This is very often a matter of only a few days.

The proposed amendment extends the restriction on publicity to the three parties involved from the time they propose to be, or become, a party to an application. Entailed in this, of course, is the whole period in which they are involved in the adopting processes.

The amendment also restricts publicity regarding the identity of any person who is a subject of or party to an application for an order of adoption and to all persons who have consented to the adoption or who may be affected by an adoption order.

I commend the Bill to the House.

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

STANDING ORDERS COMMITTEE

Consideration of Report

Committee procedure in the House; the Speaker in the Chair.

Debate resumed, from the 12th April, on the proposed amendment to Standing Order No. 2, as amended, to which Mr. Bertram had moved the following further amendment—

> Substitute the following for the words deleted—
>
> after paragraph (a) on page 57 of the Standing Orders Volume and substitute therefor the following:—
>
> (b) Any matter awaiting or under adjudication in a civil court where the Speaker has reasonable grounds to believe that the trial thereof involves or will involve the verdict of a jury.

To which Mr. Mensaros has moved—

> That the amendment be amended by deleting the word "will" in the second last line.

Mr. BERTRAM: It is appropriate at this time to refer to the history of this particular matter. Members will recall that we are dealing with the interpretation of the words *"sub judice"*. We have already agreed to delete all the paragraphs appearing after paragraph (a) of the interpretation. Paragraph (a) reads—

> (a) Any matter awaiting or under adjudication in any Court exercising a criminal jurisdiction or in a court martial;

I have already canvassed the purpose of the deletion and the proposed substitution. I then formally moved to substitute the following—

> (b) Any matter awaiting or under adjudication in a civil court where the Speaker has reasonable grounds to believe that the trial thereof involves or will involve the verdict of a jury.

At page 900 of *Hansard* of this year, members will see that on the 12th April I adequately covered the substitution of paragraph (b) whilst dealing with the deletion of portion of the interpretation.

The member for Floreat then moved to delete the word "will" in the second last line of my proposed amendment with a view to substituting the word "could". At that time I indicated that this proposition was not acceptable. Having considered the matter further since that time, my view that the substitution would not be a good thing has been reinforced. The inclusion of the word "could" would defeat our purpose. We are attempting to ensure that the interpretation of *"sub judice"* is clear to everyone.

Our second purpose is to render any criminal action immediately *sub judice*. This provision will not be altered at all. However, we say that in a civil action which proceeds without a jury, a judge will not be persuaded by anything said here. In the case of a jury trial for a civil action, the possibility of prejudice exists. This is the reason for the qualification in the proposed amendment.

The result is that criminal actions are protected by the *sub judice* rule, as are civil actions where the Speaker has reasonable grounds for believing that the trial involves, or will involve, a jury. Members will see my point—not "could" or "did" involve, but "will" involve a jury. Currently the *sub judice* rule, apart from being more abused than used—and we have witnessed this in our Parliament in the last few years—is absolutely too far-reaching.

We concern ourselves, and rightly so, with protecting individual litigants, but we take it to absurd limits. Until the last few years we have not concerned ourselves with all those people who simply cannot get into litigation because they are not wealthy enough, and with the difficulties encountered by litigants because of the rules of evidence and the availability of witnesses. We did not concern ourselves with that question until recent years; but for over 100 years we have concerned ourselves with the *sub judice* rule. We have concerned ourselves with this rightly to a point, but we have gone far too far; in our desire to protect individuals we have effectively excluded, contrary to the public interest, public debates in this Parliament. I do not think that is proper.

This is a matter of bringing the question back into perspective. Therefore, I encourage members to support the amendment I moved on the 12th April.

Mr. MENSAROS: Mr. Speaker—

The SPEAKER: I advise the member for Floreat that he has spoken twice already on this amendment, but he may speak once more.

Mr. MENSAROS: —I think it is worth while to reiterate what happened earlier this year. The Standing Orders Committee originally proposed that the *sub judice* rules are not in the right place in the Standing Orders, and that they should be put in a more appropriate place; subsequently the committee thought that it would not only put the rules in another place in the Standing Orders, but would also re-write the rules which have existed so far.

Those rules simply are that any matter the subject of criminal proceedings is *sub judice*, and in civil proceedings only matters which have been set down for trial are *sub judice*. Other civil proceedings which have not been set down for trial are left for the Speaker to decide in his discretion whether or not they are *sub judice*.

The Standing Orders Committee wanted to amend those rules so that matters awaiting or under adjudication by a court may not be brought forward in debate if, in the opinion of the Chair, there is a real or substantial danger of prejudice to the trial of the case. So the amendment suggested by the Standing Orders Committee was to place the onus on the Speaker to decide in his discretion whether or not any case, whether civil or criminal, and whether or not it has been set down for trial, is *sub judice*.

The member for Mt. Hawthorn, in my opinion rightly, thought this was too great a burden to place upon the Speaker, and moved to amend the rule in such a way that matters of criminal jurisidiction will be *sub judice* in any case, and matters of civil jurisidiction will be *sub judice* if they are or will become cases to be dealt with by a jury. I moved a simple amendment to the amendment moved by the member for Mt. Hawthorn to change the word "will" to "could". In other words, my intention was to relieve some of the burden proposed to be placed on the presiding officer because to my mind it would be very hard for him to decide whether or not a case will go in front of a jury. It is fair enough if the question is a matter of fact and the case is before a jury; the Speaker does not have to speculate about that. But I am thinking of cases which may or may not go before a jury. The word "will" in the amendment moved by the member for Mt. Hawthorn signifies that the Speaker may rule the matter *sub judice* only if it will go before a jury.

How is the Speaker to know that, if the matter has not gone that far? I understand—and the legal members of the Chamber will know this much better than I—that it is often decided much later in the piece whether or not a case should go before a jury. Therefore, in my humble opinion the amendment as it stands will place a burden upon the Speaker, depending upon the opinion of the Speaker of the day. If he wants to be the custodian of the *sub judice* rule he will remain on the safe side; but his ruling may be disagreed with by a member asking, "How do you know it will go before a jury?" On the other hand, if he interprets the rules exactly according to the words he would say that the matter is not before a jury at the present time, and there is no certainty that it will be.

However, if we substitute the word "could" for the word "will" we will give the Speaker a safeguard, because he will be required simply to ascertain a matter of law. He would ring the Supreme Court and ask whether it is possible that the case will go before a jury. If he is told it is possible, then for the sake of safety he would not allow debate on the subject for the time being because he would not want to prejudice the proceedings before the jury—and that is the intention of the House. That is why I moved my amendment to substitute the word "could" for the word "will".

My attitude to this matter—and many other matters—is that we would not be doing the right thing if we forced it to a conclusion immediately. I suggest it would be wiser if you, Sir, with the authority of your office, and in company with perhaps the Attorney-General and a member from each of the Opposition parties, conferred with those concerned with this matter from the practical point of view. If you were to ask the Chief Justice to spend a little of his time discussing the matter with you then it would not be a question of whether the member for Mt. Hawthorn is right or whether I am right; the answer would come from a high authority. I think the matter is serious enough to warrant that course of action, and I advise the House to do so instead of making an urgent decision which, because of lack of time to do something about it, may remain in our Standing Orders for many years and cause inconvenience to members.

I realise that the matter has been delayed for some months due to the absence of the member for Mt. Hawthorn, who is very interested in it; and that is fair enough. I realise that my suggestion may defer the matter once again, but let us face the fact that we have only one or two months left in the present session, and it is unlikely that serious questions of *sub judice* will arise in that time. However, if the House decides not to take this course of action I would ask it to vote for my amendment on the amendment moved by the member for Mt. Hawthorn.

Mr. HARTREY: I support the wording of the amendment moved by the member for Mt. Hawthorn for good reasons; and the good reasons for moving it six months ago are much stronger now than they were then because a case has since been published regarding a decision made in England by the Court of Appeal last December. That decision was not known here at the time the matter was first discussed. I asked questions about it recently in the House, and the whole trend of it is that it is not good public policy to preserve a rule which makes it possible for a member of this House, or a person outside the House, to issue a writ for the purpose of stifling criticism and then to squat on the writ until everybody forgets about the matter; and during all that time the matter is *sub judice*.

The classic case to which I am referring is that of the thalidomide babies. Action was taken some six years ago to obtain damages from a very wealthy company in England which had manufactured and sold the drug which resulted in these wretchedly deformed children. The parents of those children were of the opinion that to put that drug on the market—and being recommended for pregnant women—had produced that unfortunate result and no adequate care had been taken to prevent it. So in due course an action at law was taken claiming heavy damages. The parents issued writs and the company, in defence, would not proceed. The parents could not proceed and the whole matter was held up and could not be discussed in the Parliament of England for years.

Finally the Parliament of England became sick and tired of the position and it discussed the matter last November, waiving the *sub judice* rule, because it maintained the rule was being abused. The next thing that happened was that *The Times* newspaper proposed to publish an article on the case and the Attorney-General obtained an injunction to restrain it from doing so. The Court of Appeal reversed the injunction, deciding that the *sub judice* rule was not being properly used to stifle unfair criticism. It claimed that the only time it should prevent anyone from making comments on any case was when a person was actively prosecuting a case. The judges, particularly the president (Lord Justice Jenning) quoted the remarks of Mr. Justice Owen who was then a judge of the Supreme Court of New South Wales and who is now a member of the High Court of Australia.

Justice Owen said—and, as I have said, his remarks were quoted in the Court of Appeal judgment—that if Parliament happened to trespass on the rights of an individual in regard to a matter of public

interest, that trespass being merely incidental to the debate on an important matter, it was not undesirable, because the public interest was to be preferred in the long run to the interest of one individual. So there is more reason for debating the amendment by the member for Mt. Hawthorn now than there was when he originally proposed it.

The member for Floreat suggested that the word "could" be inserted, but that is of no use whatsoever; because, as I pointed out previously, a jury can be used in only two actions—a divorce action and an action under the Motor Vehicle (Third Party Insurance) Act. Juries are not provided in the Federal court. Formerly they were, but they are not now. On the other hand, they are rarely used in this State, otherwise a jury could be used in any civil action. Therefore to insert a proviso that the *sub judice* rule shall apply during the hearing of a case attended by a jury on the basis that the proviso could be used if necessary is of no value whatsoever.

There might be some value in using the words "will be used" or "is likely to be used", but the likelihood of such a proviso being used is so remote that it is absurd to suggest it. Therefore I strongly support the amendment by the member for Mt. Hawthorn, and I trust that in due course it will be carried because it will imply the good sense and reasonable attitude of all members of the House. The amendment is not a party political matter. It concerns the rights of individuals and the members of all parties. If agreed to the amended Standing Order will prevent the *sub judice* rule being abused—the abuse of using the rule to stifle debate in this House, as well as outside it, simply by issuing a writ.

No power on earth can prevent our expressing conscientiously what we think in this House—expressing what we consider is true. We do not have to answer to anybody outside the House for saying what we think in this Assembly. No member in any Parliament of the British Commonwealth can be prevented from expressing what he thinks. No power on earth can impose that power of restraint upon us. We are not proposing to abolish that restraint in a criminal case attended by a jury, nor in the case where justices of the peace are likely to be involved in a minor case before a Court of Petty Sessions, because they may be prejudiced by what they may hear or by what is said in Parliament.

However, where the judges of the High Court or the Supreme Court are determining a matter it is absurd to think that we would prejudice their decision by what we say in this Parliament. I repeat, therefore, that I strongly support the amendment moved by the member for Mt. Hawthorn and I ask the House not to be misled by the member for Floreat—although I am sure the member for Floreat would not wish to mislead us—in regard to cases that involve a jury, except in actions for divorce and those taken under the Motor Vehicle (Third Party Insurance) Act.

Mr. O'NEIL: My only contribution to this debate so far was on a memorable afternoon some time ago when I returned here from an official function with one of the Ministers of the Government and the House was in turmoil discussing this issue. I grabbed chance by the forelock and simply moved that the debate be adjourned, and the House went on with other business. Nothing I have heard to date convinces me that in meeting under the rules of Committee and in the House as a whole we are in a better position to discuss this delicate matter than we were on that occasion.

It is true that the Standing Orders Committee has submitted a report relevant to certain amendments to be made to our existing Standing Orders. In the Legislative Assembly the Standing Orders Committee consists of the Speaker, the Chairman of Committees, and Messrs. McIver, Mensaros, and W. A. Manning. One of those members has a degree of legal training, but in respect of the others —and in no way meaning to show any disrespect to them—they do not have that qualification. Two members on the back bench opposite have had legal training and have spoken at length on the matter before us, but I must admit that what they have had to say has, for the most part, gone over the top of us.

This is not a matter of party politics; it is a matter of looking at the Standing Orders which are used to conduct the business of this Chamber. I admit it is a great pity, simply because of a lack of understanding on the part of most members, including myself, a decision could be made on this issue purely on party lines by the way of a division. For that reason I would like to request the House—this is not a Government measure—to take one of two courses of action. I believe it is not outside the competence of the House to defer consideration of this particular proposal contained in the Standing Orders Committee report and carry on with the balance of the matters on which we may be able to reach some finality; or else we should defer the whole matter and undertake the course of action suggested by the member for Floreat; namely, that the Speaker, a member of the Opposition—not necessarily a member of the Standing Orders Committee—and a member of the Government—the Attorney-General would be the most appropriate selection—should have the opportunity to discuss with the Chief Justice the principle we are debating here.

Unless that course of action is taken, and unless we can be clear on what we are doing with the *sub judice* rule, we will

find ourselves in a mess. I am sure that both the member for Mt. Hawthorn and the member for Boulder-Dundas will agree with me. What they have been saying has certainly not been heeded greatly by the majority of members in the Chamber; after all we are laymen, and they are legally trained.

As far as I understand this is a very delicate matter. Because of the lack of specific understanding by members, a decision will be made along party lines. Surely that is not the way to arrive at a determination.

I would like the House to take the course of action which I have suggested. This once again puts me in the position of having to support some things raised by the member for Mirrabooka. This is one matter which should not be decided by this House without substantial legal advice. I am not decrying the legal advice that has been given to us by the legal members of this Chamber. This question will place a great burden on the Speaker, whoever he may be, in having to determine matters regarded as *sub judice*.

The House is deserving of the best advice possible. I am sure that if a small committee comprising a member of the Opposition, the Attorney-General, and the Speaker were to discuss this matter with the Chief Justice and to come back with his recommendation as to the course of action, we would be adopting the right procedure and nothing would be lost. I appeal to the House not to take this matter to a vote. I believe it will be decided essentially along party lines.

Mr. Hartrey: It should not be.

Mr. O'NEIL: I know it should not be, but the honourable member was not in the Chamber when I said that his advice and that from the member for Mt. Hawthorn would be above the heads of most members of this House, because we are not legally trained or legally qualified. That being the case, any decision on this vital issue will necessarily be made along party lines.

Mr. Hartrey: That is a gross reflection on the intelligence of members.

Mr. O'NEIL: I apologise to other members if that is so, but I have included myself among those who do not understand what the two legal members have talked about. I appeal to the House once again to take the course of action I have proposed. I am certain this would be acceptable to every member. After the committee which I have proposed has consulted the Chief Justice we would be given the benefit of his independent advice and there would be no argument with it.

I do not know whether under the circumstances we could defer the consideration of this part of the schedule of suggested amendments, and go on with the rest; or whether we could defer consideration of the whole matter in order that the course of action I have suggested may be taken. This decision rests with the House.

It is pertinent to point out that the report was presented on the 12th November, 1972. It is nearly 12 months old, although debate on the matter has continued for some eight or nine months. Surely the extra week or extra fortnight that is required to have this matter clarified, or to have someone like the Attorney-General tell us that he has spoken to the Chief Justice who has made a recommendation, will not affect the position very much. If that course is followed then I am sure all the arguments which will be raised will have some real effect.

I appeal to the House to follow that course of action, but how the aim is to be achieved exactly I do not know. The Acting Premier might be prepared to move that consideration of the proposals to amend the Standing Order be deferred until after the consideration of the rest of the report; or he could simply move that the debate on this matter be adjourned.

The SPEAKER: I wish to point out to members there are two amendments to the *sub judice* rule on the notice paper. The member for Mt. Hawthorn has given notice of an amendment to a new Standing Order 116A, and this also comes into the debate in which we are engaged. The original amendment was to delete paragraphs (b) and (c) in the interpretation of the *sub judice* rule, but that was lost.

We now have before us an amendment to insert a new paragraph (b) from which the word "will" is sought to be deleted. The committee has recommended that new Standing Order 116A be inserted, and this contains the definition of matters which are regarded as *sub judice*.

Mr. TAYLOR: I had no intention of speaking on this matter. However, the remarks of the Deputy Leader of the Opposition prompted some response. As I understand the position, we are now debating whether the word "will" is to be deleted from the amendment.

I agree with the comment of the Deputy Leader of the Opposition that some of the arguments of the member for Boulder-Dundas and the member for Mt. Hawthorn might have been beyond the ken of members to absorb and to understand readily. The Deputy Leader of the Opposition made two other points which I think are quite pertinent. He did remind us that this matter has been on the notice paper since November of last year; and although it has not been debated at great length, it certainly has been before the notice of members for a long time. Although debate on the matter has not been of long duration, it certainly has been debated quite substantially within the confines of our party. This particular part of the proposal has received as much attention as any other single section.

As far as the Government is concerned no decision has been reached on this matter. In view of the fact that it has been debated at length within the party confines, and that there has been no decision from the party as to how members should vote, I ask that we now take a vote on the matter. We on this side of the House have heard sufficient argument to enable us to arrive at a determination.

It is only fair for me to make another point. I agree with the comment of the Deputy Leader of the Opposition that most members in voting on this matter are likely to follow the argument raised by members from their own side. The point should be made that there will be no party vote as such on this matter. However, in view of the fact that the report has been before the House for something like 12 months, and that it has been debated both in and out of the House, I believe that there is no reason for it to be deferred or postponed further.

Mr. O'NEIL: I regret very much the Acting Premier has not conceded the points which I have raised in my argument. He has expressed the opinion that members of his party are not tied to voting along party lines on this matter. In response to that I say: Let us see what happens when a division is called for.

Mr. Bickerton: Are the members on your side of the House tied?

Mr. O'NEIL: We are not tied on a vote on this matter. Let us see what happens when a division is called for. I would hazard a guess that unless someone wants to prove me wrong, the vote will be taken essentially along party lines; and this is extremely regrettable. This will be a sudden death decision. We are discussing the Standing Orders for the Legislative Assembly. If it is subsequently determined that the decision made here is not correct, action cannot be taken in another place to correct it. What we determine here will be the Standing Orders for this Chamber until otherwise ordered.

Surely it is not too much to ask that we obtain the best independent legal advice available. I say that without any intention to cast aspersions upon the legal eagles present. It is a grave pity that the Acting Premier has seen fit to take this action, although I can understand his position. However, surely the best course to adopt is to obtain an independent recommendation from the Chief Justice.

I did not suggest that the matter should be referred to a committee. I merely suggested that we postpone determination of this particular recommendation from the committee until such time as an *ad hoc* committee—

Mr. Hartrey: What can be more independent than the Court of Appeal in England?

Mr. O'NEIL: I do not read that kind of material. I do not doubt that what the member for Boulder-Dundas said about it was accurate, but it is double-Dutch to me.

Mr. Bickerton: It would be the first time that a decision of the Standing Orders Committee had ever been referred to the Chief Justice. Such decisions are always referred to Parliament.

Mr. O'NEIL: That is fair enough. However, I am sure that those here with legal training will agree that we are talking about a delicate area. It may not be to lawyers. I do not know. However, I would like to know that our rules for the conduct of the House have been commented on by an independent person on whom we can all rely. This applies particularly to our operation under the *sub judice* rule.

I have a question to pose in respect of the division which, in view of the Acting Premier's remarks, will undoubtedly follow: How will the various members of the Standing Orders Committee vote? The member for Mt. Hawthorn is moving to amend the recommendation of the Standing Orders Committee, and the member for Floreat is moving to amend the amendment moved by the member for Mt. Hawthorn to the recommendation of the Standing Orders Committee. I do not know what will happen, but I could hazard a guess that the members of the committee will not stand steadfast on their recommendation and, as a result, we will certainly be worse off as far as the Standing Orders are concerned than we would otherwise have been.

Mr. T. D. EVANS: The suggestion of the Deputy Leader of the Opposition has some merit. However, I am sure that if members reflect for a very short period on the proposition that the Legislative Assembly should refer a matter to the Chief Justice of the State they will realise that it has been a cardinal principle in the Westminster system of Government that there should be a complete—

Mr. O'Neil: We do not want to refer the matter to the Chief Justice, but merely to have a discussion with him about it.

Mr. T. D. EVANS: —separation between the Executive, the judiciary, and, to the extent possible, between both those bodies and the Legislature. It would be most improper for us to refer a matter such as this to the Chief Justice.

Mr. O'Neil: I merely want us to have a discussion with him about it.

Mr. T. D. EVANS: It would not be fit or proper to ask the Chief Justice to enter into a discussion on this matter at all.

Mr. A. R. TONKIN: In reply to the Deputy Leader of the Opposition, this matter has been deferred for many

months. It has been said that only lawyers have spoken and that most members do not understand what has been said. It may be true that members were not listening when the member for Boulder-Dundas and the member for Mt. Hawthorn were on their feet, but must we wait until everyone starts listening before we take a vote? Anyone listening to the speeches—and I am certainly a layman—can understand and follow them. No very fine legal point is involved at all.

The fact of the matter is that we are not referring to criminal matters, but to civil cases in which a jury is involved, and, as has been pointed out, these are very rare.

The member for Floreat said that we were putting too much pressure on the Speaker. He said that the Speaker had to decide whether something will go before a jury. However, the Speaker does not have to decide that at all. The Speaker merely has to have reasonable grounds for believing that a trial involves or will involve the verdict of a jury.

If we agree to the amendment of the member for Floreat we will stifle discussion completely, because any civil case could come before a jury and we would nullify the whole point of the exercise. We would have the absurd situation under which we, representing the people, could not discuss matters which could be freely discussed by anyone else.

The provision could be blatantly misused by the issuance of writs; and if we allow this to occur and permit ourselves to be gagged then we are not acting in the public interest.

The amendment of the member for Mt. Hawthorn is a good and simple one. The amendment of the member for Floreat is, I repeat, absurd and frivolous and would nullify the whole exercise. The provision would be used and misused in order to prevent our doing our proper job in this Chamber, which is to discuss matters of great moment.

Mr. O'NEIL: The member for Mirabooka could well be right in that those who have listened avidly to the debate might be able to understand what has been said. However, that is by the way. Those who are not here have not listened at all.

Mr. T. D. Evans: That is the situation on any debate.

Mr. O'NEIL: I want to make another point quite clear. The Acting Premier has indicated that a free vote is to be allowed on this subject. Therefore I presume everyone will vote independently. The same applies to our parties. This is a domestic matter for the House and is not a party matter. Consequently there will be no pairs, because how do we know—if everyone is free to vote as he chooses—how the absentees on our side would vote and how the absentees on the other side would vote?

Mr. Bickerton: That would be the weakest point you have made because pairs are still provided on private members' business.

Mr. O'NEIL: I can recall a member in another place—since departed—who, intending to be absent for a considerable time, sent in a set of instructions on how he would vote on each Bill to be discussed.

Mr. Bickerton: The same principle would have to be applied to private members' business, if it applies in this case.

Mr. O'NEIL: I want to make the point: I am not saying pairs are called off because of any argument with the Government. I am making the point that this is a domestic matter.

I do not know whether, as has been implied, some members of the Government will vote one way and some will vote the other way. Also, I do not know in respect of those people who are absent, or even with respect to those who are present, which way they will vote. I should imagine that instead of pairing it would be just a matter of abstaining.

I make a final plea to the Government —and I should not have to do it because this is not a Government measure—and to the Acting Premier, as Leader of the Government, to take the course of action which I suggest. It is not, as the Attorney-General mentioned, a breach of any protocol to refer a matter such as this for consideration. In fact, I do not think I referred to the matter as official. I simply said that if the Attorney-General, together with a member of the Opposition, and, perhaps, the Speaker arranged for a discussion with the Chief Justice on this matter we would be very much happier with the decision reached.

Mr. Bickerton: What would be the purpose of the Deputy Leader of the Opposition?

Mr. O'NEIL: I went to great lengths to explain the situation in which I found myself in making a decision on this matter, and I said I imagined the majority of members would be in the same position.

Mr. Bickerton: You gave the reason, but not the purpose.

Mr. O'NEIL: The purpose is—and I did mention this—that a decision which is not a party decision but one on a domestic issue—and on an issue which in my view is very delicate and one of vital importance from the point of view of the operation of this Chamber—would be on independent advice upon which we could all rely.

Mr. Bickerton: We have amended Standing orders on many occasions.

Mr. O'NEIL: I do not suggest that we should ask the Chief Justice for advice on reducing the time of a speech from 45 minutes to 30 minutes. Surely the Minister must realise this matter is more vital than a decision on how often one may speak, or for how long one can speak.

Mr. Bickerton: We have had hundreds of amendments to Standing Orders.

Mr. O'NEIL: But never an amendment such as this.

Mr. Bickerton: Now, I want to know the purpose of the proposition.

Mr. O'NEIL: I have spoken about the purpose.

Mr. Bickerton: Do not bother to explain; I know.

Mr. O'NEIL: The attitude of the Minister for Housing clearly indicates to this Chamber why a precipitate decision could be wrong. I will drop my voice a little because I can see the debate following the course which is followed on a previous occasion while the Acting Premier and I were absent. We came back to the Chamber talking about this very issue and found the place in an uproar. My only contribution to the debate on that day was to move for its adjournment.

Mr. Bertram: I think that is an exaggeration, you know.

Mr. O'NEIL: Perhaps not in uproar, but the place was certainly in turmoil.

Mr. May: The Speaker would not allow that situation to continue.

Mr. O'NEIL: The fact remains there was confusion. My leader was absent and I did not appreciate what was going on at the time. Somebody said, "For heaven sake, move that the debate be adjourned". I moved for the adjournment of the debate and everybody agreed, gratefully.

There is a tendency for the present debate to develop in the same way. I wish the Government would take the proposed action. Once again, it is not a Government measure. I am sure the Acting Premier, who is in charge of the business of the House at the moment, could solve the problem. We are not referring something final to the Chief Justice from the Government.

Mr. Taylor: If the Deputy Leader of the Opposition finishes his speech in 30 seconds we will adjourn the debate.

Mr. O'NEIL: In the interests of members we ask that this course of action be taken so that someone will be able to report back, after talking to the Chief Justice, and say that the Chief Justice believes that what the member for Mt. Hawthorn proposes is fair and equitable. I think that would resolve our problem.

Alternatively, I plead with members in this Chamber to vote "No", as is the case with a referendum when one is in doubt. I believe that would, to a large degree, resolve our problem.

Debate adjourned, on motion by Mr. Taylor (Deputy Premier).

Sitting suspended from 12.46 to 2.15 p.m.

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

MR. HARMAN (Maylands—Minister for Labour) [2.19 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of section 6 of the Wheat Products (Prices Fixation) Act, the Wheat Products Prices Committee was constituted in January, 1972. The committee consisted of the Auditor-General as chairman and Mr. G. E. Ledger and Mr. D. Cooley as the other two members.

After an approach by the bread manufacturers in the metropolitan area, in February, 1972, the committee investigated the price of bread and as a result of its recommendation, there was a price increase of 1c per loaf granted in the case of five varieties of bread. A further increase in one variety was sought by the bread manufacturers in June, 1972, but this was not recommended. In December, 1972, an application was investigated by the committee and an increase of 2c on five controlled lines and 1c on the 1 lb. ordinary loaf was recommended and accepted by the Government. A further application was considered recently and an increase of 1c on most controlled lines was approved and announced yesterday to apply from Monday, the 15th October, 1973.

These particular exercises of a committee constituted by the Government under a price-fixing measure, may also serve to indicate the fair and realistic approach by this Government, when evidence produced by parties before a price justification tribunal substantiates the need for a price increase.

Mr. O'Neil: It also indicates the hopelessness of price fixing—ask Mrs. Coleman.

Mr. Taylor: A different argument will come out during the debate.

Sir Charles Court: Mrs. Coleman is not impressed with the control.

Mr. R. L. Young: Eat dry bikkies!

Sir Charles Court: Mrs. Coleman will campaign against the Government.

Mr. HARMAN: A significant point, which arises from the investigations to assess and recommend bread prices, is the need to examine the price of its basic ingredient

—namely, flour. At present the Act permits recommendations only in respect of bread, bran, and pollard, although flour is included in the definition of wheat products. The reason for this is that section 15 of the Act provides that in no cases in fixing the prices of these products, shall the price of flour be fixed below a minimum of $22 a ton or above a maximum of $27 a ton. This static price range was written into the Act in 1938 which may have been appropriate at that time but is completely out of step with present-day prices.

On the 1st December 1972, the price of flour to the baking industry was increased to $120 per metric tonne from a price of $102.50 per imperial ton fixed on the 1st December, 1971. These figures are not so easily compared, as the 1971 price is for a short ton of 2,000 lbs. including bags, whereas the 1972 metric tonne is equivallent to 2,204.6 lbs. imperial, excluding bags. However, it is sufficient to emphasise the ludicrous situation whereby an Act which specifically allows investigation to fix the price of wheat products should have written into it an inflexible scale, now most unrealistic, for one of the main commodities—flour.

The amending Bill is designed to delete the minimum and maximum prices for flour at present specified in section 15 (2) (a) and (b) and substitute for them in each case the words "the prescribed price", which will allow changes to be made by means of regulation. This approach is considered to be preferable to the alternative of constantly amending an Act to provide for changing costs in flour production. It will give to the committee authority to extend its investigations into the cost of production of flour and assess a fair price for it, which in turn will assist it in investigating and recommending the price at which bread should be sold.

The amendment is brought forward once again and it is fair to say it has the interests of both the manufacturer and consumer in mind. This tripartite committee has ensured a proper examination and fair recommendations in its past deliberations and can be expected to operate in a similar manner if its authority is extended to cover flour.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. McPharlin.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

In Committee

Resumed from the 13th September. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Harman (Minister for Labour) in charge of the Bill.

Progress was reported after clause 39 had been agreed to.

Clause 40: Amendment to section 65—

Mr. O'NEIL: Clause 40 of the Bill purports to repeal and re-enact parts of section 65 of the principal Act. I wish to deal essentially with paragraph (c) of clause 40, which amends subsection (4) of section 65 and removes the right of the Minister to object to the making of a consent award if it appears likely that its terms may be contrary to the public interest. It also qualifies the right of the commission to allow parties to a consent award to do what they seek to do.

I want an explanation from the Minister as to why this is so. Even when management and labour consent to an industrial award, there must surely be occasions when the Attorney-General—who I think is the Minister for the purposes of this Act—should have the right to intervene in the interests of the State and in the public interest. It is my intention to vote against the clause, and I will confine my remarks to paragraph (c), which is to repeal and re-enact section 65 (4). This refers to the registration of a consent agreement between management and labour in respect of a certain proposition. The present provision states that where a consent agreement between management and labour is to be registered as an agreement with the Industrial Commission, the Minister has the prerogative to intervene in the public interest.

Mr. Hartrey: Yes. Has any Minister the prerogative to intervene in an agreement between the Bank of New South Wales and a mortgagor?

Mr. O'NEIL: I do not know.

Mr. Hartrey: I do; there is no such thing.

Mr. O'NEIL: We are not talking about the Bank of New South Wales.

Mr. Hartrey: Why not?

Mr. O'NEIL: Because the matter before the Chamber is the Industrial Arbitration Act Amendment Bill.

Mr. Hartrey: Yes, but the principle applies.

Sir Charles Court: One is an individual transaction and the other is a community transaction.

Mr. Hartrey: Oh, yes of course—

The CHAIRMAN: Order! The Deputy Leader of the Opposition has limited time, and I suggest that he be permitted to speak.

Mr. O'NEIL: If the member for Boulder-Dundas wishes to make a speech he should stand up and do so. Currently, if a consent agreement is regarded as being against the public interest, the Minister may intervene prior to the agreement being ratified, or if it has been ratified he may make representations. I see nothing wrong with that.

In that case the Minister would be acting in the public interest. Very rarely does a Minister intervene in the public interest under the provisions of this Act. It is a very delicate decision to make. When I was a Minister I was requested to make such a decision, not by representatives of employers, but by representatives of unions; and I have declined, not because the representations came from the unions, but because in my view intervention in respect of industrial agreements, and particularly consent agreements, must be based upon a thorough appreciation that it is done in the public interest. Having never made such a decision, I am not sure what the public interest is.

However, it could happen that the public —not one party or the other—are disadvantaged by an agreement and in that case the State has not only a right but an obligation to put its point of view to the Industrial Commission. This may not cause the commission to change its mind, but the State simply puts forward the point of view of the public in a manner not dissimilar to that in which the Attorney-General, acting in the interest of the State in matters of wage determinations, presents the point of view of the State. We had a case here in which a person acting on behalf of the Attorney-General presented a point of view in a basic wage case; but his submission was recalled and another presented in its place.

Mr. T. D. Evans: The Attorney-General acted in accordance with the letter and the spirit of the law.

Mr. O'NEIL: That is right; the Attorney-General admits he has that right.

Mr. Hartrey: He has the right to control his own servants.

Mr. O'NEIL: That is right; he should control them before the submission is made so that it is not necessary to recall it. The fact remains that someone must have not only the right but the responsibility to make such a submission on behalf of the community, generally. However that provision is to be deleted and the right of the Minister to intervene in the public interest is to be taken away and a new subsection is to be inserted in its place which states—

> (4) In proceedings for certification of a memorandum of agreement under this section the Commission may add to or otherwise vary the memorandum—

Here we have a consent agreement, and the Minister will not be allowed to make representations regarding any variation; but the commission may vary it in certain circumstances. To continue—

> (a) if any provision in the memorandum is inconsistent with or contrary to any provision of this Act; or

That is fair enough; the parties cannot enter into a consent agreement which is *ultra vires* the provision of the Statute. We accept that. The proposed new subsection continues—

> (b) if it appears to the Commission to be equitable so to do in the interests of any person who is not a party to the memorandum—

So in those circumstances the commission may of its own free will alter the consent agreement, not in the broad public interest but in the specific interest of parties not subject to the memorandum, if there is some agreement which is disadvantageous to them.

Mr. Jones: Don't you think the employers would consider these factors before making the agreement?

Mr. O'NEIL: I am not sure.

Mr. Jones: They are usually guided by the Employers Federation. Wouldn't that normally be the situation?

Mr. O'NEIL: For the sake of the record, let me continue to quote the proposed new subsection. It continues as follows—

> —but an alteration shall not be made pursuant to paragraph (b) of this subsection so as to affect the rights or obligations of the parties to the memorandum with respect to one another unless those parties consent thereto.

That is an alteration in respect of something that may affect people who are not parties to the agreement.

The proposed new subsection means simply that management and labour may enter into what is commonly called a consent agreement, which is registered with the Industrial Commission and has the effect of industrial law. Currently the Minister has the right—and it is a very hard determination to make—to intervene in the public interest and to make representations to the commission if in his belief the agreement is contrary to the public interest. That right is to be denied and in its place the commission is to be given the right to amend, vary, or add to the consent agreement.

Mr. Harman: Only on certain conditions.

Mr. O'NEIL: Yes, that is so. That is fair enough if it is contrary to the Act. We cannot make an agreement *ultra vires* the Statute. That does not need to be written into the Bill, but should be covered by some other piece of legislation. The term used is, "If it appears to be equitable to the commission to do so in the interests of any person who is not a party to the memorandum".

It could be a consent agreement between the management and labour in respect of the conduct of an industry, and the employment conditions therein specifically exclude a person for some reason. One reason could be that he is not a member

of the appropriate union covered by the agreement. If the commission thinks that is unfair it could amend the memorandum to that extent; but that is the limit. The commission is given the power to vary it.

Mr. Harman: The commission has no power to disturb an agreement between two parties.

Mr. O'NEIL: Not in respect of one another.

The CHAIRMAN: The honourable member has two more minutes.

Mr. O'NEIL: The commission cannot alter the basic matter, so as to disturb the agreement between the two parties; but it can exclude individuals from either side who may be affected by the agreement. What is the reason? Why should the commission of its own right amend, vary, or add to a consent agreement in the interests of one individual?

Mr. Harman: Under the Interpretation Act "a person" includes "persons".

Mr. O'NEIL: I know that. But the Minister and the State are not permitted to make representations in the public interest. I want to know why the Government proposes to emasculate its Minister and take way from the Government of the day the right to intervene in this sort of memorandum if the agreement is, in the view of the Minister, contrary to the public interest.

Mr. HARMAN: This has become a rather academic exercise. The power given to the Minister under this legislation to intervene has, to my knowledge, been used only once in the last 10 years. It was used because the authority has the power under section 68 which deals with awards.

If we look at section 65 we find it deals with consent agreements where two parties decide on a certain course of action. Subsection (4) gives the Minister the power to intervene, and he may make such representations as may be necessary in order to safeguard the public interest. However, there is no power under section 65 for the commission to alter a consent agreement, just because the Minister intervenes. Therefore that provision becomes meaningless.

In any event the agreement is made between the two parties. I know of no case where in previous years the Minister has intervened under section 65. It would be quite wrong for the Government to intervene, where an agreement has been reached between the management and labour. In any event if the Minister did intervene the commission would have no power to vary the agreement.

The Opposition is opposing the provision to which we seek to add the words "pursuant to the Act". What we seek to do is to enable the machinery to be set up under the mediation provision so that proposed subsection (4) may be used in relation to section 65 dealing with consent agreements reached between two parties through mediation. In the circumstances the mediator could approach the commission to have a consent agreement disposed of.

Mr. HARTREY: The Opposition as usual is playing its role as the supporter of the money against the many! The whole object of industrial arbitration is to appoint an independent authority to arbitrate between management and labour. Where the employer and employee agree between themselves, there is no call at all for anyone to intervene. There is nothing to arbitrate about. The Industrial Commission should merely record the fact that the parties are in agreement.

If a powerful financial organisation like the Bank of New South Wales is able to induce a mortgagor to sign one of its agreements, no question will arise as to whether any Minister of the Crown may intervene. He would not be able to.

If a Minister of the Crown cannot intervene to protect the community from the rapacity of the associated banks, why should we legislate to permit the Attorney-General or any other Minister of the Crown to interfere with arbitration proceedings which, after all, is only a matter of form because the two parties to the agreement have agreed? If the Deputy Leader of the Opposition is able to answer that point, then he would be answering something.

Mr. O'NEIL: I can see no association whatsoever between the issue before this Committee, and the agreement between a bank and an individual.

Mr. Hartrey: This affects the community more than the other.

Mr. O'NEIL: In what way?

Mr. Hartrey: Because the mortgagor is a member of the community.

Mr. O'NEIL: In what way can this be regarded as contrary to the public interest?

Mr. Hartrey: Because the mortgagor is a party.

Mr. O'NEIL: The honourable member has not made his point. In respect of this matter the Minister would be the first to agree that there are such safeguards as the restrictive trade practices legislation. In other words, if there is an agreement which restricts trade the member for Boulder-Dundas will be the first to agree that the State and the public should have the right to intervene. They would legislate to ban the restrictive trade practice.

A consent agreement between management and labour might contain a provision requiring employees to work from 2.00 to 3.00 p.m. I am now talking about the public interest and a consent agreement between two groups of people which affect a third party—the public.

If an agreement exists between management and labour, and it is in respect of the management and conduct of a business—not an industrial award—it could contain a clause saying that the business concerned would not trade between noon and 2.00 p.m.; a ridiculous proposition I admit. However that is a qualification capable of being entered into by an agreement. It may not be in the public interest to have the trading of that business restricted and the honourable member opposite and the Government are claiming that the Minister has no right to make representation on behalf of the public. That right exists at the moment.

If there were an agreement between a wholesaler and a retailer concerning the sale of goods, and that agreement was not in the public interest—if it was established that it was a restrictive trade practice—this Government would immediately legislate to ban that sort of proposition. The arguments are the same.

I do recall that whilst I was Minister for Labour in the previous Liberal Government I received a phone call late one night from the Press. I was asked, "Do you know that Tasmania has agreed to lift all restrictions on trading hours except those relating to the sale of motor spirit?" I told the Press that I just could not believe it. However, it was true and that occurred under a Labor Government. In Tasmania at the moment there is no restriction on the sale of goods other than on the sale of motor spirit, and hotel trading and the like. However, in the general field where we would imagine there should be restricted trading, there is none.

Tasmania does not have a *Hansard*, of course, so my endeavours to find out by reading what had occurred failed. I made some inquiries and I found out by accident that there had been an endeavour to rationalise trading in Launceston and Hobart. The trading hours in the two towns differed so the provisions controlling hours were removed from the parent Act. However, somehow or other the Government could not get the new trading hour provisions back into the Act and so an open situation remained. To the best of my knowledge there has been no change in the service offered to the public by shops, factories, warehouses, and the like.

Management and labour got together in Tasmania and decided they had a good thing going for them. They decided they did not need to trade for longer hours, so they entered into some kind of agreement. I do not know whether it was an *ad hoc* agreement or a registered agreement, but that is the sort of thing which can be written into consent agreements which are registered to become part of industrial law.

Mr. Hartrey: What is wrong with that?

Mr. O'NEIL: It is restrictive trade practices, which members opposite do not support. I am not saying it would be wrong, but surely the State, in the interests of the community, ought to be able to make representations to an industrial commissioner that certain agreements are not in the public interest, and give the reasons. An agreement might restrict a service, or affect people other than those bound together by the agreement. The public point of view should be considered before the stamp of approval is put on a consent agreement. What is wrong with that.

Mr. Hartrey: Does not the Deputy Leader of the Opposition think that the public is interested in items such as rents and rates of interest?

Mr. O'NEIL: We are not talking about those items. The only persons interfering with interest rates are those in the Commonwealth Government. There is no reason at all to deny the Government, in the community interest, from making representation to an industrial commissioner in the matter of a consent agreement where it is believed the terms and conditions of that agreement are not in the public interest. Why members opposite should want to emasculate the rights of the State and the Minister I do not know.

Mr. Harman: I will explain in a moment.

Mr. O'NEIL: Fair enough; the provision is rarely, if ever, used. The Minister said it was used once in the last 10 years. I hope that was outside the period during which I was Minister for Labour for six years; I do not know. Why remove the provision if it has never been used?

Mr. Jones: Why have it? Why leave it in if it serves no purpose?

Mr. O'NEIL: All the Government will do is to prevent an elected Government of this State from making representation in the interests of the people.

Mr. Brady: Are not we as members of Parliament supposed to be making the laws?

Mr. O'NEIL: That is what I am asking Parliament to do. The Government of this State is asking us to allow it to cut its own throat. We do not agree. We feel the State has a right to intervene in order to prevent a decision being reached on a consent agreement.

Mr. Hartrey: Only when it is against the worker!

Mr. O'NEIL: That rests with the Industrial Commission. Surely the Minister for Consumer Protection, who is responsible for protecting the interests of the consumers, should be standing up for the right to intervene in the public interest. Whether or not the Minister uses the power is another matter, but why deny him that right? He is for the time being the

representative of the public in the Government. He is for the time being more specifically the protector of the consumers. Somebody has talked him into not representing the public in a matter such as this, and allowing the industrial commissioners the right to amend, vary, or add to consent agreements. If an industrial commissioner has the right to amend, vary, or add to an agreement why is not the Minister entitled to make representation?

Mr. Jones: The Industrial Commission handles nothing else.

Mr. O'NEIL: Perhaps the commission would do a better job than the Minister. I know if I were the Minister for Labour I would like to reserve the right to my Government to intervene in the public interest; that is, in the interests of the consumers.

This is a decision not lightly taken. I have, myself, been put in a position of trying to reach a decision—during six years of a fair amount of industrial turmoil—and not being able to find sufficient ground on which I could risk the reputation of myself or my Government by intervening in a matter, supposedly in the public interest, when, in fact, I could see it was not in the public interest. This Government does not want the State to have the right to make representation on behalf of the public, through the Minister, in matters such as this.

The CHAIRMAN: The honourable member has one minute.

Mr. O'NEIL: The Government agrees when it comes to restrictive trade practices, but in the matter of an agreement which could introduce restrictive trade practices the Government does not agree.

Mr. HARMAN: Part III of the parent Act deals with agreements, but at the present moment we are dealing with part IV. Section 68 of the Act reads as follows—

> 68. Where in the opinion of the Minister, the public interest is or is likely to be adversely affected by any industrial dispute or by any award, order, decision or determination of the Court or the Commission, the Crown may intervene in any proceedings before the Court or the Commission as the case may be, and may make such representations as may be thought necessary to safeguard the public interest.

Mr. Moiler: Why have we wasted the last half hour?

Mr. HARMAN: We have that provision in the legislation now, and we do not intend to disturb it. If we look at section 65(2) (d) we will see it reads as follows—

> (d) subject to this Act, when so certified, has the same effect as and be deemed to be an award of the Commission.

I said that subsection (4) of section 65 is meaningless and that is exactly what it is. There is no need for it in the legislation because we have the power, under section 68, to intervene in the public interest.

Mr. O'Neil: In a dispute.

Mr. HARMAN: An award. In section 65 we are dealing with an award. I have already read to the Committee paragraph (d) of subsection (2) of section 65, the last words of which are "deemed to be an award of the Commission".

I do not know why the Deputy Leader of the Opposition is becoming so upset. There is provision, under section 68, for the Minister to intervene in the matter of an award and there is no question that section 65 deals with an award of the commission. I ask the Committee to vote for the clause as it stands.

Mr. O'NEIL: The Minister has either wittingly or unwittingly misled the Committee. He referred to section 68 and I know, Mr. Chairman, that you will allow me to proceed a little further to discuss the statement of the Minister having the right to intervene in the public interest in respect of an industrial award. That is not correct. Section 68 says, in part—

> Where in the opinion of the Minister, the public interest is or is likely to be adversely affected by any industrial dispute or by any award, order, decision or determination of the Court or the Commission . . .

Mr. Hartrey: Does not that cover it?

Mr. O'NEIL: I do not think it does.

Mr. Brady: Look at industrial disputes and you will see that it does.

Mr. O'NEIL: I do not think it does. The Minister has said that a consent agreement which is entered into and duly registered becomes an award by virtue of the provisions of the legislation. I do not think that makes any difference at all.

It is simply a matter of saying that, through the processes of this legislation, a registered agreement will be treated in precisely the same way as an award. It does not change its nature. The Government is saying that the Minister may intervene, in the public interest, in matters relating to a decision in respect of an award. I presume the Minister would intervene only when matters were in dispute when coming to the making of an award. Why does not the Minister agree that the same thing could apply prior to the industrial agreement being registered, because the provisions at present in the Act enable the Minister to intervene prior to the recognition of the agreement and prior to its becoming an award for the purposes of this legislation?

Mr. Hartrey: That is easily answered.

Mr. O'NEIL: I hope the Minister can answer it.

Mr. Hartrey: I can.

Mr. O'NEIL: Perhaps the member for Boulder-Dundas may do better than his Minister who has not done too well up to date.

Mr. Hartrey: He is doing all right.

Mr. O'NEIL: At present the Act provides that the Minister, if he believes that the terms and conditions of the agreement are adverse to the public interest, may intervene in any proceedings before the commission prior to the certification of the memorandum. If the Minister relies on section 68, and his interpretation is correct —but I do not think it is—he cannot do that because he would have to wait until an award existed before he would have the right to intervene in the public interest.

I believe the Minister ought to have the right to intervene in the public interest, if he so desires, in the decisions which go into the making of the agreement. He should not wait until the agreement has been ratified and agreed to because then he would be interfering rather than interceding. The Minister has offered no real explanation at all.

Mr. Jones: The Minister can intervene in proceedings under section 68.

Mr. O'NEIL: Correct, but that intervention is in respect of awards. The Minister tried to make the point that it is only when an industrial agreement is registered that for the purposes of this legislation it is dealt with in precisely the same way as an award.

Mr. Harman: I also made the point that we are not dealing with part III of the legislation but with part IV.

Mr. O'NEIL: We are dealing with procedures which may be adopted in the matter of consent agreements. I doubt whether the provisions of a consent agreement would, in fact, be brought to the Minister's notice; instead, he would have to sniff around to ascertain the position. However, the current position in respect of consent agreements is that if the Minister can see a provision contrary to the public interest in the negotiations which have been completely agreed upon between management and labour, he has the right to make a submission—as he ought to have—in the public interest.

This does not mean that the Minister has the right to alter, cancel, or vary the agreement but he has the right to make a submission in the public interest. It is still left to the Industrial Commission to decide who is right or wrong and whether the Minister's case is good enough to warrant a variation. The Industrial Commission is the only body which has the power to vary an agreement but it is restricted, firstly, to matters which are outside the ambit of the legislation itself. It is not possible to enter into an agreement which is contrary to the provisions of the law. That is fair enough in any agreement. The second point is simply whether the agreement between two parties will affect a number of other persons. This does not mean the public generally although I suppose it could be broadened to that effect. However, the question is whether the agreement will affect a number of persons who are not subject to the agreement.

For example, management and the unions may come together and decide to restrict the unionists who can be employed in a particular factory to those belonging to the Amalgamated Metal Workers' Union—and to hell with the rest. The commission may say that that is not right or fair. It could maintain that, within that factory, there is a task, the coverage for which is essentially and traditionally the role of a certain other union and, consequently, it is not possible to make an agreement to throw those men out of work. The commission is given the power to vary or add to a consent agreement to ensure that individuals are not disadvantaged. I believe that is fair enough.

For goodness sake, if the Government is prepared to go to the point of giving the commission the authority to look after a small number of individuals why is it prepared to cancel the right of the State to represent the public interest? I make the point quite specifically that the provision does not give the Minister the right to make a decision nor to vary or add to the agreement; it only gives the Minister the right to make a submission on behalf of the public and the ultimate determination rests with the commission.

I have yet to understand the reason for the Government wanting to deny itself the right to make a submission on behalf of the public it is supposed to govern and protect.

Mr. JONES: I fail to follow the reasoning of the Deputy Leader of the Opposition. He may try to pull the wool over the eyes of some members of the Committee but he knows the industrial set-up as well as I do.

Mr. Rushton: Apparently better.

Mr. JONES: That is the member for Dale's opinion and he is entitled to it. The Deputy Leader of the Opposition knows that, in most instances, employers are represented by an employers' advocate or by the Employers Federation.

Mr. O'Neil: Not in a consent agreement which is sent in for a rubber stamp.

Mr. JONES: No-one could suggest to me that the Employers Federation would not be aware of an agreement entered into by employers. Certainly my experience proves that the Employers Federation is aware of this. This applies to any industry at

all. No-one can tell me that an employer would make any agreement with a union on a matter involving the public interest of the State without the Employers Federation having some cognisance of that agreement.

Mr. O'Neil: That is fair.

Mr. JONES: This is the situation in Western Australia. In most disputations, as we well know, employer groups are represented by an advocate from the Employers Federation. There would be very few instances where matters were brought before the Industrial Commission and the Employers Federation advocate did not act for the particular employer group.

Mr. O'Neil: I agree.

Mr. JONES: That being the situation, we know from our experience, even if we get to the point of making an agreement, the Employers Federation, acting in the interests generally of the employers of Western Australia, must always consider public interest; and it does this.

Mr. O'Neil: Does "the public" include the unions it is negotiating with?

Mr. JONES: We will come to negotiations in a few minutes. Let us look at the main points being advanced in opposition to this clause. Where a matter is argued before the Industrial Commission, the Employers Federation, acting in the interests of the employers in the State, always looks at the public interest, and I do not think anyone would deny this. Of course, to go a stage further, the commission looks at the impact on the State and the ability of the industry to pay. Therefore, I do not think in any instance we could say that the employers' group will act irresponsibly, as has been suggested by the Deputy Leader of the Opposition.

Mr. O'Neil: I did not say it would act irresponsibly alone.

Mr. JONES: I could not see the employers' group making a decision on, say, hours which would have a big impact on the general public of Western Australia. If such a thing has happened, I would like the incident to be pointed out to me. This would substantiate the claims now being put forward by the Deputy Leader of the Opposition. He has indicated that all sorts of things can happen. He knows, as well as I do, the role of the Employers Federation in this State. In my opinion it is the strongest union, not only in Western Australia, but also in the whole of Australia. The federation knows what is going on within the industrial sector. Its counterparts, or employer affiliates, keep it conversant with all that is taking place.

Mr. Hartrey: Quite right.

Mr. JONES: I suggest that no employer group would reach an agreement without the cognisance of the Employers Federation. It is just stupid to suggest otherwise.

Mr. O'Neil: I did not suggest it.

Mr. JONES: The Deputy Leader of the Opposition appears to lack understanding of the industrial set-up in Western Australia today.

Mr. O'Neil: You are the person making hints about it; I did not say that at all.

Mr. JONES: The Deputy Leader of the Opposition spoke about the exclusive provision in the Industrial Arbitration Act. He has already accepted the proposition that it has been used only once in six years.

Mr. O'Neil: The Minister said that, but he did not give the example. He should give this because he said the provision had been used only once in 10 years.

Mr. JONES: The commission has the right to intervene in relation to memoranda. I suggest that the commission, handling nothing but industrial matters, is better equipped to intervene where it is considered intervention is necessary. No-one would argue about that. The Deputy Leader of the Opposition said that the Minister should retain the right. No-one can tell me that, even with the provisions of section 68—and I do not go along with his interpretation of this—the Industrial Commission of the day will not inform the Department of Labour about what is happening. No-one could be naive enough to suggest otherwise. It would be the responsibility of the Industrial Commission to advise the Department of Labour—which, in fact, is the Minister—about what is going on in relation to agreements and proceedings generally.

The Deputy Leader of the Opposition is making a play on words. He is opposing for the sake of opposing. The Employers Federation of Western Australia will not allow a consent agreement to be negotiated which is not in the public interest or which would have a big impact on the State generally.

Mr. HARTREY: The Deputy Leader of the Opposition has challenged the Minister to explain why section 65 differs from section 68.

Mr. O'Neil: The Deputy Leader of the Opposition has also run out of opportunities to speak.

Mr. HARTREY: The section we are discussing deals with agreements between employers and employees. Section 68 deals with awards. An award is a determination of arbitration between two contesting parties. An agreement is an amicable arrangement between the two contesting parties which has only to be ratified by the commission to give it the force of law and make it a general rule.

Mr. O'Neil: It becomes an award.

Mr. HARTREY: Yes, and a general rule. An agreement itself is not a general rule unless it is an award. As members probably know, there is a profound difference

between the two. Why the Minister should be afraid to interfere in an agreement that A and B have mutually come to—

Mr. O'Neil: Not interfere—intercede.

Mr. HARTREY: Shall we use a neutral word—intervene?

Mr. O'Neil: I agree with that.

Mr. HARTREY: The Minister should not intervene when I come to an agreement with Smith. However, if Smith and I are having an argument, that is a different proposition altogether.

Mr. O'Neil: I would not intervene at all then!

Mr. HARTREY: The object of arbitration, as I have said before and now repeat for the information of the Deputy Leader of the Opposition, is to appoint an independent tribunal to determine disputes between employers and employees. Where there is no dispute between employers and employees, the only function of the tribunal is to register the agreement and give it the force of law.

Mr. O'Neil: The proposal gives it a little more power than that.

Mr. HARTREY: There is a profound difference between allowing intervention and allowing a third party to come into the picture and express an opinion on a dispute. If the Deputy Leader of the Opposition cannot appreciate the difference, I cannot help him further.

Mr. O'Neil: How do you relate that matter to the union exemption? You want the unions to interfere there.

Mr. HARMAN: I do not know whether or not I can convince the Deputy Leader of the Opposition—

Mr. Hartrey: Of course you cannot—he does not want to be convinced.

Mr. HARMAN: —but I would like to make a few points which might help his thinking. I have already dealt with part III of the Industrial Arbitration Act relating to industrial agreements. Section 37(1) commences as follows—

> Any industrial union or association of workers or employers may make an agreement in writing for the prevention or settlement of an industrial dispute . . .

The Deputy Leader of the Opposition is having problems when he reads that.

Mr. O'Neil: I am having a problem with the Government!

Mr. HARMAN: If the Deputy Leader of the Opposition reads section 65 (2) he will see the following—

> Where the parties to an industrial dispute relative to any calling or callings in any industry have reached agreement . . .

The word "agreement" does not have the same definition as in part III of the Industrial Arbitration Act.

Mr. O'Neil: That is obvious.

Mr. HARMAN: I think this is where the problem—

Mr. O'Neil: I have no problem in knowing what "agreement" means; the Minister may have.

Mr. HARMAN: It is recognised, under the provisions of section 65, that these memoranda become consent awards, and they are advertised in the *Industrial Gazette* as consent awards. Therefore, we have the authority, under the provisions of section 68, to intervene in the public interest, if and when it is ever necessary.

Clause put and a division taken with the following result—

Ayes—20

Mr. Bertram	Mr. Fletcher
Mr. Bickerton	Mr. Harman
Mr. Brady	Mr. Hartrey
Mr. Brown	Mr. Jones
Mr. B. T. Burke	Mr. Lapham
Mr. T. J. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. Moller
	(Teller)

Noes—20

Mr. Blaikie	Mr. McPharlin
Sir David Brand	Mr. Mensaros
Sir Charles Court	Mr. Nalder
Mr. Coyne	Mr. O'Connor
Dr. Dadour	Mr. O'Neil
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. I. W. Manning
	(Teller)

Pairs

Ayes	Noes
Mr. Bryce	Mr. Sibson
Mr. Jamieson	Mr. W. G. Young
Mr. J. T. Tonkin	Mr. Ridge
Mr. May	Mr. Runciman
Mr. A. R. Tonkin	Mr. A. A. Lewis

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

Clause thus passed.

Clause 41: Amendment to section 66—

Mr. O'NEIL: I do not think we will spend a great deal of time on this clause because it is one of the leads into the establishment of part IVB of this legislation which seeks to set up the much discussed system of mediation. I would point out to the Committee that this clause seeks to amend section 66 of the Act to which I draw members' attention.

We have already clearly indicated that we do not believe in the system of mediation—it is not designed to work according to my reading of the Act—and we have already conceded that, from this side of the Chamber, we would not object to any move to improve the conciliation aspect of arbitration to speed up settlements of disputes, and so without further ado I indicate that we oppose clause 41.

Mr. HARMAN: I ask the Committee to agree to the clause, as printed. I will make two or three observations so that the Committee will understand what we are seeking to do with this clause. First of all, with the new provision relating to mediation, we are trying to set up another avenue for the settlement of disputes. This is not some sort of three-tier system of arbitration, conciliation, and mediation. It is another avenue of dispute settling machinery and I think there will be cases where mediation will be a successful way to reach a settlement of a dispute.

Also the passing of this clause will mean that there will be no automatic approach to the commission. It will mean that parties involved in a dispute must develop negotiation techniques and must enter into negotiations with the right spirit in an endeavour to reach a determination of the dispute. For that reason, in this clause we are providing that when all parties to an industrial matter or dispute agree they can go straight to the commission, but if the parties do not agree provision is made later in the Bill to permit a conciliation commissioner to order a conference to be held in an endeavour to settle the dispute.

These are the avenues that are available for the settlement of disputes and we do not wish to see an immediate approach to the commission. We would prefer to see the parties involved in any dispute reach agreement between themselves.

Clause put and a division taken with the following result:—

Ayes—21

Mr. Bertram	Mr. Harman
Mr. Bickerton	Mr. Hartrey
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. B. T. Burke	Mr. McIver
Mr. T. J. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. Moiler
Mr. Fletcher	*(Teller)*

Noes—20

Mr. Blaikie	Mr. McPharlin
Sir David Brand	Mr. Nalder
Sir Charles Court	Mr. O'Connor
Mr. Coyne	Mr. O'Neil
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. R. L. Young
Mr. E. H. M. Lewis	Mr. W. G. Young
Mr. W. A. Manning	Mr. I. W. Manning *(Teller)*

Pairs

Ayes	Noes
Mr. Bryce	Mr. Sibson
Mr. Jamieson	Mr. A. A. Lewis
Mr. J. T. Tonkin	Mr. Mensaros
Mr. May	Mr. Runciman

Clause thus passed.

Clause 42: Amendment to section 69—

Mr. O'NEIL: We have no objection to the provisions in this clause except the one in paragraph (a), and so at the conclusion of my remarks I will move for its deletion. I would like an explanation from the Minister because, in essence, this provision—

Mr. Harman: Just move your amendment, and it will be accepted.

Mr. O'NEIL: I am surprised! It was my belief that the deletion of the words "exercise of its jurisdiction" and the substitution of other words restricted the general guidelines the commission may employ. However, since the Minister has kindly indicated that he will agree with my amendment, I will not jeopardise my position by saying any more. I therefore move an amendment—

Page 17, lines 35 to 39—Delete paragraph (a).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 43: Amendment to section 70—

Mr. O'NEIL: Once again, without wearying the Chamber with debate, and in order to record our objection, I move an amendment—

Page 18, lines 20 to 24—Delete paragraph (c).

Amendment put and negatived.

Clause put and passed.

Clause 44 put and passed.

Clause 45: Amendment to section 74—

Mr. O'NEIL: We propose to vote against this clause which deals with the demarcation board. I imagine all members would be aware of what is meant by demarcation because of what is occurring at a certain industrial site very close to the ocean in the electorate of the Acting Premier. The problem there is endangering a vital industry, and is concerned essentially with a demarcation dispute—not a dispute between management and labour, but one between labour and labour. Such a dispute certainly puts management at an extreme disadvantage.

In the current provision in respect of a special board to decide demarcation issues the representation is equal and to me that is a fairly reasonable proposition. Surely the employers are interested in a demarcation issue. The current provision makes it clear that when the commission establishes a board to discuss a demarcation issue at least the parties concerned can have equal representation. However, the proposed new subsection has no such provision. If the two unions involved in the dispute are not to be equally represented, why not? Essentially a demarcation issue is a matter of union versus union. Why change the present provision and abolish the balance? If in its wisdom the commission thinks that one particular union has a prior right to industrial coverage on a particular site it would be quite easy for it to say that that union shall have

four members on the board while the other union would have only three.

Mr. Lapham: That is stretching it a bit.

Mr. O'NEIL: There can be no other reason because the Act itself provides for equal representation while the Bill does not. I think the member for Karrinyup ought to listen. Currently such of the callings as the commission considers to be interested in the question shall be represented on the board by an equal number of representatives of employers if in the opinion of the commission the employers are interested, and so on.

Mr. A. R. Tonkin: Don't you think we should adjourn this until everybody is listening?

Mr. O'NEIL: I do not mind, because I cannot win the vote anyway.

Mr. A. R. Tonkin: You suggested this before lunch.

Mr. O'NEIL: The matter to which I referred before lunch may not be as important as the measure with which we are now dealing. There is no attempt to say we do not want the board any more, but currently the Act says, in effect, that when there is a demarcation issue the board shall consist of an equal number of interested parties with the employers—if the board thinks they have a vital interest, which I am sure it will—being also represented.

The Government now seeks to remove all the conditions which give equality of representation and say that representation shall be as the commission desires to fix it.

I am not arguing the point about having a demarcation board. I merely wonder why the Government should want to give to the commission power to produce a board that is biased one way or the other, when the Statute says that on the demarcation board the interested parties have to be equally represented.

I would be very interested if anyone can explain to me why a Government of the political colour of this one—which is always endeavouring to maintain equal representation, equality, and so on; or at least it gives lip service to that principle—should want to take out of the Act a specific provision giving equal representation to all parties in a dispute with a view to replacing it with one which has no such requirement. There is no valid reason for this. I therefore oppose the clause.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr. T. D. Evans (Attorney-General).

Sitting suspended from 3.43 to 4.05 p.m.

QUESTIONS (47): ON NOTICE

1. COUNTRY HIGH SCHOOL HOSTELS

"Caloola House": Narrogin

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

(1) What is the date fixed for the completion of the first phase of dormitory facilities at "Caloola House" Narrogin?

(2) Does he realise the importance also of completing phase 2?

(3) If so, could he advise when the contract for phase 2 will be let?

Mr. T. D. EVANS replied:

(1) The date for practical completion of two dormitories is 12th March, 1974.

(2) Yes.

(3) The date for practical completion of phase 2 of the contract is 5th August, 1974.

2. JOHN FORREST NATIONAL PARK

Public Telephone

Mr. MOILER, to the Minister for Lands:

As it is estimated that some thousands of people patronise the John Forrest National Park during most weekends, will he take action to arrange for the installation of a public telephone within the park?

Mr. H. D. EVANS replied:

I wrote to the Postmaster General on 3rd October, requesting the installation of a public phone in close proximity to the main car park.

A reply to this request has not, as yet, been received.

3. *This question was postponed.*

4. HIGH SCHOOLS

Youth Education Officers

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

(1) How many youth education officers were employed in State high and senior high schools at the end of 1970?

(2) How many are now employed?

(3) When will a youth education officer be appointed to the Morley Senior High School?

Mr. T. D. EVANS replied:

(1) 12.

(2) 23.

(3) Every endeavour is being made to select and appoint a suitable officer as soon as possible.

5. TEACHERS

Additional Appointments, and Approved Courses of Study

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

(1) What additional teachers and in what capacity are likely to be employed in Western Australian Government schools as a result of additional Commonwealth money expected in 1974?

(2) What percentage of teachers employed by the Education Department participated in departmentally approved courses of study in 1972—

(a) during working hours;

(b) outside working hours;

(c) total?

Mr. T. D. EVANS replied:

(1) Extensive research and planning is being undertaken and it is too early to make predictions as to categories and numbers of teachers to be employed.

(2) (a) to (c) Departmental approval could apply to courses at tertiary institutions for the purpose of improvement of academic qualifications or, alternatively, it could apply to in-service education. If the Member cares to be more specific the information will be made available.

6. HIGH SCHOOLS

Fourth-year Retention Rate

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

Would he please obtain and supply information showing the fourth year retention rate in Government schools (expressed as a percentage of the first year intake four years earlier) for each of the Australian States in 1970 and in 1973?

Mr. T. D. EVANS replied:

The Western Australian figures are as follows—

1970—30.2

1973—41.9

Figures relating to other States are not available and if obtained, would not have any relevance because of major differences in educational organisation and structure in each State.

However, if this information is still desired by the Member, attempts will be made to obtain the information from the other Australian States.

7. SCHOOLS AND HIGH SCHOOLS

Temporary Classrooms

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

What percentage of classrooms in—

(a) primary;

(b) secondary,

Government schools were of a temporary, portable or demountable nature in each of the years 1970 and 1973?

Mr. T. D. EVANS replied:

(a) 1970—11.1%
1973—9.6%

(b) 1970—Information not available
1973—6.5%

8. TEACHERS AND ENROLMENTS

Numbers

Mr. A. R. TONKIN, to the Minister representing the Minister for Education:

(1) How many teachers are now (1973) employed in Government—

(a) primary schools;

(b) secondary schools;

(c) technical schools;

(d) special schools?

(2) How many students are enrolled now in each of these categories?

Mr. T. D. EVANS replied:

(1) Returns are submitted in August of each year and are at present being processed. Whilst figures for 1973 are not yet available, the corresponding figures for 1972 were—

(a) 4,052

(b) 3,338

(c) 701

(d) 130

(2) Enrolment information as at 1st August, 1973, in Government schools—

(a) primary grades—126,182

(b) secondary years—57,623

(c) technical schools—Not yet available

(d) special schools—1,403

9 *This question was postponed.*

10. RAILWAY LAND

Preservation of Wildflowers

Mr. I. W. MANNING, to the Minister representing the Minister for Railways:

(1) Does the Railways Department give consideration to the preservation of areas of wildflowers when applications for the lease of certain areas of railway land are being determined?

(2) If not, will the department have regard for natural flora when land is to be leased for cultivation purposes?

Mr. MAY replied:

(1) Yes, subject to it being known that the area contains outstanding natural flora.

(2) Answered by (1).

11. ELECTRICITY SUPPLIES

Mt. Lawley Golf Club: Trenching of Land

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

(1) Is the State Electricity Commission permitted to enter and trench land it requires in an "A"-class reserve prior to agreement by Parliament in the Reserves Bill to free this land?

(2) Has the S.E.C. entered and trenched land at the Mt. Lawley Golf Club?

(3) If so, under whose authority has this been done?

Mr. MAY replied:

(1) No.

(2) No, except to delineate area by survey.

(3) See (2).

12. ROAD MAINTENANCE TAX

Nonpayment: Alfred Amos Allen

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

(1) What amount is owing to the Transport Department for road tax, etc., by Alfred Amos Allen of 24 Church Street, Kelmscott?

(2) Is it true that despite a majority decision of creditors to permit Mr. Allen to continue in business under management in an effort to repay all creditors, the Transport Department has issued orders against him which will probably bankrupt Mr. Allen, and result in possible loss to all other creditors?

(3) Does he consider this to be in line with Government policy to give a fair go to those prepared to make a genuine effort to meet their commitments on Road Maintenance Tax?

Mr. BICKERTON replied:

(1) A proof of debt has been submitted with the trustee appointed under the Bankruptcy Act claiming an indebtedness on road maintenance charges of $3,022.88.

(2) Prior to a meeting of creditors, the Commissioner of Transport sought a sequestration order against Mr. Allen under the Bankruptcy Act. The petition has not been finally disposed of by the court.

(3) Mr. Allen has had every opportunity to put his affairs in order or to take positive steps to meet his obligations. This he has failed to do and under the circumstances the action taken is in accordance with normal policy.

13. *This question was postponed.*

14. HOUSING

New Commonwealth-States Agreement

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

(1) Has the State indicated its willingness to become a party to a new Commonwealth and States Housing Agreement?

(2) If not, why not?

(3) If so, what has been the cause of delay and upon what specific issues was the State in conflict with the Federal Government?

(4) If no agreement has been entered into will he detail the financial arrangements under which the State Housing Commission is now operating in respect of its present house building programme?

Mr. BICKERTON replied:

(1) Yes.

(2) Answered by (1).

(3) Continuing negotiations concerning clauses 16, 17 and 24 relating to the needs test.

(4) Answered by (1).

The main problems have been in connection with the eligibility figure for remote areas.

15. BUILDING SOCIETIES

Loan Fund Allocations

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

(1) Has the State made Loan Fund allocations to building societies for the current financial year?

(2) If not, why not?

(3) If so, will he give details as to societies involved, interest rates, etc.?

Mr. BICKERTON replied:

(1) No.

(2) Pending finalisation of the housing agreement, under the provisions of which funds become available for allocation to building societies.

(3) Answered by (2).

16. INCOME TAX

Farm Improvements: Deductions

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

Has he made representations to the Federal Treasurer to review the policy of cancelling taxation concessions to primary producers in the following categories—

(a) new land farmers whose developmental programme is dependent upon concessions for clearing, water supplies and fencing;

(b) primary producers generally to maintain and improve existing water supplies, soil and fodder conservation?

Mr. H. D. EVANS replied:

I have made representations to the Minister for Primary Industry on soil conservation, water storage, noxious weed control and vermin control.

I have also taken the matter up with the Federal Minister for Environmental Protection and I have endeavoured to ensure it will be placed on the agenda for the meeting of the Agricultural Council next month.

17. INCOME TAX

Farm Improvements: Retention of Concessions

Mr. GAYFER, to the Premier:

(1) Has he made representations to the Prime Minister for the reversal of Budget decisions so that tax relief which existed before Federal Budget proposals may be retained by primary producers—

(a) for the sinking of dams;

(b) for general water and soil conservation;

(c) for the conservation of fodder?

(2) If not, seeing the seriousness with which this Budget decision is viewed by primary producers, bulldozer operators and all associated with working in and advising the primary industry, will he make immediate representations so that the economy and well-being of our State will be protected?

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

(1) and (2) The Minister for Agriculture has made representations to the Minister for Primary Industry on soil conservation, water storage, noxious weed control and vermin control.

18. ELECTRICITY SUPPLIES

Kukerin: Group Scheme

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

When will the price structure for the group scheme for State Electricity Commission extensions in the Kukerin area be finalised?

Mr. MAY replied:

Within the next two weeks prices will be issued under the contributory extension scheme to the first section of the Kukerin area. This section is generally west of the town of Kukerin.

19. HOUSING

Ongerup

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

How many applicants are currently seeking State Housing Commission homes in Ongerup?

Mr. BICKERTON replied:

Caucasians—4 applicants

Aboriginals—3 applicants

Total—7 applicants

20. INTRASTATE AIR TRANSPORT

T.A.A.

Mr. MENSAROS, to the Premier:

(1) Has his Government sought and received legal advice in connection with the proposed legislation to allow T.A.A. to serve Western Australian air routes?

(2) Is it a fact—as stated in the last annual report of the Director-General of Transport—that legislation to transfer power to the Commonwealth over control of domestic air routes, passenger and freight rates, frequencies of flights, etc., has to be complete and practically irrevocable?

(3) If (2) is "No" in which way can legislation be framed not to give up the State's powers in this field?

(4) If (2) is "Yes" does his Government still propose to proceed with such legislation and hand over yet another power of the State to the Commonwealth?

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

(1) Yes.

(2) to (4) The answer to (2) was "Yes" when the Director General's Report went to print. However, now that the Bill to amend the Australian National Airlines Commission Act has been finally assented to by Commonwealth Parliament, it has become apparent there will be no need to refer State powers over aviation to the Commonwealth.

Advice is that a legal basis for T.A.A. to operate within Western Australia can now be established by this Parliament assenting to a Bill which adopts section 19A of the Commonwealth Act. Adoption of a portion of a Commonwealth Act, as opposed to referral to the Commonwealth of our powers over aviation, will leave our existing powers unchanged—except insofar as T.A.A. is concerned. However, it is believed effective control over T.A.A. can be achieved in another portion of the simple Bill that will be presented by the Government.

21. CHILDREN'S COURT

Magistrates

Mr. MENSAROS, to the Attorney-General:

How many magistrates, including special magistrates of the Children's Court, were there in—

(a) the metropolitan area;

(b) the country,

as at 31st December, 1968, 1970 and 1972?

Mr. T. D. EVANS replied:

As at 31st December—

	1968	1970	1972
Metropolitan (including Coroner)	17	19	*19
Country	9	9	9

*Plus one part-time Special Magistrate in Children's Court.

22. LEGAL PRACTITIONERS AND ARTICLED CLERKS

Number in 1968, 1970, and 1972

Mr. MENSAROS, to the Attorney-General:

(1) How many legal practitioners held annual practice certificates in—

(a) the metropolitan area;

(b) the country,

or, if these figures are not available, in the State as at 31st December, 1968, 1970 and 1972?

(2) How many legal practitioners were admitted to practice by the Supreme Court of Western Australia in each of the calendar years 1968, 1970 and 1972?

(3) How many individual indentures or agreements for articles of clerkship in respect of articled law clerks were registered by the Barristers Board of Western Australia in each of the calendar years 1968, 1970 and 1972?

Mr. T. D. EVANS replied:

(1) (a) 1968—267
1970—312
1972—376

(b) 1968—37
1970—43
1972—41

(2) 1968—45
1970—48
1972—43

(3) 1968—26
1970—24
1972—36

23. UNIVERSITY OF WESTERN AUSTRALIA

Law Graduates

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

Could he give information about the number of law students who graduated at the University of Western Australia in each of the calendar years 1968, 1970 and 1972?

Mr. T. D. EVANS replied:

It should be noted that successful students complete the requirements for admission to a degree one year and graduate the next.

The figures are—

	Bachelor	Honours
Graduated—		
1968	20	3
1970	31	5
1972	39	5
Qualified—		
1968	35	3
1970	23	6
1972	40	6

24. *This question was postponed.*

25. PORT AND WATER SUPPLIES

Green Head

Mr. BATEMAN, to the Minister for Works:

(1) What development is anticipated for Green Head?

(2) Is a port to be constructed at Dynamite Bay, Green Head?

(3) Can he give reasons why divers were taking soundings and tests of the Dynamite Bay area in Green Head?

(4) Can he further advise when potable water will be available for the residents of Green Head?

Mr. Bickerton (for Mr. JAMIESON) replied:

(1) to (3) The mining company Allied Eneabba Pty. Ltd. is carrying out feasibility studies on the export of mineral sands from a bulk loading berth near Green Head. The studies have not yet been presented to the State for consideration.

(4) Investigations to date have not located an adequate source of water but investigations will proceed.

26. HOUSING LOAN GUARANTEE ACT

Loan Limits

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

(1) What are the present limits of loans and conditions under which such loans may be guaranteed under the Housing Loan Guarantee Act, 1957?

(2) What are to be the new limits and conditions under the proposed amendment currently before the Parliament?

Mr. BICKERTON replied:

(1) Some conditions are governed by Statute and others by Ministerial instruction. The present position is—

Statutory conditions.

(a) Maximum interest charge to home purchaser 7½% per annum including management charge.

(b) Maximum advanced permitted is—

Metropolitan—$12,000;

Country south of 26th parallel—$13,000;

North west and eastern land division—$17,500;

Kimberley land Division—$20,000;

provided the advance does not exceed 95% of value of house and land.

Non-Statutory conditions.

(a) Entrance fee not to exceed 35c per $100 of loan.

(b) Management fee not to exceed three-quarter % per annum.

(c) Income and property value limits are—

Metropolitan—Income limit $6,000, value limit $17,000.

Country south of 26th parallel—Income limit $6,500, value limit $17,000.

North of 26th parallel—No limits fixed as there have been no advances requested in this area.

(2) The amendment currently before the Parliament does not change any limits or conditions. As explained when introducing the Bill, the amendment proposes more flexible machinery to effect changes in limits of maximum advance.

27. TEACHERS' TRAINING COLLEGES

Staff and Boards: Status

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

(1) What is or will be the rights to "free" speech of staff employed by the Western Australian Teacher Education Authority—

(a) before the appointed day;

(b) after the appointed day?

(2) (a) What is the legal status of staff selection committees currently operating in teachers' colleges at present;

(b) what is the legal status of decisions made by selection committees of teachers' colleges—

(i) before the appointed day;

(ii) after the appointed day?

(3) (a) What is the legal status of college boards or part boards currently operating in some colleges;

(b) what is the legal status of decisions of college boards or part boards operating in colleges at present?

(4) As the Minister for Education has stated that working conditions in all teachers' colleges will be the same, does he consider also that the criteria used in selecting personnel for advertised positions should be common?

(5) (a) Can the Minister state the criteria being used in each of the teachers' colleges at present to select personnel for each of the lecturer grades A and B, senior lecturer positions, assistant vice principals and academic registrars;

(b) if these are not common, what justification can the Minister give for any differences?

Mr. T. D. EVANS replied:

(1) (a) No restrictions except where confidential information is held.

(b) As above.

(2) (a) They may only make recommendations to the council of the authority which under section 27 of the Act may make appointments. Such appointments have only been made to date for non-academic staff.

(b) (i) As above.

(ii) When college boards are formed under section 38 of the Act they make recommendations to the College Board which may appoint staff under section 50 of the Act.

(3) (a) They have no legal status but have been formed to gain experience and to express opinions and recommendations to the college boards when legally constituted.

(b) They may only make recommendations to council or to the college boards established after the 'appointed day'.

(4) No. At present only limited recommendations are being made. Criteria vary from college to college and from position to position as they have done in the past.

(5) (a) No.

(b) Each of the colleges is to be self governing under the council and they will develop in different ways with different needs. It is to be hoped that there will not be uniformity in these matters.

28. ENVIRONMENTAL PROTECTION

Standards: Criteria

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) Have the criteria been determined by the department for environmental standards to be maintained—

(a) by industry;

(b) by Government agencies;

(c) by transport?

(2) If "Yes" to (1) will he please table the criteria?

(3) If "No" to (1) when are these standards to be laid down?

(4) Will he table the criteria when available?

Mr. DAVIES replied:

(1) The Environmental Protection Authority accepts the judgment of the individual services departments and other statutory bodies responsible for localised environmental control, but it is in the process of reviewing relevant standards through liaison across Australia via the Australian Environment Council, the Australian Transport Advisory Council, the National Health and Medical Research Committee and other appropriate responsible parties.

(2) Answered by (1).

(3) When the abovementioned deliberations are complete.

(4) Yes.

29. ENVIRONMENTAL PROTECTION

Sewerage Effluent: Discharge into Ocean

Mr. RUSHTON, to the Minister for Environmental Protection:

(1) Has there been a deterioration of the ecology adjacent to the sewerage effluent ocean discharge points in the last 12 months?

(2) If so, will he list the extent of the deterioration and the action being taken to arrest this pollution?

Mr. DAVIES replied:

(1) and (2) I am not aware of any deterioration in the ecology.

30. TOWN PLANNING

Long Point

Mr. RUSHTON, to the Minister for Town Planning:

(1) How far has the two-year old ministerially announced proposed development of Long Point (Shire of Rockingham) progressed?

(2) Will he please table the most recent report and plan?

(3) What consultations have taken place with the shire?

Mr. DAVIES replied:

(1) A more detailed study of the feasibility of residential and recreational facilities at Long Point is still progressing.

(2) Answered by (1).

(3) Preliminary discussions have already taken place with the Shire of Rockingham.

31. CONNELL AVENUE SCHOOL

Sports Ground and Improvements

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

(1) What development is to be carried out at Connell Avenue School, Kelmscott, this financial year?

(2) What development is to be carried out on the proposed school recreational oval this year and when will the work begin?

Mr. T. D. EVANS replied:

(1) Building additions are not envisaged.

(2) Filling and levelling of the oval, estimated at $28,000, were considered for inclusion on the loan programme this year, but greater priority for classroom accommodation has to take precedence and the work has been deferred.

32. RAILWAYS

Perth Station and Perth Terminal Services

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

As many people experience difficulty in getting to the Perth terminal to meet the *Prospector* would the Minister consider running a special train service between the Perth station and the Perth terminal and return?

Mr. MAY replied:

The existing train service between city station (Perth) and Perth terminal to meet the *Prospector* services and the return connections to city station are considered adequate. A special train could not be justified.

33. STOCK

Foot and Mouth Disease

Mr. McIVER, to the Minister for Agriculture:

(1) Are reports that there has been an outbreak of foot and mouth disease in islands north of Australia correct?

(2) If so, where have they occurred, and how far is this from Australia?

(3) What precautionary measures are taken in this State to—

(a) prevent the disease from becoming established;

(b) deal with the disease in the event of an outbreak?

(4) What staff and facilities are available to deal with possible outbreaks in Western Australia?

Mr. H. D. EVANS replied:

(1) Yes.

(2) Foot and mouth disease has recently extended from the large western islands of Indonesia to Bali and South Sulawesi, approximately 600 to 800 miles from Darwin.

(3) (a) The usual close quarantine security measures have been maintained at all sea ports and airports.

(b) Eradication plans have been prepared, and form the basis for simulated field exercises. An exercise is currently being held at Bunbury.

(4) All Government veterinary officers and stock inspectors are immediately available together with other departmental field officers as necessary. Veterinary staff may be seconded from other States if the situation warranted this action.

Arrangements for co-operation have been made with the Civil Defence and Emergency Services, the armed forces, and other State departments such as Public Works, Main Roads and Police.

34. MILK QUOTAS

Negotiability

Mr. RUNCIMAN, to the Minister for Agriculture:

Will he give consideration (in any event) to see that negotiability of quotas along the lines advocated in the single authority dairy Bill be made possible for the beginning of the milk contract year in March 1974?

Mr. H. D. EVANS replied:

Consideration will be given to the possibility of implementing the provisions for quota transfer as soon as possible after formation of the single dairy authority.

At this stage I am unable to indicate whether this will be possible for the beginning of the milk contract year in March 1974.

35. MANDURAH ESTUARY

Sand Bar

Mr. RUNCIMAN, to the Minister for Works:

In view of the worsening situation of the Mandurah ocean bar will the Public Works Department give consideration for action to be taken so that the local rock lobster fleet can negotiate the entrance without undue peril?

Mr. Bickerton (for Mr. JAMIESON) replied:

An interdepartmental committee has been formed to examine the development of facilities for the State's fishing industry, and to assess priorities in relation to the cost of providing these facilities.

The development of an improved navigable entrance at Mandurah has been included for consideration.

36. TRAFFIC BRIDGE

Mandurah

Mr. RUNCIMAN, to the Minister for Works:

As the need for a new traffic bridge over the Murray river at Mandurah has been well known to the department for some years, will he indicate what plans and studies have been carried out to implement this project?

Mr. Bickerton (for Mr. JAMIESON) replied:

The answer has a note on it from the Minister's department saying that it is based on the assumption that the member for Murray is referring to the bridge in connection with the by-pass road. If so, the answer is as follows—

An alignment has been selected for the proposed Mandurah by-pass road, including a bridge site on the Murray River, and land requirements have been defined.

37. SWIMMING POOLS

Country Towns: Government Subsidy

Mr. RUNCIMAN, to the Minister for Recreation:

(1) How many swimming pools in country towns have been subsidised by the Government?

(2) What are the country towns which have received assistance?

(3) What is the amount of the present subsidy?

(4) Apart from a subsidy does the Government provide any other financial assistance, such as maintenance, etc.?

Mr. T. D. EVANS replied:

(1) 59.

(2) Beverley
Bridgetown
Brookton
Bruce Rock
Bullfinch
Bunbury
Carnarvon
Collie
Coolgardie
Corrigin
Cunderdin
Dalwallinu
Derby
Dowerin
Geraldton
Gnowangerup
Goomalling
Kalamunda
Kalgoorlie
Kambalda West
Katanning
Kellerberrin
Kojonup
Kondinin
Koolyanobbing
Koorda
Kulin
Kwinana
Lake Grace
Meekatharra
Menzies
Merredin
Moora
Morawa
Mt. Barker
Mt. Magnet
Mukinbudin
Mullewa
Mundaring
Narembeen
Narrogin
Northam
Nungarin
Perenjori
Pingelly
Port Hedland
Quairading
Rockingham
Southern Cross
Thornlie
Three Springs
Trayning
Upper Blackwood
Wagin
Wongan Hills
Wundowie
Wyalkatchem
Wyndham
York.

(3) Subsidies equal to one-third of the construction costs subject to the following limits—

Pools located less than 15 miles from the coast—$10,000.

Pools located south of the 26th parallel and more than 15 miles from the coast—$20,000.

Pools located north of the 26th parallel—$25,000.

(4) A subsidy is provided to help local authorities with operating losses. The maximum subsidy was recently increased from $1,500 to $2,000 per annum.

38. ROADS

Fremantle Road-Coast Road: Bypass

Mr. RUNCIMAN, to the Minister for Works:

(1) Having in view the ever increasing heavy traffic through Mandurah on the coast road to Bunbury, what consideration has been given to construct a bypass road from the Fremantle Road to the coast road?

(2) Have any studies been undertaken for this project and, if so, what is the nature of these studies?

Mr. Bickerton (for Mr. JAMIESON) replied:

(1) Construction of the bypass road from Fremantle Road to the Coast Road cannot be considered at present as many other projects throughout the State are considered to have a higher priority.

(2) Yes. The alignment of the bypass road, including a bridge site on the Murray River, has been selected and land requirements have been defined.

39. KELMSCOTT RAILWAY STATION

Parking Area

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

Referring to question 21 on 4th October and having availed myself of his invitation—

(1) Will the department now assume responsibility of providing adequate parking facilities for its patrons who have been using the railway reserve between the Albany Highway and the Kelmscott station for this purpose for many years?

(2) How many commuters are estimated to use Kelmscott station daily from Monday to Friday?

(3) For how many vehicles are parking facilities now provided—

(a) east of Kelmscott station;

(b) west of Kelmscott station?

(4) Will the department maintain or have the P.M.G. maintain the damaged entry road to the east of the station?

Mr. MAY replied:

(1) It is not intended to provide parking facilities between Albany Highway and the Kelmscott Railway Station.

Adequate parking facilities are available on the western side of the Kelmscott station.

(2) It is assumed that the question relates to commuters who travel by car and train.

A recent survey indicated that about twenty cars are parked daily on the western side. There were also cars parked on the eastern side but it is not known how many of these cars belong to commuters.

(3) (a) Nil by the Railways Department.

(b) Sufficient accommodation is provided for approximately sixty vehicles.

(4) The road referred to serves a shire car park and P.M.G. premises. Maintenance of the roadways is, therefore, the responsibility of the local shire and the P.M.G. Department.

40. LAND

East Kimberley: Try-Aust. Pty. Ltd. Project

Mr. RIDGE, to the Minister for Lands:

(1) Is he aware of the existence of an application for 3,460 acres of East Kimberley land by Try-Aust. Pty. Ltd. for the purpose of conducting a feed lot venture for cattle?

(2) For what purpose is the land in question presently used?

(3) Has a short term lease over a reduced area been offered to the company concerned?

(4) Has the company indicated that it requires a long term lease in order to service its proposed capital outlay?

(5) Does the Land Act provide for special leases to be granted for periods in excess of ten years?

(6) What is the anticipated capital outlay on the project?

(7) What is the estimated annual turnoff of cattle?

(8) Who would provide the store cattle for the feed lots?

(9) Is it anticipated that the project would allow an extension of the cattle killing season at Wyndham?

(10) Is it correct that the Kununurra farmers would be asked to produce feed grain for the venture?

(11) Does the project have the support of—

(a) the shire council;

(b) Agriculture Department;

(c) North West Department?

(12) Is it intended to review the lease application and make a more realistic land offer to the company?

(13) If "Yes" when?

Mr. H. D. EVANS replied:

(1) Yes, together with 72,250 acres of holding area and 6,000 acres of dry land.

(2) The feed lot area includes Crown land and the valuable conservation features Galileo Precipice and Muggs Lagoon.

(3) A lease for five years for exploratory purposes was offered over 460 acres (186 hectares) on 17th July, 1973 and accepted by the company on 27th August, 1973.

(4) Yes.

(5) Yes, after due advertisement.

(6) The company says $2.2 million.

(7) The company says 34,560 cattle.

(8) The company says from local sources.

(9) Yes if the company's expectations are realised.

(10) The company has said so.

(11) (a) The shire council indicated support on 2nd October, 1973.

(b) Department of Agriculture supports the release of adequate land for feed lot purposes.

(c) The Office of the North West supports the release of sufficient land.

(12) and (13) When the company fulfils its obligations under the present lease to define and justify its land requirements.

41. *FUNERALS*

Government Controlled Service

Mr. HUTCHINSON, to the Premier:

(1) Will he resist any A.L.P. State Executive pressure to set up a Government controlled funeral parlour?

(2) If not, will he explain why and state whether the Government has any intention of including such a project in Government planning in the near future?

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

(1) and (2) I have already advised the A.L.P. State Executive in response to a general query on this matter, that at this time, it would not be financially practicable for the Government to contemplate the provision of such a service.

42. WESTERN AUSTRALIAN PRODUCTS

Vietnam Market

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

What prospects are available to market Western Australian products in Vietnam?

Mr. TAYLOR replied:

Currently there are minimal opportunities to supply North Vietnam due to shipping and communication problems and a general unawareness of import procedures by Australian suppliers.

South Vietnam's commercial import programme is generally reserved for U.S. suppliers under various aid programmes or for other designated countries not including Australia.

Western Australia's exports to South Vietnam in 1972-1973 were $315,000, the main item being barley.

43. TRADE UNIONS

Law Governing Pickets

Mr. RUSHTON, to the Attorney-General:

(1) Does the Government intend to use section 96 (12) of the Police Act, 1892, to ensure employees and clients have a free access past obstruction by pickets to business premises?

(2) Which Minister is responsible for the implementation of the law mentioned in (1)?

Mr. T. D. EVANS replied:

(1) and (2) The Police Act is administered by the Minister for Police to whom this question should be properly directed.

44. KATANNING DISTRICT HOSPITAL

Plans and Tenders

Mr. NALDER, to the Minister for Health:

(1) Have the plans been completed for the proposed new Katanning district hospital?

(2) If not, what are the reasons for the delay?

(3) When does the Government intend to call tenders?

(4) When is it anticipated that the hospital will be completed?

Mr. DAVIES replied:

(1) No.

(2) Some delay has been occasioned by the inability of the plumbing and engineering consultants to complete the water design due to considerable design difficulties. All possible methods of supply are being investigated by the Country Towns Water Supply to see if they can carry out some immediate alteration so that the best possible internal design can be arranged.

(3) and (4) It is not possible to answer these questions until the 1973-74 loan allocation is known.

45. LAND

Resumption: Caversham

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

(1) Was lot 2992 Lord Street, Caversham, and comprising 33 acres resumed by the Government?

(2) If so—

(a) when was it resumed;

(b) from whom was it resumed;

(c) what were the purposes of resumption?

(3) For what purpose has the land been used?

Mr. Bickerton (for Mr. JAMIESON) replied:

(1) and (2) The land was not compulsorily acquired, but purchased freehold from Ronald Fairley Hamilton Garrow for the purpose of a training centre.

(3) The land has been occupied under short term grazing leases.

46. YUNDERUP CANALS DEVELOPMENT

Sale Offers

Mr. RUNCIMAN, to the Premier:

(1) In view of the widespread interest in the Yunderup canals project and the Government's financial involvement in the scheme, can he advise if the project has been sold to overseas interests?

(2) Is he aware that since he officially opened the project 12 months ago no further development has taken place?

(3) Is he satisfied with the situation so far as the Government is concerned?

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

(1) I understand that negotiations with overseas interests are still proceeding.

(2) Although further development work has been undertaken, I am advised some minor works remain to be done.

(3) I am satisfied the Government's position is adequately secured.

47. IMMIGRATION

Intake, 1972 to 1974

Sir CHARLES COURT, to the Minister for Immigration:

(1) Further to my question 34 of 21st August, 1973, and my later question without notice (No. 10) of the same date, concerning migrant intake, has the Minister been able to obtain the additional information requested?

(2) If not, will he endeavour to obtain the figures as soon as possible?

Mr. HARMAN replied:

(1) and (2) The origin of arrivals is classified by the Commonwealth Bureau of Census and Statistics into three different categories being.

(a) Birth place.

(b) Nationality.

(c) Country of last residence.

The figures available on the basis of nationality as supplied by the Bureau are—

Western Australia settler arrivals nationality by State of intended residence 1/7/72-30/6/73.

Australians	191
Egyptians	14
South Africans	125
Canadians	175
U.S.A. nationals	274
Indians	402
Bangladesh, Pakistan	45
Ceylonese, Sri-Lanka	79
Cyprians	4
Malaysians, Singaporians	258
Indonesians	5
Chinese	13
Japanese	1
Lebanese	18
Turkish	22
Israelies	5
U.K. and Colonies	8 619
Southern Irish	229
Maltese	10
Austrians	8
Belgians	1
Danish	49
Finnish	8
French	39
Germans	75
Greeks	60
Italians	237
Dutch	93
Polish	12
Portuguese	151
Spanish	33
Swedish	39
Swiss	43
Yugoslavians	273
New Zealanders	285
Other Commonwealth Countries	31
British not stated	206
Stateless	7
Other nationalities	247
Norwegians	12
Total:	12 398

Western Australia occupational groups by State of Intended residence 1/7/72-30/6/73.

	Total settlers
Professional, technical related	1 023
Administrative, executive and managerial	306
Clerical	911
Salesworkers	301
Farmers, fishermen, hunters, timber getters and related workers	110
Miners, quarrymen and related workers	42
Workers in transport and communication	339
Craftsmen, production process workers	1 830
Labourers *	200
Service (protective and other) sport and recreational workers	402
Occupation inadequately described or not stated	208
Children and students	4 283
Other persons not in labour force	2 443
Total:	12 398

*Labourers (so described) not elsewhere classified, and freight handlers including waterside workers.

QUESTIONS (12): WITHOUT NOTICE

1. CROWN LAW DEPARTMENT

Applications for Articles

Mr. T. D. EVANS (Attorney-General): On the 3rd October the member for Floreat asked me certain questions relating to the Crown Law Department. I am now advised that in respect of the answers given to questions 5 and 6 on that day the information supplied was not correct. I now seek to correct the answers. I gave this information to the House last evening when we were debating the Legal Practitioners Act Amendment Bill. The question asked by the member for Floreat was—

> How many applications have been received by the Crown Law Department for articles for the years 1969 to 1974 inclusive?

The answer stated that nine applications had been received for 1974, whereas the number was 16.

2. CROWN LAW DEPARTMENT

Staff

Mr. T. D. EVANS (Attorney-General): The other question asked by the member for Floreat on the 3rd October was as follows—

> What was the number of staff employed as—
>
> (a) legal practitioners;
>
> of the Crown Law Department at 30th June, 1963, 1968, and 1973?

The answer was that in 1963 the number was 20, whereas it should be 22; and that in 1973 the number was 55, whereas in fact the figure should be 42.

I am advised by the Under-Secretary for Law that the errors were due in part to including items within the establishment of the department which on those dates were vacant.

I also believe that reference was made in 1973 to the staff of the Law Reform Commission which does not now properly come under the Crown Law Department.

As indicated last night, I apologise for the errors. They were made quite unwittingly.

3. MEMBERS OF PARLIAMENT

Staff and Offices

Sir CHARLES COURT, to the Acting Premier:

(1) Has the Government made a decision to approve the provision of offices and secretaries in the Legislative Assembly electorates, or is the matter still under consideration by the Cabinet in view of the comments in a letter by the Secretary of the State Parliamentary Labor Party to the Secretary of the State Parliamentary Liberal Party which reads—

> I should like to advise that it was resolved at the last meeting of the State Parliamentary Labor Party to request the Government to implement the decision of caucus regarding the provision of offices and secretaries in Assembly districts. It was pointed out that there was no obligation on members to establish an office in their electorates. Those who elect to do so should apply in writing to the Premier.
>
> I should be pleased if you would bring this decision to the notice of your members and ask those interested to advise the Premier where they would prefer their office located?

(2) If a decision has been made, when was this decision made?

(3) (a) Was the Secretary of the State Parliamentary Labor Party authorised by the Government to advise the Press and other parties of the decision?

(b) If he was authorised, why was this procedure followed—especially in the absence of the Premier—instead of the normal courtesy being extended of a Government announcement at least to the leaders of the political parties in the State Parliament?

(4) (a) What is the estimated capital cost of the improvements under consideration for Parliament House to provide adequate office facilities for members and the associated services of the Parliament?

(b) Why is there such a big disparity between the figures announced by the Acting Premier yesterday of $2,000,000 and the figure understood by the Joint House Committee members, namely $450,000?

(5) (a) Is any ceiling placed on the rent that will be paid by the Government for an office in each of the electorates?

(b) Who will select the secretaries and will there be any restrictions imposed on relatives of a member?

(6) From what source will the funds for the offices and secretaries be paid and what action is proposed in connection with the Budget—currently before State Parliament, which does not appear to make any provision for this substantial extra payment?

Mr. TAYLOR replied:

(1) to (6) The Leader of the Opposition was good enough to give me some notice of this question, though it was notice of only one hour. That is insufficient to enable me to answer the question now. However, I would like to reply to two parts of the question, but request that the whole be placed on the notice paper.

The two areas to which I can reply come within my personal knowledge. If the honourable member refers to the Government as being the Cabinet, then no such decision has been made.

Where the honourable member makes reference to me in paragraph (4)(b) I can assure him I do not know anything about that. My opinion was an estimate based on comments made by the Joint House Committee members as to what members of Parliament would like in relation to Parliament House.

4. MEMBERS OF PARLIAMENT

Staff and Offices

Mr. McPHARLIN, to the Acting Premier:

(1) (a) What is the estimated cost of establishing offices and providing secretaries in electorates when the scheme is fully operative?

(b) What is the estimated cost in a full year if the scheme for offices and secretaries in electorates becomes fully operative?

(2) What are the exact conditions laid down by the Government for the provision of members' offices and secretaries away from Parliament House and in the electorates?

(3) (a) Are these facilities to be extended to Legislative Council members as well as to Legislative Assembly members?

(b) If not, why are the facilities being confined to Legislative Assembly members?

(4) On what date will the scheme become effective, and who is going to be responsible for the selection and leasing arrangements for offices in the electorates?

(5) Why was a decision made by the Government—if such a decision has in fact been made—when it was known that following discussions that took place between the Premier, the Leader of the Liberal Party, and myself, the whole question was to be referred to the parliamentary members' committee because of the misunderstanding that occurred following a decision previously taken on the so-called "All Parties Committee" report?

Mr. TAYLOR replied:

(1) to (5) The Leader of the Country Party gave me some notice of this question, but again it was roughly one hour; I cannot therefore give him a reply now. I have, in part, answered part (5) of the question which is virtually the key to the other four parts. I request that he place the question on the notice paper, so that whatever information is available and on record can be provided.

5. HOUSING

New Commonwealth-States Agreement

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

I desire to seek some clarification of the reply which was given to questions 14 and 15 on today's notice paper. The fourth part of question 14 was as follows—

(4) If no agreement has been entered into will he detail the financial arrangements under which the State Housing Commission is now operating in respect of its present house building programme?

In his reply the Minister referred me to the answer given to part (1) of the question, which implied that such an agreement had been entered into.

In respect of question 15 I asked whether or not building societies had been given allocations of Loan Funds. The answer was that no allocations had been made because the State was waiting on the finalisation of the Commonwealth-States Housing Agreement.

The two answers are in conflict. If there is no agreement, I would like to know how the commission is financing its operations. If there is an agreement why is the Minister not able to make allocations to building societies?

Mr. BICKERTON replied:

Briefly, the agreement has not been signed.

Mr. O'Neil: How are you financing your obligations? You have not answered the question.

Mr. BICKERTON: There is no problem at all. Regarding the building societies, the answer is that under the new agreement we may allot funds amounting to not less than 20 per cent. and not more than 30 per cent. At the present time we are having negotiations with the building societies on what we think they can handle in the building field, and whether they should receive the minimum, the maximum, or some figure in between.

Personally, from the point of view of the bulding societies, I would like them to receive the greatest amount of money they can handle.

6. HOUSING

New Commonwealth-States Agreement

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

I emphasise what I asked in part (4) of question 14 on today's notice paper. The Minister has said there is no agreement, but the answer which he gave was "Answered by (1)." This implies that an agreement has been entered into.

Mr. BICKERTON replied:

Agreement has been reached, but it has not been signed.

Mr. O' Neil: That does not answer my question.

7. MEMBERS OF PARLIAMENT

Staff and Offices

Mr. RUSHTON, to the Acting Premier:

I refer to the Premier's decision some months ago to give the secretary of the Parliamentary Labor Party special office assistance and office accommodation, but not the Secretaries of the Liberal Parliamentary Party and the Country Parliamentary Party, and now the decision to provide electorate offices and staff. My question is—

When does he intend to rectify the present unfair injustice being meted out to the Liberal and Country Parties by giving their secretaries equal accommodation and staff as his own party?

Mr. TAYLOR replied:

I received adequate notice of this question, the answer to which is as follows—

I am unaware of any present unfair injustice being meted out to the Liberal Party and the Country Party, as stated by the member.

On the contrary, approval was given last April for an additional typist and an additional male clerk for the office of the Leader of the Opposition, and approval was given last August for the appointment of a typist to serve members of the Country Party.

Sir Charles Court: Apparently the Acting Premier does not walk down the corridor.

8. HARVEST ROAD, NORTH FREMANTLE

Closure

Mr. HUTCHINSON, to the Minister for Works:

(1) Will he please explain briefly the procedure that is required to be followed in the particular case of the proposed closure, or part closure, of Harvest Road, North Fremantle?

(2) Has this procedure been followed in this case?

(3) If so, will he detail the necessary actions taken with the times the actions were taken?

(4) If not, will he explain why?

Mr. Bickerton (for Mr. JAMIESON) replied:

(1) The necessary authority for the proposed regulation of traffic in Harvest Road, North Fremantle, requiring access and egress from one point only is contained in section 306 (1) (d) of the Local Government Act. No formal procedure is required except the erection of a barrier and appropriate signing.

(2) to (4) Answered by (1).

9. WOODSIDE-BURMAH OIL N.L.

Comments by Commonwealth Minister

Sir CHARLES COURT, to the Acting Premier:

(1) Now he has had a chance to study the report of the unfair outburst of the Commonwealth Minister for Minerals and Energy (Mr. Connor) in the Federal Parliament yesterday, seeking to heap abuse on Woodside-Burmah, will he please tell the House how he reconciles the comments made by the State Government during the north-west shelf oil and gas censure motion on Tuesday wherein it was claimed that relationships and discussions between Woodside-Burmah and the Commonwealth Minister were harmonious and in an atmosphere of goodwill?

(2) Does he and his Government subscribe to the view expressed by Mr. Connor in the Commonwealth Parliament yesterday?

Mr. TAYLOR replied:

(1) and (2) I am advised, and I understand, it is set out in Erskine May's *Parliamentary Practice* in paragraph (14) on page 324 that requests in questions for expressions of opinion on the authenticity of extracts from newspapers are not admissible.

Sir Charles Court: I give the Acting Premier 10 out of 10 marks for loyalty but none out of 10 for subject matter.

The SPEAKER: Order!

10. LOCAL GOVERNMENT

Party Politics

Mr. RUSHTON, to the Acting Premier:

(1) Does the Government associate itself with the reported—

(a) intentions of the State Executive of the Australian Labor Party to introduce and impose party politics into the affairs of local government; and

(b) adverse reflections upon councillors?

(2) Does the Government intend to legislate to make it easier for the intrusion of party politics into local government?

(3) Does his Government support the Whitlam Government's announced intention of bypassing the State Government's authority by financing groupings of local authorities direct?

(4) What agreements has the Government made with the Commonwealth Government for the central Government's direct participation with councils?

(5) If the Government has objected to the Commonwealth Government over its announced intention of dealing direct with local authorites, will it advise the Assembly of the details of these objections?

Mr. TAYLOR replied:

(1) to (5) Whilst I am not normally worried about chidings from the Opposition, in view of the comment from the Leader of the Opposition that I should receive 10 marks out of 10 for loyalty and none out of 10 for subject matter, I will try to reverse that situation. I am disposed to suggest to the member for Dale that the question be put on the notice paper because he would receive a more adequate reply from the Premier.

However, if, in the meantime, the House will accept a reply from me I will proceed.

The SPEAKER: If the question is to be placed on the notice paper there is no need for the Deputy Premier to answer it now.

11. MEMBERS OF PARLIAMENT

Staff and Offices

Sir CHARLES COURT, to the Acting Premier:

By way of clarification to the answer he gave to my question about office facilities away from Parliament House, I want to make sure I understand the reply because we do not have access to transcripts until they have been corrected.

The Deputy Premier said that if, by the Government, I meant the Cabinet then no decision had been made. I did really mean the Cabinet, but is he implying the

decision could have been made either by a Minister or the Premier, and that that formed the basis of the announcement made by the Secretary of the Labor Party?

Mr. TAYLOR replied:

Without wanting to clash with the answers which may be given to the question which is to be placed on the notice paper, I will attempt to reply as I see the situation.

The Parliamentary Labor Party made a decision and the secretary of that party made an announcement as was authorised. As far as I am aware the Premier has not reached a finite basis.

Sir Charles Court: The announcement was made on the basis that it had been approved.

12. W.A. ARTS COUNCIL

Mr. Harper-Nelson

Sir CHARLES COURT, to the Acting Premier:

In view of the announcement that Mr. John Harper-Nelson proposes to return to the A.B.C. and not seek to continue with the Western Australian Government, will he advise—

(a) Has any effort been made by the State Government to induce Mr. Harper-Nelson to remain with the State Government service, with a view to participating in the important work to be undertaken by the W.A. Arts Council?

Mr. Bickerton: This is not an urgent matter.

Sir CHARLES COURT: It is urgent.

Mr. Bickerton: Why not put the question on the notice paper?

Sir CHARLES COURT: To continue—

(b) Has any effort been made by the State Government to overcome the centralist policies of the Commonwealth Government which will inevitably be to the disadvantage of Western Australia, generally and, in particular, the work of the W.A. Arts Council?

(c) If the answer to (b) is "No", does this mean that the State Government is prepared to go along with the Commonwealth's centralist policies?

Mr. TAYLOR replied:

I am sure the Premier would have had a field day replying to these questions without notice. The reply is as follows—

I understand that the whole situation with regard to the future of Mr. Harper-Nelson is under the consideration of the Premier in his capacity as Minister for Cultural Affairs. Because of his absence in the Eastern States and his personal interest in this matter I am not in a position to make any statements on his behalf.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Town Planning) [4.54 p.m.]: I move—

That the Bill be now read a second time.

This is quite a simple Bill relating to the operations of the Metropolitan Region Planning Authority. Its three principal provisions deal with the membership of the M.R.P.A., its control over expenditure, and matters concerning the disclosure of interest and wrongful use of confidential information.

The first amendment proposed by the Bill is that the membership of the M.R.P.A. be increased from 12 to 13 by the addition of the Director of Environmental Protection. At present many decisions of the M.R.P.A. have, and will have, an effect on the environment of the region and it is considered most desirable that the Environmental Protection Authority be represented so that its advice and expert knowledge may be available to the M.R.P.A.

The second amendment relates to the M.R.P.A.'s financial dealings. When the principal Act was passed in 1959 it required the M.R.P.A. to obtain the approval of the Minister before the authority could incur expenditure exceeding $10,000. With the increase in valuations and costs in acquiring land or property required for future public open space or road reserves, it is considered that the M.R.P.A. should now be able to transact individual dealings up to $25,000 without the prior approval of the Minister.

Finally, the Bill proposes to add to the Act a new subsection concerning duties and liabilities of those who carry out its functions.

It will be realised that many decisions of far-reaching effect on land use are made by the M.R.P.A. whose members come from the Public Service, outside associations, and district planning committees. The Act at present contains no provision for a member to disclose his interest in

matters under discussion. It is considered that a new subsection should be inserted making it necessary for a member of the M.R.P.A., a district planning committee, a public authority, or a local authority, to declare a direct or indirect pecuniary interest in any matter before a meeting held under the provisions of the Act. This is a similar provision to that provided in section 174 of the Local Government Act.

The proposed subsection provides that the disclosure shall be recorded in the minutes and that the member shall not be present during consideration of the matter, nor shall he vote on it. The subsection includes safeguards against the disclosure or use of any information which would result in an improper advantage to a member or which would be detrimental to the M.R.P.A. A member who breaches these provisions will become liable to the authority for any profit he gains, or for any damage suffered by the authority as a result, and for a penalty of $1,000.

I do not think these proposed amendments raise controversial issues and accordingly I commend the Bill.

Debate adjourned, on motion by Mr. Rushton.

Message: Appropriations

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR. McPHARLIN (Mt. Marshall) [4.58 p.m.]: The Bill now before us is quite brief, and intends to amend section 3R (4)b of the parent Act. The parent Act refers to the Commissioner of Police in his capacity as the licensing authority for the metropolitan area. Now that we have agreed to the creation of a Department of Motor Vehicles the licensing authority in the metropolitan area will become the Director of the Department of Motor Vehicles.

The Bill now before us will delete from the parent Act the reference to "The Commissioner of Police" and insert in its place "The Director of the Department of Motor Vehicles". We have no objection to the amendment. The Bill concerns only a machinery matter and does not call for a great deal of comment. I will not delay the House, and I indicate our support for the amendment.

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.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [5.03 p.m.]: The measure before the House is a Bill for an Act to amend the Housing Loan Guarantee Act. The parent Act was introduced in 1957 and it may be of interest to those who have been in the Parliament for some considerable time to know it was referred to by officers of the State Housing Commission as the "Readers Digest Act." The Minister for Housing at the time read in a copy of a *Readers Digest* an idea for insuring housing loans, and he adopted it. The Housing Loan Guarantee Act is one of the pieces of legislation which enables housing loans to be insured or guaranteed. The legislation before us today, of course, operates essentially in the low-cost field and, under it, the State Government provides guarantees and indemnities in respect of the moneys advanced for housing.

Two other organisations provide housing loan insurance. One is the Housing Loans Insurance Corporation, a Commonwealth instrumentality which was set up some considerable time ago. The other is known as the M.G.I.C.A.—the Mortgage Guarantee Insurance Corporation of Australia—which has its genesis in America. Both of these latter organisations offer housing loan insurance at a premium.

All these systems were introduced to eliminate what was known as the "deposit gap". One hears little about the problem of the deposit gap in financing houses these days. The deposit gap is the difference between the amount the home will cost and the total of the deposit available to the purchaser together with the amount of money he can borrow. The difference between the available money and the cost of a home is the deposit gap. It is overcome by arranging for what are called "high ratio loans". With insured loans it is possible to obtain finance up to 95 per cent. of the value of the home to be built —95 per cent. being the maximum. In general terms I think the figure runs roughly at about 85 per cent. Therefore, the prospective home purchaser needs to find some 15 per cent. of the total home value as a deposit.

The introduction of these schemes has virtually eliminated the problem of the deposit gap except, of course, when a person desires to build a very expensive home —but in that case he does not have a problem with a deposit gap anyway.

Before proceeding specifically with the Bill I want to mention a matter which I have raised in the House once before. I refer to the question of trying to deal with

Statutes which, in fact, have been amended on a great number of occasions but which have not been reprinted sufficiently frequently.

There is no major problem with respect to the Housing Loan Guarantee Act because, in itself, it is only 15 pages—at least, one would think there would be no major problem, I should say. The original Act was introduced in 1957—it was Act No. 75 of 1957. The latest reprint was approved in June, 1962, and contains four amendments—two moved in 1958, one in 1959, and one in 1961. Since then amendments have been made in 1962, 1965, 1968, and 1972. In addition, we have an amending Bill before the Chamber at the moment. Consequently since the legislation has been in existence it has been amended nine times. It has been reprinted only once and, following the passage of this measure —which I indicate that we approve—it will have been amended five times without a reprint.

This may not have been a problem if in fact the amendments had been scattered right throughout the Act but if members look at the main amendments which have been made they will see that they concern section 7 which, in fact, the Bill before us essentially deals with.

I wanted to make that comment because I know the Government was co-operative in authorising a reprint of the Workers' Compensation Act. Once again I want to request that the Government—or whoever is responsible for having Acts reprinted—should ensure, before bringing down legislation to the Parliament, that a relatively clean and legible copy of a reprinted Act is available. I am not sure whose responsibility it is.

Mr. T. D. Evans: I am glad the Deputy Leader of the Opposition made the remark that the action was taken in connection with the Workers' Compensation Act.

Mr. O'NEIL: It took a good deal of requesting before the action was taken.

Mr. T. D. Evans: I was responsible for that, because I have to authorise reprints.

Mr. O'NEIL: I made many requests to the previous Minister for Labour and to the present Minister for a clean copy of the Workers' Compensation Act. The Government acquiesced and the Act was reprinted. If the Attorney-General was responsible for having the Workers' Compensation Act reprinted, he deserves praise.

Mr. T. D. Evans: I have to wait on the advice of other Ministers who draw my attention to certain Acts.

Mr. O'NEIL: It is important to have a clean copy in respect of these amendments. I know the Clerks of the Assembly endeavour to ensure that there is available at least one up-to-date amended copy of the various Statutes. I am sure that this will ultimately come about and that it is the pressure of other duties which is probably slowing down the operation.

It is quite difficult when one has to incorporate four sets of amendments in an Act of this size before one can relate the Act to the amending Bill before the Chamber.

This brings me to a related matter. I recall that in 1964 there was a progress report, dated the 31st March, from the Statute Law Revision Commission and, in it, certain recommendations were made relative to our Statutes. I hope the Attorney-General is listening to what I am saying as I think he is most involved. I can recall that examples were shown to us of a loose-leaf form of Statutes. The idea is that the Statutes themselves are in loose-leaf form and, when they are amended, special pages are printed to replace the pages which are to be removed. Even during the war years—which is quite a long while ago—I saw this kind of operation in respect of corps Standing Orders. As I have said, the Statute is in loose-leaf form. I am holding up an example which I am sure all members can see. Each page is entirely separate and is printed sometimes on one side and sometimes on both.

Mr. Davies: Are they not available? I thought I saw some in my office the other day.

Mr. O'NEIL: I hope they are. I make the point that the one I have in my hand —the Companies Act of New South Wales —was, in fact, produced privately. It was produced in this form by a business concern for the benefit of various people wishing to read it.

Even though earlier this year I mentioned that a recommendation had been made that our Statutes be prepared in this way, to the best of my knowledge it has not been done. The process is simple in the extreme. When a measure is passed through the Parliament and the parent Act is duly amended appropriate pages are printed and simply inserted in lieu of the pages removed. Usually in front of the Statute there is an index listing the amendments which have been made.

The one I have in my hand is in a slightly more complicated form than some I have seen. The examples shown in 1964 were those of the Canadian Statutes. Certainly this is a neater, tidier, and simpler way of keeping Statutes up to date. However, this is incidental to the measure before the House.

The SPEAKER: I suggest the Deputy Leader of the Opposition should speak to the subject matter of the Bill.

Mr. O'NEIL: The Minister, when introducing this piece of legislation, made some statements which, in my view, may have been inclined to mislead the House. He mentioned that over the past two years $4,398,000 has been raised under this legislation. That is not quite accurate. The legislation has no provision for raising money. It would have been better had the

Minister said, as he did earlier, that the purpose is to attract housing finance funds which otherwise would not be available.

At one time an excellent speech was made in respect of the Housing Loan Guarantee Act. The early part of that speech is worth repeating because I think it quite clearly states the purpose of the Act. I quote from page 791 of *Hansard* of Tuesday, the 3rd September, 1968, as follows—

> The purpose of the Housing Loan Guarantee Act is to facilitate home ownership for families of moderate means having limited funds available as a deposit on a home. To encourage investment in housing through building societies and other approved institutions, the State guarantees the repayment of advances made by an approved lending authority where these advances conform to specific terms and conditions as agreed to by the Minister for Housing.
>
> In addition, building societies and other approved institutions are indemnified against default on the part of home purchasers provided home building loans conform to the specifications laid down in the Act. Currently these are as stated in section 7B of the Act.

The speech goes on to describe those specifications.

Mr. Bickerton: What legislation was that? My attention was distracted for a moment.

Mr. O'NEIL: I was reading from one of the best speeches which I consider have been made on the Housing Loan Guarantee Act.

Mr. Bickerton: I am not going to ask who made it.

Mr. O'NEIL: And I am not going to say! The present Minister for Health was quite complimentary in his remarks on that speech. It was quite specific and was the introductory speech for an amending Bill brought down by the then Minister for Housing.

Mr. Taylor: The present Minister for Housing should never have given the Deputy Leader of the Opposition a lead in.

Mr. O'NEIL: As I have mentioned, it is quite clear that the Act has two objectives. Firstly, it guarantees the lenders of money to institutions the repayment of those funds provided they fall into certain categories. Such categories are approved by the Treasurer on the recommendation of the Minister for Housing. Beyond that, with an approved institution, for example, a building society, an indemnity exists; the building society is indemnified against default on the part of the borrower provided the terms and the conditions of the money made available from the lending institution to the borrower are in accordance with the provisions of the Act.

Mr. Bickerton: I think you are overlooking one important point. This Bill does not provide for a housing loan Act, it merely amends section 7B which is a small portion of the present Act.

Mr. O'NEIL: I am talking about the parent Act—I am not talking about the Bill.

Mr. Bickerton: That is what I thought you were talking about before.

Mr. O'NEIL: I have already made the point fairly well. All the amendments—and there have been nine of them—which have been made to this Act have been made to sections 7A or 7B, which refer to the terms and conditions, the values, and so on, in respect of which such loans may be granted.

The proposal in the Bill, with which we agree, is to obviate the need for regular amendments to these sections. I have said that there have been nine to date in the life of the Act—over a period of some 15 years. Most of them were to raise the levels of loans, the percentage of the loan in relation to the value of the house, and so on. The provisions in the Bill before us are to remove the specific reference to these conditions in the Act, and to leave such matters to the Minister.

It is proposed that different amounts and percentages will apply to four different areas, and these will apply, of course, because of different building conditions in various parts of the State. The areas are as follows—

> Metropolitan
>
> South of the 26th parallel, excluding the metropolitan area
>
> North-west and Eastern Land Division
>
> Kimberley Land Division

These land divisions are described in the Land Act. In respect of each of these divisions, the Minister may lay down the terms and conditions under which financial institutions such as building societies or approved lenders may be guaranteed, and where the lending institution or the building society may be indemnified against default on the part of the borrower.

I asked the Minister a question today—perhaps it is the way I phrased it, but I did not get the answer I wanted. It may be that I got the answer I deserved. I asked—

> What are the present limits of loans and conditions under which such loans may be guaranteed under the Housing Loan Guarantee Act, 1957?

The Minister replied—

> Some conditions are governed by Statute and others by Ministerial instruction. The present position is—
>
> Statutory conditions.
>
> (a) Maximum interest charge to home purchaser 7½% per annum including management charge.

(b) Maximum advance permitted is

	$
Metropolitan	12,000
Country south of 26th parallel	13,000
North-west and Eastern Land Division	17,500
Kimberley Land Division	20,000

provided the advance does not exceed 95% of value of house and land.

These are the statutory provisions which are to be removed by this measure and replaced by a discretionary power vested in the Minister. The Minister then replied that the nonstatutory conditions are as follows—

(a) Entrance fee not to exceed 35 cents per $100 of loan.

(b) Management fee not to exceed three-quarter per cent. per annum.

(c) Income and property value limits are—

	Income Limit $	Value Limit $
Metropolitan	6,000	17,000
Country South of 26th Parallel	6,500	17,000
North of 26th Parallel	No limits fixed as there have been no advances requested in this area.	

And I suppose this is fair enough. The question I did want answered is more important, and perhaps the Minister will give me some clues at the third reading stage as to the likely limits and conditions. I asked the question—

> What are to be the new limits and conditions under the proposed amendment currently before the Parliament?

It was pointed out to me in reply that new limits are not included in the amending Bill. Perhaps I should have worded the question a little more specifically. I wonder what sort of figures the Minister has in mind, so that we can assess to what extent the building costs and the value of houses in other areas of the State have increased.

Mr. Bickerton: I still have not decided this, and I cannot tell you something I do not know. I assure you that as soon as I can I will give you the information.

Mr. O'NEIL: That is fair enough. I am not being critical of the Minister. I asked the question purely to seek information as to what limits and figures the Minister is considering. I appreciate that he may not be in a position to make a specific statement.

In general terms we do not disagree with the policy, although I suppose there may be criticism about removing power from the Parliament and giving it to the Executive. However, in that respect, the principles contained in the parent Act are not surrendered to the Executive but purely the matter of determining quantum. There is adequate protection under the provisions of this Act because, as I recall it, the levels to be set and the amounts to be granted by the Treasurer are with his approval and upon the recommendation of the Minister for Housing. So we have a double-barrelled safeguard in respect of the quantum and the terms and conditions. Quite frankly, I do not think this is a matter which should come before the Parliament on so many occasions. Changes must be made from time to time, and the principle of giving the discretionary power to the Minister to determine the various qualifications for loans and guarantees is a sound one. Having said that, I indicate that we, on this side of the House, support the Bill.

MR. BICKERTON (Pilbara—Minister for Housing) [5.22 p.m.]: Mr. Speaker—

The SPEAKER: I point out to the Minister that he is not closing the debate because he did not introduce the Bill.

Mr. BICKERTON: I thank the Deputy Leader of the Opposition for his support of the Bill. He has covered the subject very adequately. The Bill in itself does little more than give to the Minister the power which Parliament now has, but with certain qualifications. With loans made for houses in the four specific areas set out in the Bill, conditions may change from time to time, and may change quite rapidly. People who have the advantage of finance under the Housing Loan Guarantee Act could be inconvenienced repeatedly by changing conditions—freight costs, and other costs which affect their standards of living. The qualification in regard to building costs may not be an apparent advantage, but if the power is with the Minister and not with the Parliament, some people may be saved a considerable amount of hardship when Parliament is in recess for a lengthy period. As the Deputy Leader of the Opposition has pointed out, this Act was passed mainly to help the people with a deposit gap. For this reason it must come to Parliament for ratification. I can therefore see advantages in this present measure for those people who wish to effect loans under the Housing Loan Guarantee Act. I again thank the Deputy Leader of the Opposition for his support.

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.

House adjourned at 5.27 p.m.