

3.

MEDICAL SERVICES

Ravensthorpe

The Hon. R. J. L. Williams for the Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Is the Minister for Health aware that from the 1st October, 1972, the Goldfields Medical Fund will no longer pay ancillary benefit services for outpatient consultations at the Ravensthorpe District Hospital?
- (2) As the Flying Doctor is available for consultation on only one day a fortnight, and the nearest resident doctor lives 120 miles away, what is the Government intending to do to ensure the people of this isolated shire are not forced to pay still greater costs for medical services?

The Hon. W. F. WILLESEE replied:

- (1) Yes. I am advised that the Goldfields Medical Fund is one of only two small Funds in Western Australia which have paid these ancillary benefits and that these have contributed to higher contribution rates.
- (2) This is a Commonwealth matter. The States have been pressing the Commonwealth, without success, for many years to include outpatient treatment in the National Health Scheme. It is understood that this matter is still under review.

I am aware that the Ravensthorpe Hospital Board has written to the Federal Minister for Health in relation to this matter.

4.

DROUGHT RELIEF

Government Policy

The Hon. I. G. Medcalf for the Hon. G. W. BERRY, to the Leader of the House:

Has any policy been formulated by the Government, or does any exist, to deal with drought problems if and when they occur in the State?

The Hon. W. F. WILLESEE replied:

The Drought Finance Committee set up in 1969 is responsible for advising the Government on action to be taken to deal with drought problems as they occur.

House adjourned at 5.54 p.m.

Legislative Assembly

Thursday, the 12th October, 1972

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

COMPANIES ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

ACTS AMENDMENT (ROMAN CATHOLIC CHURCH LANDS) BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.03 a.m.]: I move—

That the Bill be now read a second time.

The Bill which is being introduced at the request of the Roman Catholic Church deals with matters relating to property of the church of all kinds within the Archdiocese of Perth, and the powers of His Grace the Archbishop in relation thereto.

The amendments which are sought relate to—

- (1) Change of name of the corporation sole from "Roman Catholic Bishop of Perth" to "Roman Catholic Archbishop of Perth";
- (2) simplification of the method of fixing the corporation seal;
- (3) provision to the effect that when there are any alterations between the Archdiocese or any other diocese, the Registrar of Titles or Registrar of Deeds can record the change of ownership on an application supported by a statutory declaration;
- (4) provide for appointment of Vicar Capitular to act after the death of an Archbishop; and
- (5) enlargement of the powers of the corporation relating to all kinds of property.

It is necessary to mention in regard to item 5 the powers can be exercised only in relation to property acquired by the church itself free of any trust.

As a matter of public policy the State could not give to the church unlimited rights of dealing with property given by the Crown on an express or implied trust for church purposes. Clause 14 (4) requires the prior approval of the Governor in respect of transactions affecting such lands. The Bill has been perused by the solicitors acting for the Archbishop and is satisfactory to them.

Members will be aware it has been the practice for Governments to introduce legislation of this type on behalf of the

church involved. It was my privilege to introduce a Bill to assist the Presbyterian Church in this manner.

I commend the Bill as being necessary for the more effective control by the church of its property.

Debate adjourned, on motion by Mr. Mensaros.

LEGISLATURE OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from the 5th October.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [11.06 a.m.]: The Government would be amazed if we on this side supported this Bill or even helped the Government get it through, knowing it needs a constitutional majority to do so. I must admit, having read the Minister's speech, I am more amazed than ever because if this is such a crucial Bill in the life of the Government and the A.L.P. one would think we would have been privileged to hear some sort of a learned discourse on it. In fact, the Attorney-General saw fit to give it a very perfunctory introduction, as much as to say, "Here it is—take it or leave it."

Mr. T. D. Evans: He gave an explanation for this approach being adopted.

Sir CHARLES COURT: Not according to the speech I read, unless the Attorney-General has his own version of *Hansard*. I will make sure we are talking about the same Bill. I am talking about the Legislature of Western Australia Bill—not the other Bill to which the Attorney-General is apparently alluding.

Mr. T. D. Evans: I am referring to the Bill to institute a unicameral system of Parliament in Western Australia. I gave an explanation for this approach being adopted.

Sir CHARLES COURT: That is not my understanding of the Attorney-General's speech. It was a very perfunctory utterance. It gave no background as to the situation which developed to make it so vital in the life of the Government or its party for this matter to be considered. One would have thought with legislation of this importance, which will affect the whole life and the system of government of the State, the Government would have seen fit to come forward with some explanation. It is a dangerous piece of legislation—not so much because of what is in it but because it reflects a state of mind on the part of the Government and those in the A.L.P. who support it.

Mr. Hartrey: To whom is it dangerous?

Sir CHARLES COURT: To the people of this State. I will give the reasons for saying that.

Mr. Jamieson: Dangerous to the Liberal Party.

Sir CHARLES COURT: It is dangerous to the people of this State.

Mr. Jamieson: It is dangerous to the Liberal Party. It does not believe in democracy.

The **SPEAKER**: Order!

Mr. Jamieson: It has never believed in democracy.

The **SPEAKER**: Order!

Sir CHARLES COURT: We will deal with that question later on. I want to point out some of the inconsistencies in the thinking of the A.L.P. and its supporters over a number of years. There are some very interesting statistics of which I hope the member for Mirrabooka and the member for Ascot, who have been very active in this issue, will take note and ask some questions of their elders within the A.L.P. as to why something was not done about the matter before, if in fact it is a crucial issue.

I come back to the point that the Bill reflects a state of mind as far as the Government and its supporters are concerned. It is more than just a piece of badly conceived and ill-timed legislation. It goes much deeper than that.

Mr. T. D. Evans: Justify both those assertions.

Sir CHARLES COURT: I intend to. I will take a little more time—although not a great deal of time—than the few minutes the Attorney-General used to deal with this legislation.

Mr. T. D. Evans: It will be interesting to hear you justify the assertions.

Sir CHARLES COURT: This legislation is a very unhealthy sign. It literally spells out a warning to the people of this State. Members of the A.L.P. and of the present Government would be horrified if they were identified with anything which was suggestive of a move to destroy completely democracy in this State of ours.

Mr. T. D. Evans: Would you say democracy has been destroyed in Queensland?

Sir CHARLES COURT: It nearly was. If the member for Boulder-Dundas—

Mr. T. D. Evans: Would you say that democracy has been destroyed in Queensland?

Sir CHARLES COURT: Just listen for a minute. The introduction of this Bill indicates the state of mind of the A.L.P. The end result of this legislation, if successful, would be the end of democracy in our State.

Mr. T. D. Evans: Do you assert that democracy does not exist in Queensland?

Mr. Jamieson: You are getting more nonsensical as you grow older. You are in your second childhood, the way you are going on.

Sir CHARLES COURT: Let us look at what would be the results of the implementation of this legislation. I am aware that the Minister for Works would love to have a single Chamber. He could then do anything he likes with legislation.

Mr. T. D. Evans: What about democracy in Queensland?

Sir CHARLES COURT: The Attorney-General is very ill-advised to talk about Queensland.

Mr. T. D. Evans: Queensland is dominated by the Liberal Party.

Sir CHARLES COURT: The Attorney-General may not be old enough to remember the years and years of Labor domination in Queensland. At that time Queensland was stagnating with gerrymandered boundaries. If some of the members of the Labor Party had not revolted, the situation would have got worse.

Mr. Jamieson: Are they stagnating now? The position is still the same.

Sir CHARLES COURT: It was up to some people to make the break and they did so.

Mr. Jamieson: Of course you will not answer that.

Sir CHARLES COURT: I do not intend to be harassed by the Minister for Works. It is time the Minister for Works paid attention to the debate. If he were sitting on our side, he would have been called to order long ago.

The SPEAKER: Order!

Mr. Jamieson: You are all let go a long way.

The SPEAKER: Order!

Sir CHARLES COURT: One can say that we have really touched these people on the raw. Certain people in the A.L.P. have a purpose in bringing this type of legislation forward. They will keep trying in the hope that one day they may get it through.

Mr. Hartrey: Of course they will.

Sir CHARLES COURT: Heaven forbid!

We will deal with the question of Queensland as the Attorney-General has mentioned that State. I remind him that had it not been for some people who revolted in Queensland, it would have gone further and further into the bog. It was regarded as the No. 1 stagnation State, but look at the change which has taken place now.

Mr. T. D. Evans: Still with one Chamber.

Sir CHARLES COURT: This was because someone was prepared to revolt against the system.

Mr. Jamieson: The Government in Queensland has not attempted to revert to a bicameral system.

Sir CHARLES COURT: If I were in their position, I would have been moving very promptly to reinstate the House of review.

Mr. T. D. Evans: They do not see eye to eye with you.

Mr. Jamieson: Has New Zealand stagnated?

Sir CHARLES COURT: If the Minister for Works wishes to talk about New Zealand, he should introduce a motion and we will discuss the measures which are holding New Zealand back in its economic development. Heaven forbid that we should equate ourselves with the New Zealand rate of growth or its type of industry. That is another nation and another person's business. I will not interfere with its business, and I hope we will not follow its example.

Mr. Jamieson: It is a wonder—that must be the only business you have not interfered with.

Sir CHARLES COURT: I will come back to the point I was making before the Attorney-General interrupted the sequence of my comments. I ask members to consider the situation in Western Australia at the moment if we did not have a House of review. Just imagine if we had an A.L.P. majority in this House and some of the people who direct the Government found that for the first time they had the power in their hands to direct legislation in a unicameral system.

Mr. T. D. Evans: You are making another unjust assertion about people directing the Government.

Sir CHARLES COURT: Just imagine our State without a House of review; without a chance for someone to have a second look at legislation. Even Government members, or at least the more moderate of them, would concede that during the regime of either the Liberal-Country Party Government or the Labor Government, the House of review has served this place very well.

Mr. Jamieson: It has always been Liberal.

Sir CHARLES COURT: The House of review has done its job with commendable restraint.

Mr. Jamieson: It has always been your way, that is why.

Sir CHARLES COURT: I know that when we were in Government the members of the Government would take heed of the Legislative Council. We had our troubles with them also.

Mr. Jamieson: Minimal.

Sir CHARLES COURT: We had more trouble with the Legislative Council than the members sitting opposite would know. It was to the credit of the Legislative Councillors that when we were in Government, they still acted as a vigilant House of review.

Mr. Hutchinson: That is perfectly true.

Sir CHARLES COURT: With each Bill the present Government members run up against the members in another place

once. We have to cope with them on two occasions. The first is in our party room—and we are all grown up enough to know what happens in the party room! Our Legislative Councillors attend the meetings and put forward their views, thank goodness. The next time the Councillors air their views it is in public—in Parliament.

If members look at the history of the Legislative Council, both before it had unrestricted franchise and today with its completely unrestricted franchise, they will find that it has served the system extremely well. I remind members on the other side of the Chamber who may not be aware of some of the history of the Legislative Council, that it was dominated by a Liberal-Country Party majority when it wrote the first major changes in the Workers' Compensation Act. The members in another place took a Bill introduced by the Labor Party here and made worthwhile legislation out of it. This legislation broke new ground in Australia and paved the way.

Mr. T. D. Evans: Which Bill are you referring to?

Sir CHARLES COURT: Workers' compensation.

Mr. Jamieson: That was a long while ago.

The SPEAKER: Order!

Mr. T. D. Evans: I ask the Leader of the Opposition to identify the Bill.

Mr. Jamieson: The Liberal Party was not in existence at that time.

Sir CHARLES COURT: I will inform the Minister for Works that the man who did a great deal of the work on this measure was the late Mr. Harry Hearn, M.L.C. The Liberal Party was very much in existence at the time, and I state this as an instance of the Legislative Council using its capacity to the full extent. Some people have to be reminded of this, because they assume that the Legislative Council is there simply to bedevil Governments.

Mr. T. D. Evans: Labor Governments.

Sir CHARLES COURT: It is the job of the Legislative Council to review legislation. Members on the other side are well aware of the number of times that the Legislative Council has picked up mistakes in legislation. Drafting errors have been picked up also. In this context I do not mean simply crossing an "i" or dotting a "t," but crucial errors have been brought to light.

The time lag involved has been a god-send, because no matter how carefully copies of Bills are distributed in an effort to inform interested people about proposed legislation, public interest is often not stirred until the debate takes place and finishes in this Chamber. Then all of a sudden public interest is aroused and people then have an opportunity to express

their views. Quite often amendments made in the Legislative Council are the result of genuine public reaction. This is a genuine concern by the people who have the right to object, protest, or ask for amendments and explanations.

Mr. Hartrey: You always get reactions from reactionaries, of course.

Sir CHARLES COURT: That is a trite inconsequential statement which has no relevance to the debate at all. I am talking about the right of the people to react; the right of the people to be represented; the right of the people to ask that they be represented, and the right of the people to state their cases. Because of this very desirable time lag, reaction can set in. The yeast is able to work. It is very desirable that the yeast is able to work in a democracy.

I therefore advocate retention of the bicameral system which we have, for this reason amongst many others.

Mr. Hartrey: Such as you have.

Sir CHARLES COURT: At least the legislation is reviewed. Otherwise it would be sudden death legislation. What justice would we have with a unicameral system?

Mr. T. D. Evans: All these things happened in Queensland under a Liberal-Country Party Government which has been in office for some 13 or 14 years.

Sir CHARLES COURT: I know it has, and it has done a remarkably fine job.

Mr. T. D. Evans: It has not moved to restore the bicameral system.

Sir CHARLES COURT: I would not be at all surprised to hear of a move to do just that.

Mr. Jamieson: Having talked to them I would be very surprised.

Sir CHARLES COURT: We believe in the bicameral system. It is no good Ministers opposite getting excited about this; we believe in the bicameral system. Members opposite also believe in it in their hearts but it happens to suit them to abandon it at the moment.

Mr. Jamieson: You would cease to believe in it tomorrow if Labor got a majority in the Legislative Council.

Sir CHARLES COURT: If Labor won a majority in the Legislative Council, and the members were elected under the present franchise, I would not object at all.

Mr. Jamieson: Oh, yes you would.

Sir CHARLES COURT: The Minister for Works is being quite unrealistic. I invite his attention to the last election when Labor had a chance to get control of the Legislative Council, but did not. Five seats were open to the Labor Party in the House. Labor could have won those seats and won control of the House.

Mr. Jamieson: With voting values of 14 to one, what are you talking about?

Sir CHARLES COURT: We believe in the bicameral system. It was a Liberal-Country Party Government which abandoned the old franchise and gave a universal franchise to the Legislative Council, much to the amazement of the Labor Party.

Mr. Jamieson: And much to your own amazement.

Sir CHARLES COURT: I was a party to it; I was an advocate for it.

Mr. Jamieson: Not in the party room; we heard a bit about that.

Sir CHARLES COURT: Well, the Minister should be careful about what he is saying because he did not hear that about me in respect of that particular matter.

Mr. Jamieson: We heard a bit about it.

The SPEAKER: Order!

Sir CHARLES COURT: The Minister for Works should not tell lies about me.

Mr. Jamieson: You tell enough lies about yourself.

Sir CHARLES COURT: This was a Cabinet decision and approved by the party in the proper way. It came to the Parliament and the body which got the biggest shock was the Labor Party.

However, let us come back to the last election when there was a so-called swing in favour of the Labor Party, which managed by a handful of votes to win a majority of one in this House. One could say that the tide was running with the Labor Party then, but look at the seats we finished up with. Consider the seat won by the Leader of the Opposition in the other House. If one looks at the voting results in the various Assembly electorates in his province one wonders how he won that seat. However, the same electors on the same roll on the same day, and casting their votes in the same ballot boxes, gave him a good majority.

Mr. Bertram: So what?

Sir CHARLES COURT: This proves that the franchise we have is democratic and sensible. It also proves that the Labor Party, if it is good enough and if it works hard enough and has good enough candidates, can win control of the Legislative Council. We do not deny that fact, and we do not deny the Labor Party the opportunity to do so.

Mr. Bertram: That is not the point at issue.

Sir CHARLES COURT: Members opposite are always talking about electoral reform, and it is amazing to hear the phrases which pour from some members about so-called gerrymandering; but in point of fact Labor could have won control of the Upper House had it been good enough.

Let us take another seat—the North Province. On the same day the same people voted in a Labor candidate and a Liberal candidate. One cannot criticise a franchise like that or boundaries such as those.

Mr. Jamieson: Oh!

Sir CHARLES COURT: How can members opposite criticise that? One candidate was a brand-new Liberal who had never before contested a seat, and he won handsomely.

Mr. Jamieson: I wouldn't say he won handsomely.

Sir CHARLES COURT: The other was a Labor man who had not been a candidate previously, and he was voted in on the same day in the same province by the same people. Surely that proves my point.

Mr. Jamieson: How? The campaign which took place offsets your point.

Sir CHARLES COURT: If the Labor Party was good enough it could win control of that House. The Minister for Works now implies that there was impropriety.

Mr. Jamieson: I am implying that there was more to it than you indicated. Look at the position of the candidates on the ballot paper.

Sir CHARLES COURT: Oh!

Mr. Jamieson: Look at the positions and see how they compare with the big vote by the D.L.P. in one case compared with the other.

Sir CHARLES COURT: If our by-election candidate had had another three weeks in which to campaign he might have won the seat.

Mr. Jamieson: Nonsense.

Sir CHARLES COURT: The Minister says it is nonsense, but I am merely making an observation as he did. I am not saying anything factual; I am just putting a hypothetical case. Some people would say that if our man had three weeks longer in which to campaign during the by-election he would have won the seat. He was also a brand-new candidate. However, the fact is that the same people on the same day elected a Liberal and a Labor candidate.

Mr. T. D. Evans: But not on the basis of one-man, one-vote, one-value.

Sir CHARLES COURT: We will come to that later. I will ask for the Labor people, who objected at the time when the loading in the Legislative Council provinces was in favour of the Labor Party, to be identified.

Mr. T. D. Evans: When?

Mr. Jamieson: We supported your Bill to amend it, which did away with our seats.

Sir CHARLES COURT: I am talking about a previous occasion. I wish to come back to the Bill. One must look at the bicameral system and the measure before us on the basis of the parties and their backgrounds. The party which is most prominent in the campaign to abolish the Upper House is, of course, the A.L.P. We must consider the matter in terms of the background of the party and we must consider the pledge taken by Labor members, and the direction to which their parliamentary party is subjected—and the leaders of the party at the executive level make no bones about that.

Mr. T. D. Evans: There is no direction at all.

Sir CHARLES COURT: Apparently the Minister for Education did not listen to Mr. Chamberlain when he was interviewed on television at the time the Pacminex agreement was before us and the State Executive of the A.L.P. gave the Government a direction. When Mr. Chamberlain was confronted with the question of direction from outside he said, "When the people elected a Labor Government they knew the rules." The leaders of the Labor Party do not mess about.

Mr. Jamieson: That is more than they know when they elect a Liberal Government because then they do not know what are the rules. It is Rafferty's rules.

Sir CHARLES COURT: Mr. Chamberlain made that point very clear. That is one thing I admire about that gentleman: he says, "I am a socialist and as far as I am concerned we want some socialism."

We have the question of the Parliamentary Labor Party members' pledge, and the question of the direction of the Government by an outside body. We know that some people behind the Labor movement have a ruthless approach to life, generally, and to politics in particular. Of course, we also have the basic socialist philosophy. It does not matter how much members opposite try to play it down and call it "democratic socialism" or any other form of democracy, in the final analysis when the power boys take over there must be a socialist junta, because socialism cannot survive in a democracy. This is what we are confronted with.

It is not simply a question of a bicameral or a unicameral system. It is a question of the background of the people concerned. It is a question of the philosophy of the Liberal Party, the Country Party, the Australian Labor Party, and the Democratic Labor Party, which are the leading parties now; but who knows what will emerge tomorrow? Therefore, we must consider this matter with a full regard for what could be the influence on this Parliament with different people in power. For that reason, quite apart from anything else, I

believe the bicameral system has everything in its favour and should be continued.

One cannot consider this question on personalities. We could pick a person from any Government about whom people would say, "He is a fairly moderate, common-sense fellow"; and of another person they would say, "He is not so moderate" and so on. That applies to any Government. Normally one would like to feel that issues can be decided on that basis, but the issue before us cannot be decided on that basis because it is far too critical, too permanent, and too basic so far as the community is concerned.

Mr. T. D. Evans: What about capital punishment?

Sir CHARLES COURT: So we must consider this matter with a full regard for the philosophies of the various parties which are at present operating in the State and the parties which could come into being in the future.

I know some will say that it cannot happen here. My answer is, "Not much!" It might not occur as a result of members opposite encouraging it, but there are plenty of others who would. I notice that those people with power who are behind the Federal body of the Labor Party would not stop at anything if they had a chance. Once they got control of the electorate there is nothing they would not do.

Mr. Jamieson: Ghouls—a lot of ghouls.

Sir CHARLES COURT: Members opposite are not immune from those people; on the contrary, if Labor were in power in the Federal sphere members opposite would have to do as they were told and they know what would happen if they stepped out of line.

A letter appeared in *The West Australian* yesterday written by a Mr. Bruce Daglish who made some observations about the Legislative Council. It is amazing how people like to dive off and make attacks and criticise without being sure of what they are saying.

However, we have a good many of these people who are now screaming their heads off that the Legislative Council should be abolished and complaining of gerrymandering. But if anyone cares to look back at what happened in the past at one stage the position was quite different, and I have some figures here to prove it. At one time in the Legislative Council 13 members were supporting the Labor cause. Twelve of their seats were situated in four provinces with a total enrolment of 85,000. That is 7,000 electors for each province. There was no complaint then.

Mr. T. D. Evans: Work out the balance of the other provinces.

Sir CHARLES COURT: However, 17 Liberal and Country Party members had enrolments of 240,000.

Mr. Jamieson: Of course they did and we agreed to the change that you put up.

Sir CHARLES COURT: I am just making the point that there was no protest then about gerrymandering. For a long time, when a Labor Government was in office, it survived because of the north-west seats which had only a handful of votes. So the comments that have been made on this question are quite unbelievable, and people seem to overlook the fact that this difference between areas has always existed in this State, particularly during its development years; this difference that existed between the mining areas, the rural areas, and the metropolitan area.

Therefore we have to have proper regard for the transitions that have taken place. The Labor Government was in office for years and years in this State because we had this disproportionate weighting of electorates in northern rural and mining areas, compared with the areas in the metropolitan area. However, now that the Labor Party considers the position has changed a little—I do not admit it has—it wants to scrap the existing formula; it wants to tear it up and start on a new basis.

Mr. T. D. Evans: What about when we changed the situation in the Legislative Council whereby we lost three of our seats?

Sir CHARLES COURT: If that comment made by the Attorney-General was meant to be serious he is more naive than I thought he was, because the people who got the biggest shock at the following election as a result of that change were the members of the Labor Party themselves.

Mr. Jamieson: We knew we would lose them at the time, and the late George Cornell knew it very well.

Sir CHARLES COURT: The members on the other side of the House were doing their sums and they said to themselves, "They have made a political blunder and we will now get control of the Legislative Council," and, as a matter of fact, the results of the last election demonstrated that the Labor Party could get control of the Legislative Council if it were good enough. I would mention the seat of The Hon. A. F. Griffith, M.L.C., where, if any member cares to look at the Assembly ballot boxes and the results that were recorded from them, he would say that Mr. Griffith did not have any chance of winning, but he did. Also, let any member look at the seat of The Hon. Clive Griffiths, M.L.C. It was predicted that he did not have much chance of winning the seat, but he still won, with the same ballot boxes and the same electors.

Those results demonstrate that the present system is fair for everyone, and if a candidate is good enough he can win the seat; Labor could win enough seats in both Houses for that matter. This may happen some day, and I hope when it does the people in another place will act responsibly. I know the last thing they would do would be to pass a Bill for the abolition of the Legislative Council.

Mr. Jamieson: Do you want to bet?

Sir CHARLES COURT: That is the last thing they will do. The day they take that vote a mysterious malady will affect the Labor members in another place; they will not be able to get out of their beds on that day. The vote will be taken, but the Labor members will still be members of a Legislative Council. Every vote that has been rigged to get rid of a Legislative Council has finished up with that Legislative Council still in existence. The Minister for Works would know more about that particular aspect so far as it relates to New South Wales, than I would, because he knows the manoeuvres that went on in that State, but it still has a Legislative Council.

I return again to the electorates outside the metropolitan area, because this is the most crucial point. Where is the wealth of this country generated? It is true that 60 per cent. of the people want to flock to the city and the way the world is developing it could be that 65 per cent. or 70 per cent. of the people will want to flock to the city.

Mr. A. R. Tonkin: Do you admit that you are here to represent wealth rather than the people?

Sir CHARLES COURT: I am talking about wealth in the true sense. I am talking about the people who earn money to keep the member for Mirrabooka in a job. I am not talking about individual wealthy people.

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

Sir CHARLES COURT: I am talking about the people who earn the wealth of this country so that we can have better education, better social services, and better everything. They are the ones who earn wealth for the nation, and not individual wealthy people. Where is the wealth? It is not in St. George's Terrace, in Kwinana, and similar places. I admit that there is employment and economic activity in those places, but the basic materials that will make Western Australia a great country are produced outside the metropolitan area. I am talking of such industries as the wool, wheat, timber, mining, and fishing industries.

I just give up if anyone is prepared to stand here and say that he does not want to give some consideration and some credence to these people who bear the hardship of producing these things to

generate the wealth of this nation and who are prepared to do without the advantages of city life.

Mr. T. D. Evans: Would you give weighting to country delegates?

Sir CHARLES COURT: We are in a very fortunate position that the majority of our Liberal Party delegates are from the country.

Mr. T. D. Evans: Do you give extra weighting to the country?

Sir CHARLES COURT: We do not need to; they are with us all the way, and I do not think that applies to the Minister's party. So it does not become the issue the Attorney-General thinks it would. However, in our deliberations we always have regard for the rural sector. That is why we have received so much support from the rural sector; in every deliberation we make the people in the rural sector are given full credit and full opportunity, and thank goodness they appreciate this and do their best to participate in these matters. Whether we consider it in terms of minerals, wheat, wool, meat, timber, fruit growing, vegetable growing, or fishing, it matters not. These are the things which, collectively, produce great wealth and stability in our country. They are produced and earned in the country, and if the people responsible are not entitled to the full weight of proper representation it is time somebody on the other side of the House stood up and said so.

Mr. A. R. Tonkin: They are entitled to full representation.

Sir CHARLES COURT: I am conscious of a comment made in the Commonwealth Parliament by Mr. Tom Uren, who is the shadow Labor Minister for Lands, or Housing, or something of that kind, and I invited the members of the Government to read it. He is the man who is going to wipe out land developers and promises we will get cheap land. He made a very interesting speech on the fact that the Labor Party was an urban party. He said that as it represented most of the people it was an urban party, because most of the people lived in the cities and urban areas.

I kept a cutting from the *Hansard* that reported his comments at the time, because to my mind it reflected the same state of mind that is behind the legislation before us today. He claimed that because the Labor Party represented more people than other parties and most of the people live in the urban areas, it meant the Labor Party was an urban party. This is something we have to expose. Where is this great decentralisation the Labor Party speaks about? All of a sudden it commences talking about decentralisation as though the members of the Labor Party were the people who invented it. Now the Labor Party wants to pass a Bill to eliminate the Legislative Council.

Mr. A. R. Tonkin: We do not believe that country people have less weight, but full weight.

Sir CHARLES COURT: Provided they do what members of the Labor Party tell them, the honourable member does not mind if they are allowed to vote at elections. Members on the other side of the House cannot deny that the Bill has been brought down to give a tremendous weighting in favour of the metropolitan area, and regardless of the fact that it is in the rural areas where all the wealth of the nation is earned.

Mr. A. R. Tonkin: You keep talking about wealth, but we are talking about people.

Sir CHARLES COURT: Those who produce this wealth are people, and they make it possible for this country to go ahead as it is now. The Labor Party is just not prepared to make this concession, or to acknowledge it. It is prepared to give the people in the country only one miserable vote so that they will be outvoted by between two to one and three to one. If any member cares to read Mr. Uren's comment he will be able to appreciate the true significance of the Labor Party, and the seats the members on the other side of the House want to invent will, after Mr. Uren's comments have been read, come into their proper perspective.

One could go on and trace the history of Legislative Councils and Houses of review. One would be foolish to deny that in days gone by some of these have been loaded by the Administrations of the day. I am talking about other countries and other States. In many cases there has been an evolutionary period; but in Western Australia I believe we have been well served by the Legislative Council. It has moved in accordance with the evolution of our development as a State.

I believe the breakthrough occurred when the Liberal-Country Party Government changed the franchise of the Legislative Council. This was an important step.

Mr. Bertram: Thanks to Mrs. Hutchison.

Sir CHARLES COURT: Good heavens, that was done by the Liberal-Country Party Government! The measure was introduced in this Chamber, much to the amazement of the Labor Party. Members opposite do not seem to get the message that their party can win a majority in the Legislative Council if it is good enough.

Mr. Jamieson: Obviously you did not get the message, and you will not for some years.

Sir CHARLES COURT: I throw this point back to members opposite: why did the candidates of the Labor Party not win the seats held by Mr. A. F. Griffith, Mr. Clive Griffiths, and Mr. Withers?

Mr. Bertram: We did not get sufficient votes.

Sir CHARLES COURT: That was the reason, but those seats are winnable. These are three provinces each of which has a Labor member and a Liberal member as its representatives. That reinforces my argument. Let us look at the other seats in which a handful of votes decided their fate. Similarly these seats are winnable by the Labor Party. I take strong exception to the claim that these seats are gerrymandered.

Mr. Jamieson: Don't say they are not, when they have a voting value of 14 to one, or do you believe in such disproportionate representation in all spheres?

Sir CHARLES COURT: I believe that in this State we have evolved with a great degree of common sense. That has saved the State from getting into the wrong hands.

Mr. Jamieson: That is laughable.

Sir CHARLES COURT: I say this advisedly. There is no good purpose served by members opposite guffawing. We have evolved from a very small community with very remote areas in a fairly sensible way, and we have not done badly in the process. In the course of evolution there have been some modifications of the electoral laws. The old electoral laws, for example, in the northern parts could be claimed to have been "gerrymandered" to a degree infinitely greater than anything in the south.

Mr. A. R. Tonkin: Do you say that is right?

Sir CHARLES COURT: In those days this made it possible for Labor Governments to govern, and no-one raised any screams. No-one in the Labor Party objected to the three safe seats which it held in the north with a handful of votes.

Mr. A. R. Tonkin: Where did the Labor Party get those seats from?

Sir CHARLES COURT: The old law drew a line across the 26th parallel, and created the three north seats.

Mr. Jamieson: Your coalition parties controlled this Parliament, and we could not change the electoral laws even in those days.

Sir CHARLES COURT: I invite the attention of members opposite to the fact that when Labor was in Government it did not introduce a Bill to change the position in the north.

Mr. A. R. Tonkin: That system was formulated by the Conservatives.

Sir CHARLES COURT: I am trying to get across a reasoned case, and members opposite have plenty of time to come back at me. I tell members opposite that at no stage did a Labor Government introduce a Bill to get rid of the three safe seats

which it held in the north, and in which there were a handful of voters—mainly the port workers.

Mr. A. R. Tonkin: It would have meant getting rid of the other seats, and any such measure would have been blocked by the Legislative Council.

Sir CHARLES COURT: If the Labor Party felt so sincere and had such a burning desire to implement the one-man one-vote principle then it should have done something about the matter.

Mr. A. R. Tonkin: You do not expect me to be responsible for the Labor politicians of the past. I was not in Parliament then.

Sir CHARLES COURT: I hope that the *Hansard* reporters are recording my remarks, rather than the rot which the honourable member is uttering. If we engage in a form of duet it might not be possible to correct the *Hansard* transcript.

Mr. T. D. Evans: When the Labor Party held 13 seats in the Legislative Council, Mrs. Hutchison on more than one occasion introduced a measure to abolish that House.

Sir CHARLES COURT: What a pious move that was! Just imagine Mrs. Hutchison, who held a safe seat, doing that in a House which comprised 17 Liberal-Country Party members and 13 Labor members! In doing that the Labor Party was trying to look big and brave, just like Don Quixote tilting at the windmill!

Mr. T. D. Evans: Nothing ventured nothing gained.

Sir CHARLES COURT: It was a Liberal-Country Party Government which introduced the Bill to alter the franchise, when there was no pressure on it to do so. We could have sat back on the old franchise, but we did not. Instead, we introduced a Bill which made it possible for the Labor Party to get control of the Legislative Council, if it was good enough. What could be fairer than that?

I realise that the member for Mirrabooka has a bit of "a thing" about this question, and some other people have obsessions about it. I hope at some time he will sit down quietly and look at the total picture of Western Australia. If he does he will realise that this little comfortable area which we call the metropolitan region exists only because a few people, by comparison, are working and developing the country districts and the remote areas of the State—in some cases in discomfort, even if in some cases it is because the people concerned like to live out there. These people are doing the things that are basic to the development of our wealth. If the member for Mirrabooka does that then I am sure he will give full credit to those people, and will be prepared to give them proper representation proportionate to their needs.

I make the point that what I am saying applies not only to the farming areas. Members opposite seem to have the idea that the farming areas are the only ones which we are claiming generate the wealth of the State. There are others, such as the mining areas, which also generate this wealth.

Mr. A. R. Tonkin: We realise that.

Sir CHARLES COURT: I am reminding the honourable member of it. These people have enough trouble in getting the message across to the Government. If the honourable member wants to deprive them of adequate and proper representation then he should stand up and say so in those terms.

Mr Speaker, probably you have a rough idea that members on this side of the House feel strongly about this Bill. They believe it is ill-conceived and ill-timed. The Government seems to think this is a clever move it is making, by trying to embarrass the Legislative Council for its rejection and amendment of some Bills. I do not know who is advising the Government, because at present in the minds of the public the stocks of the Legislative Council have never been better.

Mr. Jamieson: We will see about that.

Mr. T. D. Evans: Who said that?

Sir CHARLES COURT: Probably for the first time the people are starting to identify just what is the role of this place. Let us face the facts. If the Legislative Council had not taken steps in the Pacminex agreement to write in certain words, then the people who are very concerned with this agreement would not have got the protection which they did. That is one of the many steps which have been taken by the Legislative Council.

We had another case in recent times in the Perth regional railway proposals. I believe the Legislative Council has adopted a responsible attitude. It has a real role to play as a House of review. I shudder to think of this State without it. I oppose the Bill.

MR. W. A. MANNING (Narrogin) [11.47 a.m.]: I hesitated to rise, because I felt sure the member for Mirrabooka would have been on his feet. I think he took up a great amount of time when the Leader of the Opposition was speaking by making interjections; therefore it will be interesting to hear him making a speech on this measure.

Mr. A. R. Tonkin: Would you like me to do that?

Mr. W. A. MANNING: I think it is the duty of the honourable member to make a speech. In view of the time which he took up in interjecting he might as well have made a speech.

Mr. Brady: Are you speaking for the country farmers or the St. George's Ter-race farmers?

Mr. W. A. MANNING: I consider that the introduction of this Bill is an insult not only to this House, but to the people of Western Australia. To the country people it represents a complete sell-out, to think that this Government has the audacity to introduce a Bill which seeks to deprive the country people of the meagre representation they have at the present time.

This Government has no regard whatever for the people who live in the country areas, and it seeks to make their representation less and less as times goes on.

Mr. Jamieson: Then the Commonwealth system is wrong?

Mr. W. A. MANNING: I am talking about this Bill.

Mr. Jamieson: Do you say the Commonwealth system is wrong?

Mr. W. A. MANNING: This Bill—

Mr. T. D. Evans: Silence!

Mr. W. A. MANNING: —seeks to make the numbers in the electorates the same throughout the State.

Mr. A. R. Tonkin: We want to give country people full representation.

Mr. W. A. MANNING: Yes?

Mr. A. R. Tonkin: Full representation.

Mr. W. A. MANNING: The Government wants to deprive the country people of all representation.

Mr. A. R. Tonkin: We want to give them full representation.

Mr. W. A. MANNING: It is most unfortunate that the present Government and its supporters hold so many metropolitan seats; they know nothing of country life, country representation, or the needs of country people.

Mr. Jamieson: That is utter nonsense.

Mr. Bateman: You are so wrong you know.

Mr. W. A. MANNING: The Government has a couple of strays, that is all.

Several members interjected.

The SPEAKER: Order!

Sir Charles Court: Now we are finding out what sponsored this Bill.

Several members interjected.

The SPEAKER: Order! Members will keep order!

Mr. W. A. MANNING: I am not basing my judgment on the members themselves, but on the legislation this Government introduces. It is obvious the Government has absolutely no regard for the people outside the metropolitan area. The Government wants little pocket handkerchief

electorates in the metropolitan area where the members have practically no responsibility. They often do not have even one local authority in their electorates whereas country members have five to eight local authorities and even more. Let some of the metropolitan area members take over some of the local authorities we represent and see how they cope with the large number of schools, hospitals, and so on for which we are responsible.

Mr. Jamieson: A few of those coming to the metropolitan area have got a big surprise, too.

Mr. W. A. MANNING: Metropolitan members have none of these responsibilities and do not realise the needs of country people. This is obvious because if they did, this Bill would not have been introduced.

Nevertheless we can understand why the Bill was introduced. It was because the members on the Government side like to have power and control. They want a one-party system despite the fact that they know the situation in some of those countries which have such a system. It is impossible for a member of any other party—

Mr. A. R. Tonkin: What do you mean by saying we want a one-party system?

Mr. W. A. MANNING: It is quite obvious.

Mr. A. R. Tonkin: Where is the evidence?

The SPEAKER: Order!

Sir Charles Court: That would be the outcome under this Bill if it ever got through.

Mr. A. R. Tonkin: That is a scandalous statement. It has never been suggested.

Mr. W. A. MANNING: There is no doubt that members on the Government side desire to get power and control. The legislation the Government has introduced has proved this. It seeks to control everything and everyone.

Mr. T. D. Evans: The Government has more members representing the country than the Country Party has in its entire representation in the Legislative Assembly. Put that in your pipe and smoke it.

Mr. W. A. MANNING: If this Bill was so important, the Minister when introducing it, and some Government supporters since, would have made decent speeches about it.

Mr. Jamieson: If the Minister had said anything else you would still say the same thing. Be honest.

Mr. W. A. MANNING: The Minister would have told us of the advantages of the change and how the people of the country and the State would benefit.

Mr. A. R. Tonkin: Ask Mr. Bjelke-Petersen.

Mr. W. A. MANNING: We are dealing with Western Australia.

Mr. T. D. Evans: Yes! That makes a big difference!

Mr. W. A. MANNING: The Minister's speech does not fill even one column in *Hansard*. Although he was dealing with a major matter he told us absolutely nothing. Why? It was because he had nothing to say. He did not have any argument to substantiate the introduction of the Bill, so how could he make a speech? The speech did not contain one suggested benefit to electors.

Two issues are involved in the legislation: one is the one-vote system—the Government wishes to deprive the country people of so many votes—and the other is the one-House system. What sort of chaos would result if we had one House operating like this one does at the moment, with legislation being carried by the casting vote of the Speaker? With all due respect to the Speaker, we would be in a hopeless situation without a House of review. We might get members even worse than those in the present Government, if that were possible.

Mr. A. R. Tonkin: You have permanent control of the Council and you want permanent control of everything.

Mr. W. A. MANNING: Adult franchise exists for the Legislative Council. If the electors want to change that system it is up to them to do so.

Mr. T. D. Evans: With weighted votes? The electors have not a fighting chance.

Mr. W. A. MANNING: If the people wanted the system changed they would change it. I am sure they will change the situation at the next election for the Assembly.

Mr. Jamieson: They will in the Federal sphere soon, too.

Mr. W. A. MANNING: I have no intention of dealing any further with the matter because I have already said more than the Minister did. I reiterate that he produced no argument whatever in favour of the introduction of this Bill and he gave no indication of its advantages. Consequently, how can we pursue the matter any further when he did not give any reasons to support the introduction of the measure, which I oppose?

Debate adjourned, on motion by Mr. A. R. Tonkin.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th October.

MR. O'CONNOR (Mt. Lawley) [11.56 a.m.]: This Bill is a fairly simple one and, unlike some other matters with which we

have dealt in the last few days, it has the approval of those on this side of the House.

Mr. T. D. Evans: May I point out to the honourable member that the Minister is absent, but he has been called. I will take notes in the meantime.

Mr. O'CONNOR: Section 21 contains the power to impose licenses for air and road transport. Under the Bill the maximum fee will be limited to \$50 or 5c a ton. Also the Commissioner of Transport will be given discretionary powers to vary the fee for shipping transport along lines similar to those applying to air and road transport.

We have no objection to the flexibility provided in this way, but we do want an assurance from the Minister that, as far as possible, the north-west will be protected. In the past it has been necessary on occasions—particularly at busy times when the State Shipping Service has had difficulty in coping—to permit loads to go to the north-west. As members are aware, the difficulties arise at certain times of the year, particularly when large quantities of goods are required for Port Hedland and various other mineral areas. We hope this permission to take loads to the north-west will continue to be granted.

One ship was permitted to cart bulk cement to the north-west. Previously the cement was carted in bags, but a number of difficulties arose because of the bags bursting. The cost for cement in the north-west is three times as high as the cost for the same commodity in the metropolitan area. We trust the Government will continue in certain cases to allow these operations. The bulk cement ship did enable a lower rate to be charged, thus benefiting the people in the area.

The Bill does permit exemptions in certain directions and as long as this provision is complied with we have no objection to the measure.

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [11.59 a.m.]: On behalf of the Minister for Mines who, in this Chamber, represents the Minister for Transport, I thank the member for Mt. Lawley for his comments on the Bill and his obvious understanding of the rationale behind it. I undertake to draw the attention of the Minister, whom I expected to be back in the Chamber, to the comments of the member for Mt. Lawley. However, the Committee stage of the Bill will be postponed until the Minister for Mines is present when he will answer the queries. I commend the Bill to the House.

Mr. O'Connor: As the Minister for Transport is in another place, I have no objection to the Committee stage of the Bill being proceeded with now.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

In Committee

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

Clauses 1 to 57 put and passed.

Clause 58: Section 57 repealed and re-enacted—

Sir CHARLES COURT: I take this opportunity to use clause 58 as the vehicle to make a comment, and also to make an explanation. There were two courses open to those of us who were very strongly opposed to the Bill. One was to contest every clause and keep the Government here for a long time. The second course was to make it clear that the fact we are not contesting every clause does not in any way reduce our opposition to the Bill.

For my part my views have been made very well known, as have the views of the many others in this Chamber who have spoken for and against the Bill. I do not want the whole of the Committee stage of the Bill to pass without making a comment, and I want to record that because we have not contested every clause does not lessen our opposition to the Bill and what it seeks to do.

Of course, if one wanted to be obstreperous one could find reason to hold up the business of the Chamber. However, the Government's notice paper is in a big enough mess as it is and we do not wish to add to the embarrassment of the Government—which must be considerable when one looks at the notice paper.

I wish to record that as far as I and others who think as I do are concerned, we are just as strongly opposed to the Bill. It is not to be considered that because we have not contested each clause we have reduced our opposition to the measure.

Mr. McPHARLIN: I rise to endorse the remarks of the Leader of the Opposition. We members of the Country Party also wish to indicate that because we offer no opposition to the clauses, or discussion on the clauses, does not in any way indicate we support the Bill. We have indicated that we are not in support of it and I would like that opposition recorded at this stage. We are still strongly opposed to the legislation and the fact that we have not debated the clauses should not be taken to indicate that we have relaxed our opposition to the measure.

Mr. T. D. EVANS: I feel that some reply on my behalf is appropriate. I would indicate to the Leader of the Opposition and the Deputy Leader of the Country Party that I accept that the attitude which became obvious with the

acceptance by the Committee—perhaps by default—of the various clauses was not as a result of a change of heart by those who only last week strongly opposed the Bill.

As I indicated on the last occasion when speaking to this measure, with one exception I admired the sincerity of those members of the Opposition who had spoken and expressed their views. However, I was disappointed with the response of those who opposed the Bill.

It is with some significance I note that not all members of the Opposition spoke against the Bill—one member spoke in favour of it—and when the second reading stage was decided it was carried on the voices.

Sir CHARLES COURT: The unfortunate comments of the Attorney-General have made it all the more important that we should register the true facts of the case.

The reason I made my comment about the Committee stage was that on a previous occasion when we were trying to be co-operative we were chided by certain members of the Government about not contesting particular issues or particular points. I think we subsequently made the point and impressed on the Government that when we want to hold up the business of this place we can do so for a considerable length of time. However, that is not our intention; our intention is to play the proper role of the Opposition.

I want to make it clear that I do not want members of the Government saying at a later date that we did not contest the Committee stage of the Bill, because if that happens the Government will really be asking for the Opposition to go into action. If the Opposition does decide to go into action—especially as the Government has a majority of only one, and I am not threatening—we could hold up the business of the House for a considerable time. I do not want the co-operation of the Opposition to be interpreted as weakness because if the Government wants us to demonstrate our opposition, clause by clause, we would be only too pleased to accept the challenge.

I will conclude by referring to the remarks of the Minister about no division at the second reading stage. If the Minister wants a division we can soon arrange that.

Mr. T. D. Evans: It is too late on this Bill.

Sir CHARLES COURT: There will be plenty of other opportunities.

Clause put and passed.

Clause 59 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ENVIRONMENTAL PROTECTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

MR. RUSHTON (Dale) [12.09 p.m.]: Whilst this amending Bill is not of great importance when related to the parent Act, it would be of interest if the Minister would indicate at a relatively early stage whether he will accept the amendment which appears on the notice paper. The amendment is proposed for a practical and rational reason.

Doubtless we will hear from the Minister in due course as to whether he is prepared to accept the amendment. The Bill before the House gives me the opportunity to express a few comments in relation to environmental protection and what the position has been so far in connection with this legislation.

I am a person who takes a keen interest in environmental protection and I have served on the environmental protection committee of my own party. I have also taken a keen interest in this matter in the electorate which I am proud to serve. Of course the question of the environment is important in all areas, but it is certainly most important in the Armadale-Kelmscott and Rockingham areas because of the major developments that have taken place. It is of paramount importance that the environmental question should be examined and studied fully with reasonable solutions being found.

This debate gives me the opportunity to cast my mind back and consider the operation of the environmental protection legislation. Most of us have, I feel, been saddened by the inconsistencies of the Government in its approach to this question. The Pacminex issue, which is of great interest to all, was examined basically because of the direction given by the Legislative Council. Of course, the Government had to make the decision but, through the action in another place, it was necessary to have a report prepared before the Government made its decision on the information contained therein. This means that the legislation was not applied by the Government of its own volition, but the Legislative Council gave the Government a direction to do this, because that Chamber had included the provision in the legislation.

To my regret I found it necessary to raise three major issues with the authority, because it appeared that nothing was being done. In fact it had been stated in this House that the Government did not intend to do anything about these issues. This certainly caused grave doubts as to the Government's intentions in connection with the legislation.

If we cast our minds back, we will realise that the Government lost virtually 12 months by not utilising the legislation passed by the previous Government. I still believe that legislation was the practical way of tackling this subject. It is performance that counts. It does not matter what is enacted but how the provisions are used. It is the action which emanates from legislation which is important.

I intend to prove that the legislation which the Brand Government had at its fingertips would have been far more effective, if utilised by the present Government, than the legislation which is now under discussion. This comes back to the present Government's reaction to certain issues, as they apply to environmental protection.

The SPEAKER: The Bill deals with only one particular subject; namely, the appointment of a person.

Sir Charles Court: It is to amend the Act. It deals with the whole Act.

Mr RUSHTON: It deals with the whole Act.

The SPEAKER: It deals with an amendment to section 21.

Sir Charles Court: It deals with the operations of the authority.

Mr RUSHTON: I seek your guidance, Mr. Speaker. I believe the Bill deals with the authority, as a whole, and my comments will not be long.

Mr. Davies: It is dealing with the council and not the authority. It has nothing to do with the authority.

Mr. RUSHTON: The council has nothing to do with the authority?

Mr. Davies: The Bill has nothing to do with the authority, but deals with the council. It deals with a deputy member of the council.

Sir Charles Court: The Bill deals with the whole Act.

The SPEAKER: Order!

Mr. Davies: The Leader of the Opposition is just prompting him.

The SPEAKER: Order! The member for Dale.

Mr. RUSHTON: Thank you for your help, Mr. Speaker. The point I am making is that, because of the tremendous number of announcements and the propaganda which the Government expected the public to swallow, we expected and hoped that very effective provisions would be included in the environmental protection legislation brought down by the present Government. In saying this, I am expressing the hopes of all the people who believe in the merits of environmental protection. As I have already said, I believe the strength of legislation lies in the way it is handled; it is the way in which effect is given to the legislation.

I have also mentioned that, regrettably, it was necessary for me to raise three issues with the Environmental Protection Authority, because I believe the Government was not acting within the intention of the legislation. On further reflection I realise that the Government has "let-outs" right throughout the legislation. I discovered this when considering the major development of the provision of a 330kV power line.

Speaker's Ruling

The SPEAKER: Order! I will definitely rule that the Bill deals only with an amendment to section 21 of the Act and relates to the appointment of a deputy of a council member. The Bill deals only with an amendment to that section. The member for Dale.

Mr. RUSHTON: Mr. Speaker, you have ruled that we are limited in our remarks to section 21?

The SPEAKER: Clause 2 deals with the amendment to section 21.

Mr. RUSHTON: This is related to the council and, therefore, I am permitted to speak about the Environmental Protection Council?

Sir Charles Court: And its functions.

The SPEAKER: The member for Dale.

Mr. RUSHTON: As I understand it, this gives me the opportunity to speak about all the activities of the council to which the appointment relates.

I might add that the three issues I raised should be considered by the Environmental Protection Council. I hoped that the council would deliberate and make recommendations to the director and to the authority which is related to the Environmental Protection Council.

I raised the question of the power line because it was obvious to members on this side of the House that the Government had not taken any notice of the recommendations which came forward from the Environmental Protection Council. Under the legislation, we would have expected the council to review the matter and make recommendations to the authority—and, of course, to the Government—that certain actions should be taken. A report was brought forward by the chairman of the council who, I understand, is the director. It was not a full report as we had expected and hoped for, but it was presented nevertheless. It contained certain recommendations, but the Government has neglected to take any notice of them.

The SPEAKER: Order! I point out that on page 58 of the Standing Orders of the Legislative Assembly, under the chapter which deals with Interpretations, the "Subject Matter of a Bill" is defined as meaning the provisions of the Bill as printed, read a second time, and referred

to the Committee. If the honourable member refers to Standing Order 130, he will see that it says, in part—

No member shall digress from the subject matter of any Question under discussion: Provided that on the motion for the second reading of an Appropriation, Loan or Supply Bill . . .

So the Standing Order goes on. The important words are, "No Member shall digress from the subject matter of any Question under discussion." The question under discussion is the deputy of a council member when the latter has ceased to hold office before the expiration of the period of his appointment. The Bill aims to make provision for that deputy to attend any meetings of the council in the interim period.

Mr. RUSHTON: I should like to read out clause 2 which states—

2. Section 21 of the principal Act is amended by adding after subsection (2) the following subsection—

(3) If at any time a Council member ceases to hold office before the expiration of the period of his appointment, the person who was at that time the deputy of that member is, until the office of member is filled by the appointment of another member, entitled to attend any meeting of the Council and, when so attending, has all the powers, functions and duties of Council member.

This deals with the Environmental Protection Council.

The SPEAKER: The appointment of a deputy.

Mr. RUSHTON: It does not have any effect on what the council does?

The SPEAKER: This is the appointment of a person.

Mr. RUSHTON: Does he have any responsibilities relating to the activities of the council?

Sir Charles Court: The whole clause does.

The SPEAKER: The council is dealt with in another clause.

Mr. RUSHTON: I am saying that I should have the right to speak on any issues relating to the Environmental Protection Council.

The SPEAKER: This deals with the appointment of a deputy.

Point of Order

Sir CHARLES COURT: On a point of order, can we have this clarified now? We are dealing with section 21. When I speak I want to speak about the functions of the council and its operations, which

are directly affected by this particular amendment. The Bill proposes to amend section 21, which deals with the council.

Mr. Davies: The appointment of a deputy.

Sir CHARLES COURT: No. It is section 21. Surely we can talk about the council and its functions. I think it is important that we have this cleared up; otherwise we will be at cross-purposes before we go very far.

The SPEAKER: I point out that this clause very definitely deals with the appointment of a deputy and not with the powers and functions of the council. That is my ruling.

Debate Resumed

Mr. RUSHTON: I bow to your ruling, Mr. Speaker, and proceed with my few words relating to the appointment of this person.

If we remember the comments of the Minister when introducing the Bill, the main concern was in relation to the fact that if the person appointed should relinquish his post the deputy would no longer function. That is the reason for the introduction of this amending Bill. I can now say the Opposition has no objection to the Bill, except that we see the need for the amendment which has been placed on the notice paper. I and the party I represent believe it has merit. We ask the Government to consider it.

The obvious reason for the amendment is that we believe when a council member has relinquished his post the deputy should not serve on the council for a lengthy period of time before another appointment is made, which would be contrary to the intention of the appointment. We propose an amendment in the belief that the new appointment should be made with all haste, because in the past anomalies have crept in. We therefore ask that the Government give favourable consideration to the amendment appearing in my name on the notice paper.

MR. THOMPSON (Darling Range) [12.24 p.m.]: Mr. Speaker, I find I am very restricted by the ruling you gave a little earlier. I believe we should have had the opportunity to speak about the authority and the actions of the council when discussing clause 2. It seems to me when we are talking about amending section 21 of the Environmental Protection Act, which deals with the appointment of persons to the council, we should be able to talk about the activities of the council, which in turn implies we can talk about the actions of the Environmental Protection Authority and the whole effect of the environmental protection legislation. However, you have given your ruling, Mr. Speaker, and I am afraid there is nothing further I can add to this debate.

MR. DAVIES (Victoria Park—Minister for Environmental Protection) [12.26 p.m.]: This has been a rather remarkable debate. I sympathise with members of the Opposition. On more than one occasion I was placed in a similar situation and I think I suffered from the rulings of a Speaker of another political colour. Try as I would to get around the question, on many occasions I had to wait for the debate on the Estimates or some such occasion in order to bring forward the matters I tried to raise when discussing a clause of a Bill.

As the marginal note says, section 21 of the Act deals only with the deputies of members. We found ourselves in the situation where the deputy was a deputy to the member and not to the position, which was not expected to be the case. This was an interpretation we were given by the Crown Law Department, and it was quite unacceptable that the deputy could not sit in and replace a member who no longer held office because he replaced the member only as a person. We therefore find it necessary to amend the Act to provide that a deputy has the power to act on the council even though the appointed member is no longer associated with the council in any way.

I think the amending Bill covers the position quite fully. We know the Chamber of Manufactures advanced the amendment which has been proposed by the member for Dale. Indeed, the chamber sent me a copy of the amendment and I sought the opinion of the Environmental Protection Authority because I could not see any need for the amendment. The matter was considered by the Environmental Protection Council as late as yesterday, and it appears that the amendment contained in the Bill could be interpreted to mean that the deputy would become the member. That has never been the intention. It was intended that the deputy would fill the position until another member was appointed in order that the section of industry or commerce which he represented would not be without representation.

Therefore, we do not see any need for the amendment proposed by the member for Dale, but we do not see any harm in it. It certainly does not mean the deputy will automatically be appointed to the position, but it could create difficulties because, when we are looking for a new member, we write to the various bodies concerned and ask them for nominations, although in recent instances we had sufficient initial nominations to be able to appoint a succeeding member. As time goes by, when an office becomes vacant we will need to write to the Chamber of Manufactures, the Chamber of Commerce, and various other organisations seeking nominations, and the fact that the matter must be completed within three months could have some limiting effect—not as

far as the Government is concerned, but as far as the nominating organisations are concerned.

If members want to incorporate a limiting factor, it is of no consequence to me and I shall be quite happy to accept the amendment.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. Davies (Minister for Environmental Protection) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 21 amended—

Mr. RUSHTON: I take this opportunity to express my thanks to the Minister who has indicated that he will accept my proposed amendment. However, I would like to state it is ridiculous that we may speak about section 21 only, because the principle relates to all the appointments which could be made.

During his speech the Minister had the opportunity to express various points of view, and yet I am confined to commenting on section 21 which deals with the appointment of a deputy member. I am given approximately 10 lines to discuss. I would ask that this position be clarified in the future because the appointment of a deputy relates to the various sections concerning the appointment of members to the council, and the principle involved.

I am not at liberty now to discuss the various anomalies which could creep into the legislation. However, the Minister has indicated that he will accept the amendment, and I will leave it at that. It is a strange situation that we cannot discuss the anomalies created by the various sequence of appointments because they do not happen to be in section 21.

The **DEPUTY CHAIRMAN** (Mr. A. R. Tonkin): We are not debating parliamentary procedure at the moment.

Mr. RUSHTON: I simply take this opportunity to point out that I am limited to discussing section 21. I move an amendment—

Page 2, line 9—Insert after the word "member" the passage "or until the expiration of three months from the date the Council member ceased to hold office, whichever is the lesser time".

Mr. DAVIES: I have no objection to the amendment. Its only limiting effect may be on the nominating body. Any Government may appoint a deputy by making out an Executive Council minute. However, I have explained that the procedure is to invite nominations. Any limitation in the

placing of the nominations by the nominating bodies will only be by this amendment, as the Government may move quickly at any time. If the Chamber of Manufactures desires a limit on the placing of nominations, it is welcome to it.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

YOUTH, COMMUNITY RECREATION AND NATIONAL FITNESS BILL

Second Reading

Debate resumed from the 12th September.

MR. LEWIS (Moore) [12.36 p.m.]: This is a Bill to repeal the National Fitness Act and the Youth Service Act, and to replace them with a new Act to be entitled the Youth, Community Recreation and National Fitness Act.

The history of the two Acts to be repealed was explained at some length by the Minister when introducing the Bill. Under the provisions of the National Fitness Act of 1945, the State National Fitness Council was established at the instigation of the Commonwealth to promote the fitness of the people, and particularly of young people. As a result of the legislation, a council of 25 persons was set up in this State. I do not intend to go into the detail of the composition of the council, but its purpose was to liaise with the Commonwealth Council for National Fitness, and to determine the measures to be adopted and the facilities to be provided to develop the physical and cultural well-being of the people. The funds of the council were to be derived from both Commonwealth and State finance and the annual reports of the council were to be tabled in Parliament.

In 1961 the State National Fitness Council asked the late Hon. A. F. Watts, the then Minister for Education and chairman of the council, to investigate the Albemarle report whilst on a trip to England. Lady Albemarle had been commissioned by the British Government to make an investigation into British youth services and the report was the result of her investigations.

Mr. Watts returned to Western Australia and in 1962 reported on his inquiries to the State National Fitness Council. Emanating from this report the council asked me, as the Minister succeeding Mr. Watts, to set up an investigating committee to inquire into the situation in this State.

The committee was set up under the chairmanship of Mr. Watts to inquire into youth services in Western Australia. Mr. Watts eventually presented a very valuable report—it is full of good meat.

A recommendation was made by the committee that legislation should be presented to the House to set up a youth council. This was only one of many recommendations.

If the House will bear with me I would like to read a brief extract from the report. I refer to paragraph 58 on page 13, which states—

Youth generally is not conscious of a youth "problem"—they think the adult community is the problem. Today's young people are living in a world very different from that of their parents. This does not infer that they themselves are any different but there is a growing lack of communication between the young and their elders. The viewpoint of parents must be coloured to a greater or less degree by the impact of two world wars and a world-wide economic depression. The effect of those times has never been eradicated from their minds. Technological advances creating new attitudes have involved the older generation in new adjustments which have meant additional strain. It is not always easy for them to see these changes in proper perspective where the young are concerned and to realise that no adjustment is required for youth—this new generation accepting life as it is, because they have known no other.

I do not propose to read further. However, I suggest that members could read that report with a great deal of profit. I emphasise that it was presented in June, 1963.

Arising from that report and the recommendations contained in it, Parliament passed legislation setting up The Youth Council of Western Australia. That council was established under the Youth Service Act, No. 36 of 1964. The council comprised some 12 persons, and its functions were to investigate and conduct research into ways and means of attracting young persons to participate in youth service; to promote co-operation between established youth clubs and organisations; to train youth leaders to assist with the establishment of youth centres; and to promote amongst local authorities an interest in an efficient youth service.

Finance was to be obtained from the State, and annual reports were to be tabled in the Parliament. With one or two reservations, the Bill was well received by Parliament and was debated by a number of members in both Chambers.

After the legislation was passed I appointed Dr. N. R. Collins as the first chairman of the council. He was an ex-principal of Wesley College who had a good deal of experience in handling youth, and particularly in handling boys. In

addition—and probably this was the main reason for his appointment—he was the then chairman of the Associated Youth Committee, which was an integral part of the National Fitness Council. Of course, nearly 50 youth clubs were affiliated with the Associated Youth Committee and, therefore, he was in a unique position to assess the needs of youth.

Unfortunately, I suppose, this set a precedent as far as Western Australian legislation is concerned. The newly-appointed council was given a broad outline of its functions, but it had to set about the task of drawing up a blueprint. This took a considerable time. It was a difficult job because the council had to determine how best it could use the limited funds available to it, and it had no guarantee of what the future might bring.

One of the recommendations of the Watts report was that a considerable sum of money—I think it was \$600,000—should be made available, over and above what was already available, from the National Fitness Council over a term of five years. After that term the matter was again to be reviewed by the Government.

Of course, that was not part of the legislation, and I think the immediate past Government was justified in approaching the matter with a great deal of caution. It said, "Let the Youth Council decide its guidelines and assess what funds it will need, and we will give sympathetic consideration to its findings."

Sitting suspended from 12.45 to 2.15 p.m.

Mr. LEWIS: Before the luncheon suspension I was mentioning that when the Youth Service Act of 1964 was passed and the Youth Council was established, the Government approached the financing of it with some justifiable caution. The Watts report, to which I referred earlier, recommended that the sum of \$600,000 spread over a period of five years, be granted over and above the moneys that were then being provided for the National Fitness Council. The Watts report went on to recommend that this sum of \$600,000, which averages out at \$120,000 a year, should be reviewed every five years.

The previous Government, in view of the fact that the new Youth Council had only just been established and had not as yet laid down its guidelines, approached this financial arrangement with a certain amount of caution and only \$20,000 was advanced in 1965-66. The next year this was increased to \$71,200; in 1967-68 it was increased to \$122,000, and in 1969-70 the figure was \$118,000. In the fifth year of its establishment the amount of money advanced was increased to \$195,000. So over the first five years a sum of \$526,000 was spent on the Youth Council which could be compared with the \$600,000 recommended in the Watts report.

However we find that in 1970-71, \$251,500 was allocated, and in 1971-72—the first year of the present Government being in office—\$215,000 was advanced, and I am very pleased to note that in the Budget presented to the House the other day, \$250,000 has been set aside for expenditure on this necessary work during the current financial year.

So that, overall, whilst undoubtedly the Youth Council could have spent more money, because it did spend quite a deal in establishing leadership courses, assisting with the capital expenditure on the establishment of youth centres, and stimulating, financially, those many youth clubs that for financial reasons were finding it difficult to carry on—and undoubtedly could have done much more—I believe that certain action taken in the early stages was justified.

However, the day came when the new Youth Council began to ask itself where it was heading; whether it was treading the right path; whether it was getting the most, and whether the State was getting the most, it possibly could out of a fairly considerable sum of money that was now being spent on youth services. Dr. Collins, who had found it necessary to resign because of ill-health, was succeeded by Dr. Keys. He was a man who had spent many years as head of Scotch College in this State, and he had come to Western Australia from New Zealand with a fairly broad experience of youth work, and was just the man for the job. He entered into this task with great enthusiasm and with a great deal of ability.

He came to me and said, "The council is a little concerned as to whether it is treading the best path; whether there is some better way it can follow and what experience it can lean on as a guide." As a result Dr. Keys decided to go overseas, and a sum of money was allocated to assist him to visit many countries. He has presented a report and I hope all members will peruse it, because it is one of great substance. It tells the story, with a good deal of detail, of his visits to various countries of the world including Russia, the United States of America, Canada, Britain, Japan, and many others.

Mr. Bertram: What is the date of that report?

Mr. LEWIS: Its title is *Some Investigation into Youth Services in other Countries, 1971*, so it is fairly up to date. I hope members who are interested in this subject will read the report. I do not propose to quote from it at length. However, on the first page of his conclusions and recommendations the following appears:—

(a) At a time in their lives when physical, mental and emotional changes make adjustments more difficult than usual for young people ("the

stress and strain of adolescence”), young people are facing rapid and major changes in our social and economic system. They find much in business, politics and social life that disenchant them, such social institutions as family and church no longer exert their former influence upon them, and they are more aware of economic and social injustices and the futility of many attempts to deal with international problems. It has been one of the aims of modern education to train young people to think for themselves and express themselves more clearly and so it is illogical to be critical if they are now doing this. It is unfortunate if such criticism should be regarded as merely a passing phase or, if the views of young people are ignored or treated as unimportant, fobbed off with idle promises or subjected to repression. This leads mainly to frustration and impatience and sometimes “shock treatment”. In most cases the protests are sincere endeavours to right the wrongs as they see them; to alter values from the selfish and materialistic to some which are less so; and are supported by courage and vision and idealism. The rebel, if his cause is just and his motives worthy and his actions lie within the democratic structure and the laws of the community, can be a useful person; in fact throughout history such rebels have been the people mainly responsible for our greatest reforms and truest progress.

There is more in that strain, but I will not read on. This report was submitted by Dr. Maxwell Keys as a result of his visit overseas and his assessment of the youth movement. These are his conclusions. He went on to summarise his recommendations as follows:—

- (1) The establishment by the Government of W.A. of a Council at executive level to be responsible for the development of “Youth and Community Recreation” and with substantial Federal and State Government annual grants made available to this Council.
- (2) That the Acts under which the National Fitness Council and the Youth Council work at present should be reviewed. Their continued autonomy is desirable, but with the activities of each more clearly re-defined.

This should result in a closer co-ordination and therefore a more efficient use of their staff, facilities and funds.

These Councils should be responsible to the Minister for Education, through the senior Council referred to in (1).

He recommends the establishment of a senior council, over and above the two existing councils. I do not think I can

accept that recommendation, because I believe the two existing councils are covering the field very well.

It is the desire of the Minister to merge the two councils together. If the new council is wisely constituted it will have on it representatives from various fields. I hope the Minister will give emphasis to representation from youth of the State, although I believe that the youth could lean with advantage on the experience of the older folk.

Dr. Keys goes on to recommend as follows:—

- (3) That any Youth and Community Recreation activities not covered by these two Councils be the responsibility of other special committees—

Undoubtedly this new body will be appointing special committees; and this has always been the practice of the National Fitness Council. To continue with his recommendation—

—who should be represented on the senior Council either directly, or through one of the two Councils referred to in (2) above.

- (4) That all these activities be regarded as part of the total process of Education and therefore be under the general jurisdiction of the Minister for Education.

Do we ask ourselves whether the National Fitness Council and the Youth Council have failed? If we are not as definite as that, do we ask ourselves whether they have succeeded to the full expectation of Parliament when both those bodies were constituted? I think the answer is they have not succeeded to the fullest extent; therefore we must ask ourselves why they have not succeeded.

There have been some shortcomings. I believe there is not a sufficient link between the students receiving secondary education and the youth clubs. Generally the students join those clubs two or three years after they have left school, and there seems to be a gap and insufficient liaison.

I believe that efforts should be made to reach out into the schools, and to interest the students in the youth clubs before they leave school. By doing that we will achieve greater success. We should not wait a few years during which time the students leaving school enjoy their new-found freedom away from school before interesting them in becoming members of youth clubs. Statistics have shown that only a small proportion of the school leavers become interested in youth clubs.

Another shortcoming of the two existing organisations is that they have not a sufficient link with the other States or the organisations in the other States. I believe we have to obtain more practical help and co-operation from the Commonwealth. I suggest the Minister for Education might give earnest consideration to bringing this

matter forward at the next meeting of the Australian Education Council, because it is worthy of consideration by the education authorities in the various States.

It has been my pleasure to go to King's Park periodically to hand out youth leadership certificates. Although on some occasions I handed out 50 to 60 certificates, we did not seem to fill the demand. When I made inquiries it was pointed out to me that youth leaders were doing an honorary job, and that many of the people who worked among the youth clubs had family ties. There is a great wastage of youth leaders.

I think that is a terrific economic waste, also. For that reason I go along with another suggestion made by Dr. Keys when he said that teachers in training colleges could be given the option of training in youth leadership work so that there would be a follow-on of youth work. Teachers who were paid employees would spend time with youth knowing quite well that they would be recompensed financially.

It is all very well for some idealistically-minded people to say that persons who are interested will give their services free. I know that many dedicated people have done just that. However, if we want lasting results we have to recompense those people. After all, it would be a small cost compared with that involved in bringing a child to court and then incarcerating him in a house of correction. I think that to teach youth leaders in training colleges would be an economical way out of the problem.

Dr. Keys also recommends that counselling services and youth information centres should be established as quickly as possible. I think this also is very important because many young people—as indicated by Dr. Keys—experience a sense of frustration. If those young people have someone to whom they can go when in trouble I am sure that would be of value to them.

Only a small percentage of young people get off the rails. The young people do not receive enough publicity or commendation for the work they do, for which I do not thank the Press and the other news media generally. The great bulk of them are growing up as responsible citizens.

Mr. A. R. Tonkin: Hear, hear!

Mr. LEWIS: Young people provide help for hospitals and do other charitable work. Much good work is done and it is mostly unsung and unhonoured. Whilst I appreciate that the media is out to sell papers—and it is the sensational items which sell the papers—I think it is the responsibility of our Press to encourage our young people to live a full and responsible life.

Mr. Brady: *Toms Weekly* has a more responsible attitude to the community than the rest of the news media.

Mr. LEWIS: It is a very good paper. I will grant that.

Mr. T. D. Evans: It has a good author.

Mr. Blaikie: The first name, or the second name!

Mr. O'Connor: Good "Evans"!

Mr. LEWIS: I have in my possession a statement of the financial assistance given by the Australian Government to youth and community recreation during the year 1969-70. The statement was published in South Australia and it contains a digest showing the expenditure in each of the several States. I was pleased to note under the heading, "State Government Assistance to Youth Recreation 1969-70," that Western Australia had spent \$332,295. That expenditure came under the headings of the National Fitness Council, youth organisations, Junior Farmers, other youth projects, and swimming and life saving. A more surprising figure shows that the rate per head was 34.9c for 1970. That is more than any other State of the Commonwealth. Of course, I am not suggesting that the brake should be applied by our Treasurer until the other States catch up!

I have also noticed that Commonwealth Government assistance to youth recreation in the same year, in Western Australia, amounted to 6.3c per head, and the Australian total average was 4.5c per head. So, a commendable amount of assistance is being given to Western Australia.

State Government assistance to community recreation—and this item comes under the headings of sporting facilities, swimming pools, parks and gardens, and national parks and reserves—in Western Australia amounted to 97.7c per head. That figure is also higher than that which applies in any other State of the Commonwealth. It is obvious that Western Australia has nothing to be ashamed of regarding the amount of money which is spent on youth. As the member for Moore may I say, "Let there be more and more!" I think the Treasurer heard me.

I have little fault to find with the Bill. I have noticed that the Minister has an amendment on the notice paper. The measure proposes to establish a council consisting of five *ex-officio* members, a chairman to be appointed by the Minister, the Director-General of Education, the Commissioner of Public Health, and the Town Planning Commissioner. I do not know why the Town Planning Commissioner is to be a member of the council. I have nothing against him but I do not know what useful part he will play.

Mr. T. D. Evans: We are having regard for the recreation of the people in general, and the provision of sporting facilities.

Mr. LEWIS: Another member of the council will be the Director of Community Welfare. Also, there is provision for not

more than 15 other persons to be appointed by the Minister. So the total council could consist of 19 or 20 members in all which, I think, is fairly large. It has been my experience that if one wants to get work done then one should not have a body that is too large to do it.

Mr. Hartrey: Hear, hear! Two should stay at home!

Mr. LEWIS: The purpose of the Minister's amendment on the notice paper is to delete, "not more than fifteen" and substitute, "not less than fifteen nor more than twenty." Those members will be in addition to the *ex officio* members so the council could finish up with a membership of, perhaps, 25. I think the council could be getting a little large. I have in mind the great work done by the National Fitness Council over the years. That council consisted of a maximum of 25 members but I believe it may have produced a better result with a smaller body. The members of that body are certainly dedicated and over the years I have been amazed at the number of them who have reached retiring age but who have returned and given many hours of their time. The members are really wrapped up in their work and they produce some good results.

The legislation now before us will give the Minister an opportunity to make a fresh start and if I may repeat without being tiresome, I say again that I would like him to lead the committee, a little more than it is, with young people.

I believe our young people have a responsible attitude. The job may frighten them for a start but they will soon grasp what has to be done and they will accept their responsibilities. I realise, as no doubt the Minister does, that simply by passing the legislation we will not have an effective community service. The proof of the pudding will be in the eating. The result will rest with the manner in which the new council tackles its duties.

I have much pleasure in supporting the Bill and I wish the new council every success.

DR. DADOUR (Subiaco) [2.39 p.m.]: I also support the Bill which I look at a little differently from the point of view of the member for Moore. I regard the measure as being vital to the overall health of our community. The legislation is well conceived and I sincerely hope that the new council will be able to introduce some drastic changes which I consider are very necessary in the interests of the overall health of our community.

Firstly, I believe the title of the Bill is wrong. I would like the title of the Bill to be, "Community Recreation Bill" or "Community Recreation, Youth, and National Fitness Bill." I do not like to see the word "youth" used first because I

think the youth of today are fit compared with the adults and more mature members of the community who really need the facilities which I hope will be forthcoming from the new council. The adult population is more in need of exercise than the youth, although the youth still need organisation and still need to be very fit. Possibly our youth are not as fit as we would like them to be.

I would also like to mention the membership of the council, as did the member for Moore. I think appointments to the council will be made in rather a vague way and the council will have too many members. A working body needs fewer than 15 to 20 members, plus *ex officio* members. However, I realise it is necessary to amalgamate the Youth Council of Western Australia and the National Fitness Council, which have done so much good in the past. I do not wish to decry those organisations in any way.

Another point that alarms me is that no retiring age is mentioned in the Bill. Members are to be appointed for a five-year term and they will be eligible for re-appointment unless they are insane, bankrupt, or in gaol.

Mr. Lewis: I think that is only in the amending Act. Originally they were appointed for a longer period.

Dr. DADOUR: Yes. They were appointed more or less for life. The current average age of the six appointees from the States to the Commonwealth Council for National Fitness is 66 years.

Mr. Hartrey: From where did you get that?

Dr. DADOUR: From the National Fitness Council. Those members will not die at 68½. I do not think a retiring age of 70 would be unreasonable.

Mr. Hartrey: Rubbish!

Sir Charles Court: If you were 20 years younger you would be saying, "All out at 60."

Dr. DADOUR: I think we should set 70 as the retiring age. Reference to the Indecent Publications Act reveals that members of the council appointed under that Act must retire at the age of 65. In some States of Australia it is A.L.P. policy that members retire at the age of 70. I do not think that is an unreasonable retiring age for the members of the council to be appointed under the Bill we are now discussing. We need more young people on the council and more thinking to the future.

The members of the National Fitness Council are fit because they exercise.

Mr. Hartrey: Do you mean physically fit or mentally fit?

Dr. DADOUR: It seems the member for Boulder-Dundas is out to get me.

Mr. O'Connor: He has a vested interest.

Dr. DADOUR: If I may speak generally about what we should try to attain, the first need is for adequate daily exercise, which is synonymous with the conservation of man. The Premier should take his side of the House for a run before Parliament begins—of course, running to the left around Parliament House, while our leader takes us for a run to the right.

Urban society has deprived man of one of his greatest needs; that is exercise. Man has evolved over millions of years in an environment which has demanded a great deal of physical effort and mobility. Over the last 50 years, because of technological advances, we have reduced our activity. We therefore have less expenditure of energy, we are prone to put on weight, and degenerative processes begin at an earlier age. Medical evidence has shown that reduced exercise causes many degenerative diseases such as cardiovascular disease.

Mr. Hartrey: Which people get at 45, not at 71.

Dr. DADOUR: It is the degree that counts, not the age at which it occurs. It occurs at a much earlier age now—not necessarily among the old fogies of 70-plus. Research has shown that a fair amount of physical activity is needed every day to enable the biological processes of man to function correctly and normally. From my own observations amongst the patients in my practice, the majority of octogenarians are walkers. They do not own cars. They have handed in their driving licenses because of sight or other defects, and they walk. Their physical condition shows a marked and remarkable improvement as a result, and they live to 90-plus. This is also true of the members of the National Fitness Council.

Mr. Hartrey: Do you mean physically fit?

Dr. DADOUR: Yes, and mental fitness goes with it. They are not all permanently senile like some gentlemen I know. Old people usually take adequate exercise, whether by accident or by desire. The fact that they might be forced to do so is of no consequence. Longevity is compatible with daily exercise.

Mr. Hartrey: When I get the urge to exercise I lie down and it passes off.

Dr. DADOUR: The honourable member can go for a walk outside. I do not care. Neglect of man's physical welfare could be disastrous for the future. We all need adequate exercise, which must be enjoyable and must be maintained; it must not be a drudgery. Some authorities say we should get out of breath—that is, winded—at least once a day, whether by running or walking up stairs or by becoming puffed when picking up a fountain pen.

Mr. R. L. Young: The only exercise the member for Boulder-Dundas gets is jumping to conclusions.

Mr. Hartrey: Indoor exercise or outdoor exercise?

Dr. DADOUR: It does not matter how one takes one's exercise. Indoor sports are preferable. One may exercise in various ways. I have already mentioned the best pastime of all, although I think it is mainly a matter of memory with the member for Boulder-Dundas. The outdoor sports may be bushwalking, horse-riding, canoeing, camping, nature study, or bird watching. It does not matter what it is as long as it is exercise.

I believe there should be a Federal ministry of recreation. I think this is the right step towards that goal. If we in this State set an example I am sure the Federal Government will follow suit and instigate similar steps in other States. That is why I feel the Bill is very well conceived. If we had a Federal ministry I think its function would be to co-ordinate recreation on a State level and, secondly, to produce and circulate national programmes and activities promoting physical activity and recreation.

To neglect man's physical welfare is disastrous for his future. The major effects on the fitness of our general population have resulted from such modern technology as automation, which has developed so rapidly that man no longer uses his locomotive system or his cardiovascular system to optimum levels. This has been brought about by the motorcar, drive-in facilities, escalators, elevators, and household labour-saving devices such as washing machines, clothes dryers, dish washers, power lawnmowers, etc.

In a lighter vein, it could be said that our backsides are becoming bigger and bigger to cope with the task of continued sitting, and this is leading to ill-health in the community.

As we are all aware, the shortened working week has provided us with more leisure time which may be used beneficially in the pursuit of a hobby or the playing of golf, etc. It can also be used detrimentally by those who sit down and watch television or listen to the radio, in which case it could be a hazard to the health of the community. As a result of the lack of physical activities degenerative changes, such as cardiovascular disease, have become the No. 1 killer in all westernised countries.

It is astonishing to find that in Australia 55 per cent. of deaths are due to cardiovascular disease, and we rank third highest in the world in that respect. It is bad enough that we have such a high ranking, but the problem is rapidly increasing and extending into younger age groups due mainly to inactivity.

It is also interesting to note that in Australia the rejection rate of young men for national service training is as high as

48 per cent. So 48 per cent. of our youngsters are rejected for national service due to health reasons.

When we consider the life expectancy of males in Australia and compare it with that of males in Europe we find that the average Australian male has a life expectancy of 67.9 years, whereas the average European male has a life expectancy of 70.5 years. The life expectancy rate in Europe is increasing, but it is decreasing slightly in Australia. It is decreasing in direct proportion to the insufficient amount of exercise that is taken. It is also interesting to note that the results of valid fitness tests carried out both in Australia and in Europe show that Australian children do not compare well with European children. Therefore, we need recreation facilities and fitness programmes. This must be the No. 1 priority in our community.

The figures I have quoted show just how unfit we as a race are becoming. Therefore, the need for fitness should be brought home to the community at every opportunity. We must find remedial steps to take to offset our lack of fitness. I play squash twice a week when the Premier lets me; but since he has changed the times of sitting I find it most difficult. However, I do stress to all members that adequate exercise—and by that I mean getting out of breath each day—is a necessity for fitness.

Sir Charles Court: We do that by exasperation here.

Dr. DADOUR: Some do it by talking too much.

Mr. Graham: That is a backhander to your leader.

Sir Charles Court: No, he wants me to talk more; he says the exercise does me good.

Dr. DADOUR: These are the main points I wish to bring home to members: Firstly, the need for exercise and the reasons we need exercise. Secondly, we should instigate programmes for exercise, using male and female physical fitness experts as leaders. Thirdly, we should encourage municipal councils to provide outdoor and indoor facilities, such as pools, to enable people to have adequate exercise.

Remember, too, that the exercise we take must be pleasurable. That is most important. We may take exercise in the pursuance of a hobby, or in any other form; but it must be pleasurable because if it is not it will be of little, if any avail. The hardest task we face is that of getting people off their backsides and encouraging them to take exercise. I believe if we establish a community recreation council, and get it working in the correct fashion, we will achieve a great deal—possibly more

than most members of this Parliament realise—in the improvement of our national fitness.

The figures I quoted of the number of people who die of heart complaints are absolutely correct, and are in proportion to the amount of exercise we take. I believe that if we get the proposed community recreation council working properly, and if as the member for Moore said we can get younger men with new ideas which are more in line with modern thinking, we will make the greatest contribution possible to society. With those few words, I support the Bill.

MR. BRADY (Swan) [2.58 p.m.]: I would like to say a few words in support of the Bill because I have been associated with a youth club in my area for over 20 years. I regularly attend meetings, and recently I was made the first patron of the club from the district. I do not wish to blow my own trumpet in that regard, but I do feel I have a few thoughts which I should express to the House. Possibly some members will agree with me and some will disagree.

This matter of youth welfare and recreation has many facets, and it is desirable that all points of view should be expressed. I give full marks to the member for Subiaco, who has just resumed his seat, for dealing with the physical side of the matter and stressing the need for exercise for young people in the community in order to achieve a better standard of health. I also give full marks to the member for Moore who, whilst he was the Minister for Education, did a great deal to help the youth of this State. I was very pleased to see him stand this afternoon and quote a report at length, because the report contains some very valuable information.

I know that the late Hon. A. F. Watts, when he was Leader of the Country Party, paid a visit to the old country and returned with some grandiose ideas about how youth clubs in this State should be run. I read the report he made at the time, and I felt that we could not learn from the old country any more than we could learn from our own experience. The idea of going to England or Europe to obtain information is becoming outmoded. We are a young country, and our policies in respect of youth and recreation should be formulated as a consequence of our own experience.

The climate of our State is different, the background of our people is different, and the opportunities that are offering to our youth are different. One could go on to enlarge in that vein, but I will not do so. I merely wish to make one or two remarks on what I believe are the weaknesses and the strengths in our youth services. For a long time I have believed that there was a weakness in having two organisations

handling the youth services, and I think this fact caused the organisations themselves to get into a great deal of trouble as they could not cope with an individual from two sides at the same time. In itself this factor was reflected in the work of organisations generally throughout the State.

Let me go a little further to outline what I mean by that. In my own area, approximately 20 years ago, the shire council was charged with the responsibility of establishing a youth organisation and to ensure that it was conducted in a proper fashion. If my memory serves me correctly, the shire representatives attended the first meeting and that was the last anybody saw of them for the next four or five years. Following its establishment, if one or two enthusiasts had not decided to accept the office of executives in that organisation it would have folded up in the first six months. However, those who saw the possibilities of a youth organisation getting off the ground and what its establishment could do for the community, stuck to their task and today I am proud to relate to this House that in the Midland and Districts Youth Committee we have an organisation functioning that is second to none in Western Australia.

The only weakness that I can see in this organisation is that it is trying to cover too much ground with insufficient resources and an insufficient number of helpers to perform the activities it could carry out. For example, the Swan Shire Council itself has an area of 400 square miles, and the Midland and Districts Youth Committee is expected to control, activate, initiate, organise, and continue in operation the youth activities in this tremendous area.

This youth organisation is doing its best to perform a great task under many difficulties. It measures up reasonably well, but not as well as I think it could, having regard for the tremendous impact youth is having on this State and on the metropolitan area in particular. As I view the position, the original concept of the Midland and Districts Youth Committee was to organise and operate youth organisations which one may refer to as being "unattached." Most church groups, including the Presbyterian Church, the Roman Catholic Church, and the Salvation Army, had their youth groups formed before this Midland and Districts Youth Committee was established, but those belonging to the "unattached" group were those who did not belong to the church organisations and very often they were responsible for the acts of vandalism committed in the metropolitan area.

However, what do we find? After about five or six years of effort in trying to get this organisation established and operating on proper lines, it is still not organised. The church communities have become

prominent in the activities of the Youth Council and, by and large, they are obtaining the assistance of the Youth Council. I have no objection to that because, in turn, valuable organisations, such as the Midland and Districts Youth Committee, have been formed as a result.

Only yesterday afternoon I had occasion to write a letter to the Minister for Education in regard to the Swan Districts Amateur Basketball Association which now has 108 affiliated clubs. They are doing a tremendous job in the district for youth for 30 or 40 miles around, but their activities are being stymied because the association does not have sufficient resources to carry on its activities. For example, it is desirous of renting the Governor Stirling High School hall which has the necessary lighting for the activities of this basketball association. The association is an offshoot of the Midland and Districts Youth Committee, and it is necessary that it should be given some encouragement to carry on with its work, because the leaders of this and other organisations are young people; some married and some single.

I had in this parliamentary building recently a group of executives of the Swan Districts Amateur Basketball Association. Approximately half of them are married and they set a great example to other young people in the district. Therefore they deserve every assistance. I hope the Minister for Education, after he reads my letter, will see the necessity to keep these groups organised and operating, because there is no doubt they assist to reduce acts of vandalism. If young people are able to obtain plenty of recreation and are given an opportunity to indulge in various sports it will deter them from hanging around railway stations, urinating where they should not, breaking electric light globes, tearing down signs, ripping up timetables, and abusing people on the trains, which often occurs in the metropolitan area. This is what was happening on a large scale over a period from five to 10 years in the Swan and Midland Shire Council's area until these youth organisations were properly organised.

I would now like to point to where some of the weaknesses lie. In the metropolitan area we have youth organisations that are doing an excellent job and have been doing so for many years, but in my opinion they are not sufficiently recognised. As an example I will cite the St. John Ambulance Association, Junior Division. The young people who are members of this organisation, with the assistance of adults, perform an outstanding job. They are a tremendous asset to any community, but what recognition is given to them?

I know one young man who, for 25 years, gave his all for the St. John Ambulance Association. When he reached the age of 45 years he asked himself, "What has the

community done for me? I have done a great deal for the community, but I am not even recognised." At 45 years of age he had to commence educating himself so that he could take up a new line of business. He was a fitter and turner in the Midland Railway Workshops, but he took up education along a different line and made a tremendous success of his new career. Yet his work as a St. John Ambulance officer was not recognised. I believe, therefore, that we are lacking in our efforts to co-ordinate the work of these organisations and in not granting sufficient reward to those who perform these voluntary services.

The member for Moore mentioned that some of these people deserve payment for their services, and I agree with him. But even in those instances where they do receive some remuneration their services should be given full recognition if they are performing good work. Members will no doubt have noticed that during the recent visit of Princess Margaret and Lord Snowdon to this State not many members of youth organisations were marching around Government House gardens. I can recall seeing only one or two. Yet these organisations are performing excellent work for the youth of this State.

I think the Minister is on the right track in seeking to amalgamate the two youth organisations into one. I believe that, as a result, the single organisation will function with greater efficiency and with better results. I feel sure that the new organisation will help youth groups to help themselves. At present, in the Midland district alone, there is a combined sports organisation which is working in conjunction with the Midland and Districts Youth Committee, and that organisation has only recently been responsible for the planning of a \$1,250,000 gymnasium and athletic centre, which is to be enclosed.

Some people consider that is a staggering figure and it certainly is a tremendous sum of money. Certain members of the public are criticising the executive for its temerity in planning such a project. However what the critics do not realise is that those responsible for the project are, in the main, giving their services in an honorary capacity.

The population of the Midland area could reach 80,000 to 100,000 within the next 20 years, and if the recreational facilities are not provided and the youth clubs are not functioning as they should be, the young folk will create a great deal of trouble for the State generally.

Another weakness in youth organisations is the amount of time and money spent on training leaders. When these leaders reach 25 or 26 years of age they leave the organisations and are never seen near them again. I believe that some system should be devised under which the leaders could remain permanently asso-

ciated with youth organisations. Even though they might not be able to spare as much of their time when they are older as they could when they were young, they ought to be able to spare a little once they have made a success of their personal lives. But these people are trained in this State and although a great deal of money and time has been spent on them, when they grow older they could not care less about youth organisations.

A system similar to that adopted by the Education Department for its teachers should be instituted for youth leaders. They should be prepared to agree to be permanently associated with youth organisations in this State.

From time to time I have been pleased to be able to bring back from South Australia copies of the annual reports of the youth organisations in that State. It cannot be doubted that South Australia is well out in front in the help it provides for youth organisations. Clubs have been established to cater for various youth activities and such clubs should be encouraged in this State. I do not consider that young people should find it necessary to join a bowling club in order to enjoy the company of young people because at bowling clubs alcoholic liquor is consumed. Young people should be able to join other clubs to enjoy various forms of non-alcoholic beverages. The trend today seems to be that as soon as a club is operating successfully it provides a bar and thus alcoholic beverages play an important part in the club life. Many of the football clubs in the metropolitan area, were, I am loath to say, built up because alcoholic liquor was available on Saturdays and Sundays.

I do not consider young people should have to associate in that atmosphere. They desire to take part in social activities, but they should not have to join a football club, a bowling club, a yachting club, and so on in order to enjoy the facilities such clubs provide. Youth clubs should make available all types of beverages including alcoholic liquor and they should not be open for only one or two hours on only one or two nights a week. They should be open seven days a week. In this way young people would be encouraged to take part in all types of recreational and educational activities.

At one stage the Midland and Districts Youth Committee decided to establish basketball courts in the technical school grounds, but I was very disappointed to learn that sufficient money was not available for this purpose. However, I am pleased to say that today, 20 years later, the community is recognising the fact that youth play an important part and that activities for their enjoyment can be organised at schools.

Last weekend the Midland and Districts Youth Committee invited the young people

from the school to run activities in the high school grounds, thus co-ordinating the work the committee was doing. As a result various activities were organised in the Governor Stirling High School grounds, including photography classes, St. John Ambulance classes, Bellevue Y.C.W., gymnastics, dancing and square dancing classes, and boy scout and military activities. The headmaster and staff of the high school in association with the Youth Council decided to conduct a sampling day and it was a reasonable success. However it was not half as successful as I would have liked it to be. Instead of only 200 or 300 children from the school attending the activities I would have liked 400 or 500 to attend. I would also have preferred many more parents to be present. I do not think that more than 5 per cent. of the parents attended the school on this occasion.

Nevertheless it was a start and this is the type of activity we must encourage in the future. These types of facilities should be provided in the eastern suburbs at the Governor Stirling High School or at the Midland oval.

In this way the young people would be catered for and would be able to enjoy not only recreational facilities, but also educational facilities. More importantly still their minds would be diverted from vandalism and other forms of desecration and they would be encouraged not to waste the opportunity they have to become good community members.

My final point concerns publicity. I think the member for Moore mentioned that the news media today does not give much publicity to youth clubs. Unfortunately this is true. I interjected to say that *Toms Weekly* gives youth clubs good coverage and I hope that paper will continue to do so. However the general news media could not care less about youth activities in the suburbs. I do not believe the sampling day at the Governor Stirling High School received two lines of publicity in the metropolitan paper on Monday, Tuesday, Wednesday, or today. The school has 1,600 students, but the news media was not impressed. This is one of the weaknesses today. Not enough publicity is given to young people who are struggling in an endeavour to find a new way of life.

As the member for Moore stated, the young people are entering a new era and are facing many problems. In this respect I give full marks to the clergy in my area. Half a dozen clergy of various denominations are taking a tremendous interest in the young people and are helping them in their own way. Young people are being organised today as they have never been organised before, and it is necessary that they be directed along the right path.

Before I came here today I officially opened the Darling Range interschool sports. About 500 to 600 children were taking part. However, what is the good

of organising school sports and recreation if, after they leave school, the young people must make their own way in life with no-one caring whether they have the necessary facilities?

Towards the end of last year I had the unlooked-for problem of trying to persuade the authorities to retain a second police officer at the Police Boys Club in Midland. The commissioner—or perhaps his senior officers—in his wisdom saw fit to transfer a man who had done a tremendous job in an area where there are 10,000 young people. The organisation did a wonderful job of work over the years, and I had to write to the commissioner to point out that this man should be left at the Police Boys Club to continue on with the work he was doing to cater for the youth in the area or around the perimeter.

One of the weak links lies in publicity which the young people are not receiving. Let us consider the night during Royal Show week when there was a youth parade at the Royal Show grounds. The young people did a wonderful job and paraded before the public. There were many girls marching to the band music.

I think the young people should be encouraged to get together on a community basis. I mentioned this to a committeeman at the Royal Show. On youth night community activities should be encouraged, with half a dozen bands if necessary. Then the mothers, fathers, and the young people on the grounds could all join in a parade. In this way we would make it known that this State is going somewhere in connection with youth and community activities.

We must give the lead and suggest the ways and means whereby the young people can continue on. If this kind of thing is a success in the metropolitan area it will flow into other areas where shows are held. In this way the young people will be encouraged to take part in local shows and in the community activities that go with them.

Consequently, they will become less of a burden to the Police Force, the Child Welfare Department, and other organisations, because they would have something worth while to do and they would not indulge in vandalism.

I support the Bill in its entirety. I hope it is a success. I suggest to the Minister that much more publicity must be given to youth activities and much more new blood brought into youth organisations. Above all else, young people must be encouraged to run their own shows—and run them successfully.

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [3.22 p.m.]: I welcome the acceptance of this Bill and most sincerely thank the members who have made contributions to the debate.

The member for Moore, in resuming the debate on the measure, clearly indicated that the concept of fitness of the community became an important matter in modern times in Western Australia with the passing of the National Fitness Council Act of 1945. We are all aware of the rationale behind that Act. The Commonwealth Government was aware—as, indeed, were the various State Governments—that, following a war in which Australia had been involved, it was imperative that there should be a high standard of fitness throughout the nation.

The member for Moore traced the history of the National Fitness Council and he explained the reason for the coming into operation of the Youth Service Act of 1964. He rightly saw that after both of those Acts had been in operation for some time experience showed the need for a greater cohesion between the two bodies, the avoidance of unnecessary overlapping of activities, and the probable enrichment of their efforts. I say this without any derogation of the good work which has been performed by both the National Fitness Council and the Youth Council of Western Australia.

I thank the member for Subiaco, likewise, for his commendation and comment that the Bill has been well conceived. I would point out that it was not hastily conceived. The minutes of the National Fitness Council of the 18th July, 1972, show that the matter of the merger between the Youth Council and the National Fitness Council was discussed by the National Fitness Council on that occasion and was received with approval.

A letter dated the 5th July, 1972, from the Chairman of the Youth Council of Western Australia, Dr. Maxwell Keys, also indicated support for the merger. The current Bill seeks to give effect to what is believed to be a merger which will still place emphasis on youth as being the datum from which we must move out and embrace community recreation.

I was most interested in the comments of the member for Subiaco to the effect that there is an ever-increasing need for every one of us to try to recreate himself—to charge one's battery, if I may put it that way—by various means. There is definitely the need for each one to recreate himself and it is hoped this work will commence with youth but will not cease with youth. We hope that it will merge into the community as a whole and that each one, from the moment of birth until death, will not cease to feel the need for this. Indeed, if the need is felt, we hope that each will have recourse to the facilities for the recreation of his or her choice.

I do not wish to delay the House in replying to a Bill which obviously has merited the approval of members, but I would like to explain that two amend-

ments appear on the notice paper under my name. One relates to giving effect to a request made by the Auditor-General. This relates to clause 29 of the Bill. This was the first amendment to appear on the notice paper.

The Auditor-General advised the Assistant Parliamentary Counsel that he would like subclause (2) of clause 29 amended to require the proposed council to submit a statement of the financial position at the end of the year rather than the more usual balance sheet. The Auditor-General believes this procedure would simplify the work of his department and—what I believe is more important—it would provide the information in a form which is more readily understood by persons unfamiliar with the techniques of reading a balance sheet. Accordingly, an amendment has been drafted to give effect to this desire of the Auditor-General.

Finally, there is another amendment which appeared on the notice paper only recently. This, too, is under my name. Reference was made to this proposed amendment by the member for Moore. It relates to clause 8. The necessity for the amendment arose from a resolution carried at the last meeting of the National Fitness Council—indeed, after the Bill had been introduced into the Chamber.

At the meeting it was moved that the reference to “not more than fifteen” ordinary members should be deleted and the words, “not less than fifteen nor more than twenty” substituted. The rationale behind the resolution was that we should be able to have regard not only for youth and for national fitness, but also for community recreation in its widest possible concept. For this reason, a larger committee would be justified.

As the statutory chairman of the National Fitness Council—as the member for Moore would realise—it was my responsibility to carry out the tenor of the resolution which was moved in such a way that members of Parliament on both sides of the House were advised of the resolution.

I am taking this opportunity to carry out a statutory duty as the Chairman of the National Fitness Council. I therefore advise the House that the National Fitness Council seeks the amendment and it has requested me to tell members on both sides of the Chamber that it has passed the resolution.

I would like to conclude by indicating that I listened with interest to the comment made by the member for Subiaco when he sought an explanation for the title of the Bill. I hope I have been able to clarify this point. I believe the word “youth” is used to indicate that we hope to commence with youth, although eventually we intend to embrace the community as a whole. For obvious financial reasons, so that we may still attract the capital funds from the Commonwealth, it is necessary to make specific reference to national

fitness. However, we must bear in mind what I would call the golden thread in the speech of the member for Swan: the youth of today will be either the assets of the community tomorrow or its casualties.

I thank all the members who have contributed to the debate. I feel sure that the members of the council will be sustained by the comments made. I assure members that when the council is formed I will ensure that copies of speeches in this debate are made available to it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Minister for Education) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Membership of the Council—

Mr. T. D. EVANS: This clause relates to the membership of the council and it is in respect of this clause that I now seek to move an amendment to give effect to the resolution passed at the most recent meeting of the National Fitness Council for the reasons outlined in my reply to the debate. I move an amendment—

Page 6, line 3—Delete the words “not more than fifteen” with a view to substituting the following:— “not less than fifteen nor more than twenty”.

Mr. LEWIS: I gather from the comments of the Minister that he is moving this amendment in response to a request from the National Fitness Council of which he is the statutory chairman. I can appreciate his obligation to the council, but I expected him to tell us that he had examined the request critically, as I feel it is his responsibility to satisfy himself that the request is feasible. He should also inform the Chamber of the reasons behind the request.

The Minister stated in his reply to the debate on the second reading that because of the community recreational activities of the council, and particularly the emphasis on youth, it was felt advisable to enlarge the membership of the council. I do not really oppose the principle, provided that we have a useful council. If the membership of the council is too large, much time is wasted in debate and it becomes unwieldy.

We are simply told that the council has been composed of *ex officio* persons and not more than 15 other members. We do not know who these people are or what bodies they represent. If we knew this we might be able to assess the wisdom of enlarging the membership of the council to 20 people, or even more. I hope the Minister is able to expand his remarks a little.

Mr. T. D. EVANS: When I replied to the debate I said that the reason given by the mover, the seconder, and those who contributed to the debate as indicated in the minutes before me—I was not present at the meeting—was that this legislation seeks to embrace recreation in its widest possible concept. It was intended to offer a far wider service than the service provided by the Youth Council, and a far greater range of fitness activities than that previously provided by the National Fitness Council. It was felt, therefore, that a maximum of 15 members was not sufficient and that this should be altered to a maximum of 20 members.

Mr. Lewis: Can the Minister tell us how the members will be selected?

Mr. T. D. EVANS: All I can say at this point of time is, having regard for the new portfolio of Recreation which has been promulgated, I have written to every organisation which I believe has been associated with active recreational facilities. I do not mean I have written to every amateur sporting body, but such bodies as various Government departments, the Royal Automobile Club of W.A., the National Trust, and various local authorities which have created departments of recreation, etc. I have sought the views of these organisations about what is happening in the sphere of recreation and the best way to institute recreation in its widest possible concept. With the passage of this legislation, I hope to set up, outside the Act, a small advisory council. In the first instance this would be made up of representatives of local government to assist me to collate and process the various responses which have been made to my request for information.

I will give an assurance that as much representation of local government as possible will be afforded on the council contemplated under this legislation. I can only add to what I say by quoting a paragraph from a letter written by Dr. Maxwell Keys, chairman of the Youth Council, dated the 5th July, 1972. The letter reads—

We realise that in the final analysis it will depend upon the people appointed to the council and the senior members of the staff as to whether the purpose and hopes envisaged in the Bill are realised.

I cannot add to that except to say I join with members of the Government, with the member for Moore and, indeed, with all members in their goodwill and hope that this council will be able to function and give effect to the aims inherent in the legislation.

I strongly support the move to increase the maximum number of the other members on the council to 20, to enable a wider range of recreational activities to be reflected. I have given proper regard to Parkinson's law, but in weighing the

priorities the one against the other I have come down in favour of the resolution moved by the National Fitness Council.

Amendment put and passed.

Mr. T. D. EVANS: I move an amendment—

Page 6 line 3—Substitute the following for the words deleted:—

"not less than fifteen nor more than twenty."

Mr. HARTREY: I support the Minister's proposal but I suggest that the additional members, whatever their number, should include at least one octogenarian. It is all very well to talk about youth in relation to fitness. Youth would have to be fit; what else could it be. There would of course be no difficulty in deciding whether a person of 80 or 90 were fit.

Sir Charles Court: Are you looking for a job when you retire from Boulder-Dundas?

Mr. HARTREY: I am a little tired of the member for Subiaco continually saying that I am illegally alive at 68½. I was told that when I reached that age I would be getting old, but I might retort that I will keep on getting old as long as I can.

The man who is 80 years of age has proved that he is fit. There is no proof that a youth will not have a coronary occlusion at a young age. It will be well worth while including at least one octogenarian which is something to which I do not aspire at the moment.

Amendment put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Quorum—

Mr. LEWIS: Clause 12 deals with the constitution of a quorum. The Minister envisages a council of at least 20 persons; it could even be 25. Under this clause the council may decide that a quorum of five is sufficient to meet its needs. A quorum of five out of a council of 25 persons is certainly not sufficient, and I ask the Minister whether it should not be increased to say at least 10 persons.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Harman.

(Continued on page 4030)

Sitting suspended from 3.45 to 4.04 p.m.

QUESTIONS (38): ON NOTICE

1.

LAND

Gibbs Road Reserves

Mr. RUSHTON, to the Minister for Lands:

- (1) Have the requests from councils of the shires of Armadale-Kelmscott and Cockburn for Gibbs Road reserves 426 and 427 been acted upon?

- (2) What has been the department's decision?

- (3) Will the administrative action be expedited to enable part of Gibbs Road reserve 427 to be used by the water board for a sand pit so that the water board's Lillian Avenue sand pit can be vested in the Armadale-Kelmscott Shire Council for recreational purposes?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (1) Yes.
- (2) (a) Ex. Co approval has been obtained for Jandakot A.A. lot 426 together with lot 424 to be vested in the Town of Cockburn for the purpose of "recreation". Gazettal on 20th October, 1972 is anticipated.
- (b) The request for the reservation of Jandakot A.A. lot 427 is being investigated and an early decision is expected.

- (3) Yes.

2. LAKE ROAD, KELMSCOTT

Upgrading

Mr. RUSHTON, to the Minister for Works:

- (1) Does the department consider Lake Road, Kelmscott is in urgent need of upgrading due to the large increase in traffic in recent years?
- (2) What assistance is the department prepared to give the shire to rebuild this bypass road?

Mr. JAMIESON replied:

- (1) The responsibility for Lake Road, Kelmscott, rests with the Armadale-Kelmscott Shire Council. The Main Roads Department is not aware of any large increase in traffic on this road.
- (2) If the road is in urgent need of upgrading the local authority can utilise portion of its statutory road grant.

3. TOWN PLANNING

Kalamunda Golf Club: Rezoning

Mr. THOMPSON, to the Minister for Town Planning:

- (1) Has the M.R.P.A. considered a request I made for the acquisition, by them, of the land owned by Kalamunda Golf Club with a view to using it for recreation purposes?
- (2) If "Yes" to (1), with what result?
- (3) If "No" to (1), when will it be considered?

Mr. DAVIES replied:

- (1) No.
- (2) See answer to (1).
- (3) On 15th November next.

4. WATER SUPPLIES

Kalamunda Golf Club Land

Mr. THOMPSON, to the Minister for Water Supplies:

- (1) Is it true that his department has not opposed the re-zoning of approximately 80 acres of land owned by Kalamunda Golf Club in the Lower Helena catchment area?
- (2) Is it also true that his department opposed the subdivision, into four lots, of land owned by Mrs. Colgan in the same water catchment area on the grounds, that pollution of water would result?
- (3) If "Yes" to (1) and (2), will he justify this inconsistency?
- (4) Is it not a fact that the subdivision of 80 acres presents a greater threat to water purity than the very few minor subdivisions that may be made on the grounds of personal hardship?

Mr. JAMIESON replied:

- (1) and (2) Yes.
- (3) There was no departmental objection to the golf club re-zoning as consideration to this matter was given as far back as November 1970 which was prior to the construction of the pipehead dam and the formulation of the current policy on subdivision in the catchment area.
- (4) Yes.

5. EDUCATION

*Halls, Libraries and Grounds**Improvements: Subsidies*

Mr. THOMPSON, to the Minister for Education:

- (1) What amount of money was made available by way of subsidy to parents and citizens' associations in each of the last five years for—
 - (a) halls and libraries;
 - (b) grounds improvements?
- (2) How much money is to be made available for these purposes, this financial year?

Mr. T. D. EVANS replied:

- (1) (a) The following amounts were provided by way of subsidies to parents and citizens' associations in each of the last five years for building projects. The amounts include halls and libraries but separate figures are not available for each type of building.

		\$
	1967-68	19,810
	1968-69	15,014
	1969-70	39,379
	1970-71	53,520
	1971-72	73,326
(b)	1967-68	6,554
	1968-69	13,931
	1969-70	11,168

Since 1970-71 expenditure on ground improvements has been taken over by the Public Works Department; as the requested information could not be readily obtained, further advice will be provided to the Member direct.

(2) \$223,500.

6. KALAMUNDA HIGH SCHOOL

Sports Ground

Mr. THOMPSON, to the Minister for Education:

When will grassing of playing fields at Kalamunda high school be done?

Mr. T. D. EVANS replied:

Preparatory ground works will be carried out as soon as the grounds are sufficiently dry to allow the use of mechanical equipment.

Reticulation and grassing will follow immediately this work is completed.

7. KALAMUNDA HIGH SCHOOL

Additions

Mr. THOMPSON, to the Minister for Education:

In answer to question 33 on 2nd August, 1972 regarding a proposal to build additions to Kalamunda high school he stated . . . "(3) Specified completion date is to be 4th February, 1973." On the 5th October, 1972 he said that the contract has not yet been let and that the completion date would be 26 weeks after a contract is signed.

- (1) What are the reasons for the amendment in completion date?
- (2) Why was this not apparent when the earlier completion date was forecast?

Mr. T. D. EVANS replied:

- (1) At 2nd August, 1972, the contract documents had not been completed but it was anticipated that they would be ready for calling tenders on 9th August. If this date had been adhered to it was reasonable to assume that the additions would be ready for use at the start of the 1973 school year. However, because of unforeseen circumstances tenders were not called until 19 August. Subsequently there was an alteration to the specifications, requiring an addendum which necessitated extending the closing date by one week.

It is still anticipated that it will be possible for the contractor to complete the classroom block of four rooms for the start of the 1973 school year.

- (2) Answered by (1).

8. **LEGAL AID SCHEME**

Mr. R. C. Stanley

Mr. THOMPSON, to the Attorney-General:

- (1) Is he aware of the plight of Mr. R. C. Stanley who is now almost bankrupt following a payout by Mercantile Credits of \$62,000 to a person who forged his signature on documents related to a mortgage?
- (2) Is he aware that Mr. Stanley is unable to take any further legal action because he cannot afford the costs involved?
- (3) Is it true that a request made to the law society by Mr. Stanley has taken more time to process than was available to Mr. Stanley to lodge an appeal?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) Mr. Stanley has advised to this effect.
- (3) I am unaware of the position.

9. **GREAT EASTERN HIGHWAY**

Widening: Resumptions

Mr. BRYCE, to the Minister for Works:

- (1) Has the research associated with questions 44 and 45 in my name asked on Wednesday, 13th September, been completed?
- (2) When will the information sought be made available?

Mr. JAMIESON replied:

- (1) No. The Main Roads Department is extracting the information required and it will be forwarded to the Member shortly.
- (2) Answered by (1).

10. **TEACHERS' TRAINING COLLEGES**

Commonwealth Financial Assistance

Mr. MENSAROS, to the Minister for Education:

Referring to his reply to question 19 on 5th October, 1972, is the Government agreeable to all the conditions set out in the letter of the Minister for Education and Science and in particular to the meaning of self-government of teachers' colleges?

Mr. T. D. EVANS replied:
Yes.

11. **HOUSING**

Building Blocks: Availability and Prices

Mr. MENSAROS, to the Minister for Town Planning:

Considering the fact that the recently much publicised question of availability and prices of build-

ing blocks in the metropolitan area came up as a result of Parliamentary questions, would he please explain why he chose to make a statement on this matter through the media instead of to Parliament?

Mr. DAVIES replied:

I can hardly believe that the Member is serious with this question. The answers to all Parliamentary questions have been given to the House immediately. The subsequent developments were as much a matter of public interest as of Parliamentary interest. Indeed, quite early on I gave undertakings to the Press that I would make my report available to them at the earliest possible moment.

12. **NATURAL GAS**

Pressure and Leakage

Mr. MENSAROS, to the Minister for Electricity:

- (1) What is the pressure—
 - (a) at the inlet;
 - (b) at the outlet,
 of consumers' meters with natural gas consumption?
- (2) What was the percentage of unaccounted for and leaking gas in the metropolitan area—
 - (a) during the time of manufactured town gas supply;
 - (b) since the supply of natural gas?

Mr. MAY replied:

- (1) (a) Normally 4½ in. water column but this can vary according to the appliances connected.
- (b) The pressure drop through a meter varies with load, but under normal circumstances does not exceed 0.2 in. water column for a domestic installation.
- (2) (a) The percentage of unaccounted for gas was 17.5% during the year 1970-71 on town gas only.
- (b) This information is not available but the percentage of unaccounted for gas in the 1971-1972 financial year increased to 24.8% with the introduction of natural gas. This is normal after converting to natural gas.

Unaccounted for gas includes gas lost through leakage.

13. TOWN PLANNING

Selective Business Tax

Mr. MENSAROS, to the Minister for Town Planning:

- (1) Is the Government taking seriously the reported recommendation by the M.R.P.A. for a selective business tax to discourage concentration of office workers in the city?
- (2) If so, is there any action planned?

Mr. DAVIES replied:

- (1) The Metropolitan Region Planning Authority has not made any recommendation for a selective business tax. In the "Report on The Corridor Plan for Perth" the authority referred to the need to create sub-regional centres and commented that a new tax "might be considered" which would relate to specific locations and to the number of employees in a firm.

This is no more than a tentative suggestion of a possible course of action which could be examined. The Member will be aware that throughout Australia and elsewhere there is a considerable body of opinion which views with disquiet the problems being created by the continuous and uncontrolled growth of cities and city centres. The Government will consider all proposals or comments, from whatever quarter, that have a bearing on these problems.

- (2) As previously stated, the Government is awaiting the Report of the Honorary Royal Commission before making a decision on The Corridor Plan.

14. EDUCATION

Television Aid

Mr. MENSAROS, to the Minister for Education:

- (1) Have the State Ministers for Education received recommendations from the special committee on educational television?
- (2) If so, can he disclose such recommendations?

Mr. T. D. EVANS replied:

- (1) and (2) As there are several committees throughout Australia associated with educational television it would be appreciated if the Member would provide details of the particular committee he has in mind.

15. TOWN PLANNING

Long Point Development Plan

Mr. RUSHTON, to the Minister for Town Planning:

- (1) Will he table the Long Point, Warnbro development plan?

- (2) What areas of agreement have been reached with the Rockingham Shire Council?

- (3) If (1) is "No" when is the plan expected to be ready?

Mr. DAVIES replied:

- (1) I assume the Member is referring to the Port Kennedy townsite preliminary outline plan which I ask leave to table.

- (2) Discussions will be held with the Rockingham Shire Council before completion of the final development plan.

- (3) The completion date is not known at this stage.

The Plan was tabled (see paper No. 403).

16. TRAFFIC

Motor Vehicles: No-fault Insurance

Sir CHARLES COURT, to the Premier:

- (1) What is the current stage of his no-fault insurance proposals?

- (2) (a) Does he still plan to proceed with it?

- (b) if so, when is legislation planned?

Mr. J. T. TONKIN replied:

- (1) The proposals are still under consideration.

- (2) (a) Yes.

- (b) On present indications, it does not appear likely that the legislation will be introduced before March next year.

17. BOOKMAKERS' TURNOVER TAX

Alternative Revenue Raising

Mr. STEPHENS, to the Treasurer:

As the Government's intention to keep all of the revenue raised by the turnover tax paid by bookmakers is likely to seriously embarrass if not actually ruin many country racing clubs, will the Government consider reintroducing the investment tax as an alternative method of revenue raising?

Mr. J. T. TONKIN replied:

The question is based on a presumption which the Government does not accept.

The Government has no intention of acceding to the Member's suggestion that the investment tax be re-introduced.

18. PUBLIC SERVICE

Applicants: Preference to Unemployed

Mr. R. L. YOUNG, to the Premier:

Has the Government given instructions to its departments and instrumentalities that unemployed persons be given employment

priority for vacant positions within the public service, provided such applicants' qualifications and experience are not inferior to other applicants?

Mr. J. T. TONKIN replied:

It has not been considered necessary, or desirable, to issue such instructions as are suggested by the Member.

19. GOVERNMENT DEPARTMENTS

Motor Vehicles: Third Party Insurance

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

- (1) Does the Minister know the numbers and types of motor vehicles owned by the State on which third party insurance was paid for the years 1969-70, 1970-71 and 1971-72; if so, would he supply the details?
- (2) Does he know the cost to the State of Third Party Insurance on motor vehicles for the years 1969-70, 1970-71 and 1971-72; if so, would he please supply the figures?

Mr. MAY replied:

- (1) Details can only be ascertained for the following groupings—

1969-70 Total	9,954
Cars and trucks	5,417
Miscellaneous	4,537
1970-71 Total	10,488
Cars and trucks	5,686
Miscellaneous	4,802
1971-72 Total	12,828
Cars and trucks	6,831
Miscellaneous	5,997

\$

- (2) 1969-70 197,913
- 1970-71 216,599
- 1971-72 324,203

20. TOTALISATOR AGENCY BOARD

Betting Zones, and Distributions

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

- (1) For the purpose of T.A.B. betting, how many zones are there in the State?
- (2) What was the amount invested in each zone and how much did the Government receive from turnover tax?
- (3) Of the amount distributable to racing and trotting bodies for the benefit and improvement of their respective industries how much was raised in each zone and how much returned to that zone?
- (4) When is the T.A.B. distribution made available to the Western Australian Turf Club and is it made in a lump sum payment?

- (5) If a lump sum payment is it invested by the club, and if so, how is the interest on the investment utilised?

Mr. MAY replied:

- (1) One.
- (2) For the year ended 31st July, 1972 the amount invested was \$68,295,369 out of which the Government received \$4,097,722 by way of turnover tax.
- (3) For the year ended 31st July, 1972 the amount distributable to racing and trotting bodies was \$2,787,252 all of which will be distributed by 31st October, 1972.
- (4) By means of regular monthly payments and such other periodical payments as agreed between the Western Australian Turf Club, Western Australian Trotting Association and the board in accordance with the provisions of section 28 of the Totalisator Agency Board Betting Act.
- (5) Answered by (4).

21. WATER SUPPLIES, SCHOOL, AND HOUSING

One Arm Point

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

- (1) Have funds been made available to establish a water supply at One Arm Point on the mainland adjacent to Sunday Island?
- (2) If so, from what source did the funds come?
- (3) Has any effort been made to construct a light aircraft landing ground in the One Arm Point area?
- (4) If "Yes" from what source did the funds come?
- (5) Is it proposed to build a school at One Arm Point?
- (6) If "Yes" from what source will the funds come?
- (7) What plans does the Government have for the provision of housing at One Arm Point during the current financial year?

Mr. T. D. EVANS replied:

- (1) Yes.
- (2) An amount of \$5,000 has been provided by the Commonwealth Office of Aboriginal Affairs.
- (3) and (4) It is understood that an airstrip has been cleared recently by the Dampier Mining Company.
- (5) and (6) The Director of Community Welfare and the Director of Social Services, Education Department, visited One Arm Point on the 10th October. When they return to Perth they will make an appropriate recommendation.

(7) The General Manager, State Housing Commission is visiting One Arm Point on 16th October to discuss the possibility of a village housing scheme there.

22. POLICE LOCKUP

Derby

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

- (1) Is it proposed to replace the existing police lockup at Derby during the current financial year?
- (2) If not, or if the work is dependent on funds being available, will he call for a report on the existing premises by a health and building surveyor in order to establish if replacement of the buildings should be given priority over other projected works?

Mr. MAY replied:

- (1) No.
- (2) This project is listed to receive high priority in the 1973-74 financial year.

23. IRRIGATION

Charges: Camballin and Kununurra

Mr. RIDGE, to the Minister for Works:

What is the charge per acre foot for irrigation water used at—

- (a) Camballin;
- (b) Kununurra?

Mr. JAMIESON replied:

In both areas the charge is \$3.00 per acre foot.

24. COUNTRY HIGH SCHOOL HOSTELS

Accommodation and Vacancies

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

- (1) In view of the critical hostel accommodation situation at some country high schools has any consideration been given to zoning of areas from which boarders can be drawn?
- (2) How many vacancies are there for boarders at all country high school hostels?

Mr. T. D. EVANS replied:

- (1) No.
- (2) 255.

25. PRISONS

Lionel Brockman: Escape

Mr. O'CONNOR, to the Premier:

- (1) Does he intend to indemnify the public against any loss that may occur as a result of Lionel Brockman being at large?
- (2) If not, why not?

Mr. J. T. TONKIN replied:

- (1) No.

(2) To do so would set a precedent of a kind which the Government, of which the Member himself was a Minister, did not during its twelve years of office, consider justified.

26. ROAD TRANSPORT

Mineral Sands to Bunbury

Mr. WILLIAMS, to the Minister representing the Minister for Transport:

What tonnages of ilmenite and other mineral sands have been hauled to Bunbury by road for—

(a) shipment through port;

(b) other purposes,

during each year 1967-68, to 1971-1972?

Mr. JAMIESON replied:

The Member is referred to section (4) of his question 13 of 11th October, 1972, which is similar. My reply to that question is also applicable in this instance.

27. FORESTS: EXCISIONS

Roleystone: School Sites and Recreational Areas

Mr. RUSHTON, to the Minister for Forests:

Will he have investigated the practicability and feasibility of excising from the State forest north of Chevin Road, Roleystone, an area for—

(a) primary school site;

(b) high school site;

(c) recreational area;

(d) golf course?

Mr. Davies (for Mr. H. D. EVANS) replied:

The area concerned is not State forest.

The utilisation suggested is dependent upon requests from the appropriate authorities and the views of the Metropolitan Region Planning Authority.

28. BOOKMAKERS' TURNOVER TAX

Discussions with Racing and Trotting Clubs

Sir CHARLES COURT, to the Treasurer:

(1) Was there any pre-budget discussion with the Western Australian Trotting Association and the Western Australian Turf Club about the impact of the Government's proposal to increase the tax on on-course bookmakers and take the whole tax into Consolidated Revenue instead of sharing it with clubs?

(2) If so, what was the reaction of the W.A.T.A. and W.A.T.C.?

- (3) If there were no discussion, what advice was given to the Government and from what sources about the likely impact of the change on—
 - (a) metropolitan clubs;
 - (b) country clubs?
- (4) What will be the total estimated loss in a full year to—
 - (a) metropolitan clubs;
 - (b) country clubs?
- (5) What will be the loss per meeting to individual clubs such as—
 - (a) Pinjarra;
 - (b) Bunbury;
 - (c) Northam?
- (6) What representations has he received since announcement of the Government's budget proposal?

Mr. J. T. TONKIN replied:

- (1) No.
- (2) Answered by (1).
- (3) Information was obtained from departmental sources.
- (4) (a) \$352,000; (b) \$131,000, on the basis of 1971-72 collections.
- (5) Amounts will vary according to the volume of betting transactions at each meeting.
- (6) A number of racing clubs have objected to the proposal.

29. BENBULLEN GRAZIER'S AND PRODUCERS PTY. LTD.

Investigation

Mr. McPHARLIN, to the Attorney-General:

Further to my question 31 of Wednesday, 4th October, referring to the Benbullen Graziers and Producers Pty. Ltd., and in view of the report having been submitted, is it anticipated that prosecutions may be implemented against this company by dissatisfied clients?

Mr. T. D. EVANS replied:

I have no knowledge of what action dissatisfied clients propose to take.

30. MEAT MEAL

Local Consumption, Prices, and Exports

Mr. McPHARLIN, to the Minister for Agriculture:

- (1) Further to my question 53 of Thursday, 5th October, is it anticipated that there will be a shortage of meatmeal for purchase for local consumption?
- (2) Will prices remain at present levels or is an increase anticipated?

- (3) How many tons, if any, have been exported to Singapore—
 - (a) from Midland;
 - (b) from Robb Jetty?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (1) No. An export permit is required and the Department of Primary Industry consults with the Department of Agriculture to ensure supplies are adequate for local consumption.
- (2) Local prices are static and no increase is expected at present.
- (3) Sales from these abattoirs are made to exporting firms which do not keep records of such purchases in relation to subsequent export sales overseas. Exporters indicate that Japan is the main market.

31. TRAFFIC INSPECTORS

Appointment as Police Sergeants

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

- (1) In the event of a successful conclusion to discussions being held with a view to police taking over traffic control from a local authority, has any traffic inspector been promised an appointment as a sergeant?
- (2) If not, is it possible that such an appointment could be made, and if so, under what circumstances?

Mr. MAY replied:

- (1) No.
- (2) No. All personnel recruited must conform with the police seniority system and pay on the level of all inductees. Additionally, a police sergeant has many and varied supervisory duties outside the field of traffic.

32. WOOL

Effect of Increased Prices

Mr. REID, to the Premier:

- (1) In light of the dramatically improved wool prices and the need to assist woolgrowers in consolidating their financial position, would the Government support the introduction of prosperity wool bonds, similar to the present drought bonds, the bonds to be included in the taxable income in the year of redemption?
- (2) Is he aware despite the five year income averaging concession available to primary producers, many woolgrowers will be forced into a development programme to ease their taxation rate when it would be in the best interests of the industry if their financial reserves could be replenished and consolidated?

(3) As many wool producers will receive possibly three times the returns of last season's clip, would he not agree it would be in the best interests of the State's economy to support action towards stabilising the highs and lows of marketing of such an important industry?

(4) If the Government is in support of the principle, would it be prepared to introduce the matter at the next Agricultural Council meeting?

Mr. J. T. TONKIN replied:

(1) The Government would give careful consideration to such a proposal.

(2) It is accepted that some wool growers may undertake development programmes to ease their taxation problems.

(3) It is agreed that the fluctuation in prices of the magnitude encountered are undesirable. Stabilisation of wool growers' income through a controlled marketing system is currently under assessment by the Commonwealth.

(4) Answered by (1).

33. PRISONS

Escapees: Responsibility for Damage

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

Is the Government prepared to accept responsibility for damage caused by a prison inmate following escape where departmental negligence can be proved in assisting that inmate to escape?

Mr. T. D. EVANS replied:

The Government is responsible for payment of compensation where a claim is established under common law.

34. *This question was postponed.*

35. ROAD AND AIR TRANSPORT COMMISSION

Inspectors, Charges and Convictions

Mr. BLAIKIE, to the Minister representing the Minister for Transport:

(1) What is the number of inspectors employed by the Road and Air Transport Commission in each year since 1970?

(2) How many—

(a) charges;

(b) convictions,

have been made against offenders of the Road and Air Transport Commission in each year since 1970?

Mr. JAMIESON replied:

(1) 30th June, 1970—11

30th June, 1971—11

30th June, 1972—13.

(2) In 1969-70, 497 charges were heard and 493 convictions recorded.

In 1970-71, 425 charges were heard and 418 convictions recorded.

In 1971-72, 404 charges were heard and 402 convictions recorded.

36. RURAL RECONSTRUCTION SCHEME

Commonwealth Funds

Mr. LEWIS, to the Minister for Agriculture:

(1) What total funds have actually been received from the Commonwealth for the rural reconstruction scheme?

(2) What further funds are expected from the Commonwealth within its present commitment under the scheme?

(3) Is it anticipated that these further anticipated funds will be sufficient to meet anticipated approvals?

(4) If not, is a further approach to the Commonwealth planned?

Mr. DAVIES (for Mr. H. D. EVANS) replied:

(1) \$11,100,000.

(2) \$5,724,500.

(3) Yes.

(4) Answered by (3).

37 and 38. *These questions were postponed.*

QUESTIONS (12): WITHOUT NOTICE

1. METRIC SYSTEM

Town Planning

Sir CHARLES COURT, to the Minister for Town Planning:

(1) Is it a fact that a report has been prepared by the Town Planning Department on the policies to be adopted with respect to metric conversion, and, additionally, the obligations of developers with respect to subdivisions?

(2) If such a report has been prepared, is it presently being considered by the Town Planning Board?

(3) When is it expected that the report will be available to the public?

Mr. DAVIES replied:

(1) to (3) A report concerning conversion to the metric system of measurement has been considered by the Town Planning Board. Standards adopted by the board, in terms of metric units, have been advised to the institutes and departments concerned with subdivision.

I would gladly have supplied a copy of the report to the Leader of the Opposition had there not

been a power failure—which required me to walk up seven flights of stairs. I will let the Leader of the Opposition have a copy of the report.

2. NAVAL BASE HOUSING PROJECT

Rezoning of Industrial Land

Mr. RUSHTON, to the Premier:

- (1) Will the Premier advise the House the decision of the Government on the rezoning and development of the Naval Base industrial land for residential purposes, as intimated by his Minister?
- (2) If the answer to (1) is "No," when can his announcement be expected?
- (3) Will he table the M.R.P.A. and the E.P.A. reports on this project?

Mr. J. T. TONKIN replied:

- (1) to (3) In reply to the member for Dale, I ask that the question be put on the notice paper.

3. NIELSEN REPORT

Presentation

Mr. O'CONNOR, to the Premier:

Will the Premier advise the period of time which elapsed between the presentation of the Nielsen report to the public and my presentation of the report to Cabinet, together with prepared summary?

Mr. J. T. TONKIN replied:

The report was presented to Cabinet on the 22nd December, 1970, and to the public on the 29th January, 1971.

4. NON-GOVERNMENT SCHOOLS

Per Capita Grants

Mr. THOMPSON, to the Premier:

- (1) Is it true that the State and Federal Governments agreed that they would, on a *per capita* basis, each contribute to independent schools 20 per cent. of the cost of educating a child in a State school?
- (2) Is it true that the contribution by the Commonwealth Government will be paid from the 1st January next year?
- (3) Is it also true that the State Government has deducted from its proposed 20 per cent. contribution, sums of money which have been paid to independent schools for—
 - (a) swimming pool allowances;
 - (b) school books;
 - (c) living-away-from-home allowances;

(d) interest on residential buildings;

(e) matriculation book allowances; and that, in fact, only \$40,000 extra will be paid by the State Government to independent schools this year?

- (4) When education expenditure in State schools has risen by 11.7 per cent., how does he justify making an increase in the assistance to independent schools of only 1.3 per cent.?
- (5) Does he not agree that the Government's policy discriminates against small independent schools which have not received such assistance as swimming pool allowances, living-away-from-home allowances, interest on residential buildings, and matriculation allowances?
- (6) Will he review the policy, and ensure that the 20 per cent. contribution is in excess of amounts which have been paid for those items I have mentioned? If not, can we take this case of discrimination against independent schools as being the future attitude of the Government towards this very responsible arm of education?

Mr. J. T. TONKIN replied:

- (1) Like the Commonwealth, the State Government is prepared to lift its present level of assistance to independent schools to the equivalent of 20 per cent. of the cost of educating a child in a State school.
- (2) Yes.
- (3) Existing payments are to be taken into account in determining any additional State contribution which may be required to bring its assistance up to the proposed Commonwealth level. In this respect, the Commonwealth is also lifting its existing payments to this level.
- (4) The amount of any extra State assistance has yet to be determined.
- (5) No.
- (6) Existing payments to independent schools are considered to be more closely related to needs than a straightout *per capita* allowance, and the present Government therefore sees no reason to vary the policy pursued by the previous Liberal-Country Party Government.

The question reminds me of a passage I read in the Bible many years ago, which was as follows:—

The voice is Jacob's voice, but the hands are the hands of Esau.

5. DAIRY PRODUCE

Future Requirements

Mr. BLAIKIE, to the Minister for Agriculture:

Has he, or his department, made any assessment regarding future requirements of dairy produce in Western Australia; and, if so, could he please advise the House?

Mr. H. D. EVANS replied:

Yes. Officers of my department have made the following estimates.

W.A. Requirements of Milk and Dairy Produce in 1985 and 1995

	1985		1995	
	Tons	Milk Equiv. (Gals.)	Tons	Milk Equiv. (Gals.)
Milk for consumption as milk or table cream	....	42,200,000	....	40,600,000
Butter	11,400	53,000,000	13,800	64,200,000
Cheese	8,000	18,000,000	9,800	22,000,000
Other dairy products	....	9,400,000	....	11,500,000
Total Milk Equivalent (Gals.)	....	122,600,000	....	147,300,000

6. WATER SUPPLIES

Shortage in 1972-73

Mr. NALDER, to the Minister for Water Supplies:

I preface this question by saying I spoke to the Minister for Water Supplies a few weeks ago outside the House about the water supply position and he indicated to me that there would be an ample supply of water for the metropolitan area and country areas this year. Because of the situation that now exists, I ask the following question:—

- (1) Will the Minister advise the House whether he expects there will be a shortage of water for the 1972-73 summer in—
 - (i) metropolitan area;
 - (ii) comprehensive water scheme, to:
 - (a) country towns;
 - (b) supplies to farms connected with the scheme?
- (2) If the answer is "Yes," will he outline what restrictions are anticipated?

Mr. JAMIESON replied:

I thank the Leader of the Country Party for some notice of the question. The answer is—

- (1) (i) Yes.
- (ii) No shortage of water for the 1972-73 summer is expected for either towns

or farms connected to the comprehensive water scheme.

- (2) So far as the Metropolitan Water Board is concerned, this will depend upon seasonal conditions and the co-operation of consumers.

7. ROAD MAINTENANCE TAX

Prepayment

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

- (1) Is the Transport Commission requiring certain individuals to pay road maintenance tax prior to carting a load to certain destinations?
- (2) Is this requirement legal?
- (3) If so, will the Minister advise under what section of the Act?

Mr. JAMIESON replied:

The honourable member gave some notice of this question, and the reply is as follows:—

- (1) No. Current policy is to refuse licenses or permits to operators who are not able to meet their commitments. This is in accordance with section 36 of the Transport Commission Act which requires that the financial stability of an applicant must be considered before a license or permit is granted. In cases where an applicant demonstrates his ability to meet his commitments by offering to pay both permit fees and road maintenance charges prior to the issue of a permit, his application is considered accordingly.
- (2) Yes.
- (3) Section 36 of the Transport Commission Act, 1966-1970.

8. BOOKMAKERS' TURNOVER TAX

Discussions with Racing and Trotting Clubs

Sir CHARLES COURT, to the Premier:

My question arises out of the answer to part (5) of question 28. Part (5) referred to the loss per meeting to individual clubs such as Pinjarra, Bunbury, and Northam. The answer was, "The amounts will vary according to the volume of betting transactions at each meeting."

I cannot question the logic of the answer but I cannot see why the Premier's officers could not supply the information we want. As the time for putting questions on the notice paper has passed, would he be good enough to have his office advise me the amount received by each of those three clubs and the

number of meetings that have been held, in order that I can make an assessment? I am not seeking the figures for a meeting; I am seeking the average for the year.

Mr. J. T. TONKIN replied:

I endeavoured to supply the full information required by the Leader of the Opposition but the Treasury officers advised me that, because of the fluctuation in the betting and the fact that the amount taken would depend on a book-maker's turnover, the specific information could not be supplied. I am prepared to refer the matter back to the Treasury to see if it is possible to obtain more precise information in answer to the question.

9. DAIRYING

Licenses

Mr. BLAIKIE, to the Minister for Agriculture:

Would the Minister table a list of licensed dairy farmers, their localities, and their respective quotas?

Mr. H. D. EVANS replied:

I have a list but, because of its length, I think it should be tabled.

The answer was tabled (see paper No. 404).

10. ROAD MAINTENANCE TAX

Prepayment

Mr. THOMPSON, to the Premier:

This question follows the question without notice asked by the member for Mt. Lawley of the Minister representing the Minister for Transport. The Premier will be aware that a transport operator in my electorate who has incurred the wrath of the Transport Commission was told last week he would be refused a permit to operate unless he paid his road maintenance tax in advance. He is operating a truck that does not incur road maintenance tax but he has been told by the Transport Commission that he will not be given a permit to operate.

It evolves that this man, who owes quite a lot of money with respect to road maintenance tax, who is doing his level best to meet his commitments, and who is asking for an opportunity to operate for a number of months in order to meet all his financial commitments, is now being refused a permit to operate a truck that does not incur road maintenance tax,

which precludes him from earning any money with which to meet any of his financial commitments. What is the Premier's attitude in regard to that situation?

Mr. J. T. TONKIN replied:

I found the greatest difficulty in trying to follow closely the statement made by the member for Darling Range in his question. First of all, he said the operator was called upon to pay in advance the amount of road maintenance tax he will incur. He went on to say he would not incur any road maintenance tax. Obviously, all he has to do is to supply a chit containing no amount at all, and he will have met the requirements of the Transport Commission.

Mr. Thompson: Tell them that, because they said his truck does not incur road maintenance tax.

11. ROAD MAINTENANCE TAX

Black List of Operators

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

- (1) Has the Transport Commission compiled a black list which prevents certain individuals from operating on Western Australian roads unless specific payments are made?
- (2) Will this, in fact, prevent some operators owing large sums of money on vehicles, etc., from earning and thereby force foreclosure or possible bankruptcy?
- (3) In view of the Government's promise unequivocally to abolish road maintenance tax, does he feel it has any moral obligation to assist these owners?
- (4) If so, how?
- (5) If not, why not?

Mr. JAMIESON replied:

I have had some notice of this question, and the reply is as follows:

- (1) The Transport Commission has prepared a list of operators whose financial stability has been established in accordance with section 36 of the Transport Commission Act. Those who have not been able to demonstrate their financial stability are listed separately.
- (2) The refusal of permits to applicants pursuant to section 36 (d) of the Act would preclude their operating.
- (3) Not in regard to the issue of permits, but where an operator is unable to meet his commitments for accumulated road maintenance

charges, leniency will be extended to him upon submission of full details of his circumstances.

(4) Answered by (3).

(5) The granting of permits is governed by the Transport Commission Act which stipulates that an applicant's financial stability must be taken into consideration before determining an application.

12. WHEAT Quotas

Mr. McIVER, to the Minister for Agriculture:

Have wheat quotas for this year been finalised?

Mr. H. D. EVANS replied:

The delivery entitlement certificates will be forwarded to the 9,500 wheatgrowers in the forthcoming week. For the established land farmers the figure will be 81.5 per cent. of base; for new-land farmers who are completely dependent upon farming interests it will be 75 per cent.; it will be 65 per cent. for the category that has interests other than in farming, which will involve 77 growers.

LAW REFORM COMMISSION BILL *Returned*

Bill returned from the Council with amendments.

YOUTH, COMMUNITY RECREATION AND NATIONAL FITNESS BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Minister for Education) in charge of the Bill.

Clause 12: Quorum—

Progress was reported after the clause had been partly considered.

Mr. T. D. EVANS: Prior to the break in the Committee stage of this Bill, the member for Moore drew my attention to clause 12, which was drafted prior to the acceptance by the Committee of the amendment to clause 8 which met the request of the National Fitness Council.

Having regard for the fact that the maximum number on the committee could be 25, and that there would be a minimum of 20, it seems reasonable that the minimum number required for a quorum should be extended beyond five. I think seven would be a reasonable and acceptable number in view of the fact that a rule of thumb figure is usually adopted in setting quorums.

I believe a quorum of this Chamber is one-third of the total number of members eligible to sit in the Chamber. If the minimum number of 15 members is appointed to the council and there are five

ex officio members, seven would be approximately one-third of the total number. Even if the number of members were increased to the maximum of 25, I think seven would still be reasonable. I have no objection to the member for Moore moving for the deletion of the word "five" and the insertion of the word "seven" in this clause.

Mr. LEWIS: I thank the Minister for his co-operation. I move an amendment—

Page 7, line 30—Delete the word "five" and substitute the word "seven".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 19 put and passed.

Clause 20: Committees—

Dr. DADOUR: When the council is set up I would like it to consider a little poem which is taken from Dr. Barnard's book on heart attacks and reads—

Be early to bed and early to rise,

Take noncompetitive exercise.

Avoid all stress.

Take care not to eat

Butter or eggs or cream or meat.

That it's bad to be male has been clearly proved

So have your testicles removed!

Clause put and passed.

Clauses 21 to 28 put and passed.

Clause 29: Reports and audit—

Mr. T. D. EVANS: At the request of the Auditor-General it has been determined that the Committee should be asked to vote against this clause and to insert a new clause 29 for the purpose of effecting two new reforms. Firstly, as well as the balance sheet which is normally presented, there shall be provided a financial statement which will enable persons not familiar with the reading of balance sheets to be acquainted with the condition of the finances of the committee. Secondly, the proposed new clause provides that the Minister shall be required to cause a copy of every report issued by him to be laid on the Table of the House. I ask the Committee to vote against the clause.

Clause put and negatived.

Clause 30 put and passed.

New clause 29—

Mr. T. D. EVANS: I move—

Insert after clause 28 the following new clause to stand as clause 29:—

29. (1) The Council shall, in each year, as soon as practicable after the completion of the audit, submit to the Minister a report of their activities during the year ending on the preceding thirtieth day of June, containing a full account of the income and expenditure of the

Council for that period and a statement of the financial position of the Council at the close of that year, audited by the Auditor General, and the report, if any, of the Auditor General thereon.

(2) The Minister shall cause a copy of every report received by him pursuant to subsection (1) of this section to be laid before each House of Parliament.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) BILL

Council's Amendments

Amendments 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 amendments made by the Council were as follows:—

No. 1.

Clause 4, page 3, line 6—Insert after the word "Act" the passage—

"other than for the purposes of section 7 (1) (e) hereof".

No. 2.

Clause 7, page 5, line 4—Insert after the word "deceased" the passage—

"who at the time of death of the deceased was being wholly or partly maintained by the deceased or whose parent the child of the deceased had predeceased the deceased".

No. 3.

Clause 7, page 5, line 9—Insert after the word "otherwise" the passage—

"where the relationship was admitted by the deceased being of full age or established in the lifetime of the deceased".

No. 4.

Clause 7, page 5, line 10—Delete the word "person" and substitute the words "de facto widow of the deceased".

Mr. T. D. EVANS: The first amendment made by the Council refers to clause 4. Subclause (4) of that clause refers to the proof that is required in the case of an illegitimate relationship. The amendment made by the Legislative Council seeks to except from the rationale of that subclause the case where the deceased person is an illegitimate and the father is making a

claim to share in the estate of the illegitimate person, claiming that the illegitimate deceased was a son or claimant.

The amendment refers to clause 7(1) (e), which states that a parent of the deceased, whether the relationship is determined through lawful wedlock, or adoption, or otherwise, may claim on the estate. The amendment offers a reasonable precaution, and I think it is deserving of the support of the Committee. I move—

That amendment No. 1 made by the Council be agreed to.

Mr. MENSAROS: I agree with the amendment, and I reserve my remarks for the following amendment.

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

Mr. T. D. EVANS: The second amendment is to clause 7, which sets out the classes of persons who may lodge a claim to be determined by the court. The clause refers to a grandchild of the deceased who is living at the date of death of the deceased, or then *en ventre sa mere*—in other words, not yet born but in being; that is, subject to the gestation period.

The amendment of the Legislative Council is not dissimilar to that proposed by the member for Floreat in this Chamber. However, as I recall it the honourable member used the conjunctive "and" rather than the alternative "or" which is used in the Council's amendment, which provides that a grandchild who was maintained wholly or partly by the deceased at the date of death, or whose parent the child of the deceased had predeceased the deceased, may share in the estate.

At the time I pointed out that had the amendment been accepted in that form it could have caused difficulties. Let us say A is the deceased—the grandfather—and B is the child of A, and C is the grandchild of A who makes a claim on the estate of A. If B was still living but for some reason or other—perhaps because during the lifetime of A he became estranged from B—did not claim on the estate of A, then C would be prevented from claiming on his grandfather's estate because B was still alive. That would be the situation if the conjunctive "and" were used. Therefore, the Legislative Council has used the word "or."

The effect of the amendment is that for the grandchild to claim in such circumstances he must have been at the time of death of the deceased wholly or partly maintained by the deceased. That seems reasonable to establish the necessary nexus between the grandchild and the grandfather. The grandchild may also claim where his parent the child of the deceased had predeceased the deceased. I move—

That amendment No. 2 made by the Council be agreed to.

Mr. MENSAROS: I feel sympathy for the Attorney-General. If he was serious in his remarks—and I have no doubt he was—then he has contradicted himself. When I proposed a similar amendment I used the word "and"; in other words, I wished to insert two conditions cumulatively. The Attorney-General opposed that amendment. I then rose again and asked the Attorney-General to meet me half-way and to accept one of the conditions and not the other in an effort to arrive at a compromise. I think it is worth while quoting what the Attorney-General then said, which is reported on page 1876 of *Hansard* for the 1st June, 1972. He said—

I cannot go even that far with the member for Floreat because the projected amendment of his amendment requires that there shall be some nexus; and that nexus is whole or partial support of the claimant by the deceased.

He went on to say that he could not accept even half of that. Now he is accepting that half, or, alternatively, the other half. I do not intend to dwell on this point at length, but I wish to say that when the Minister tried to argue for his second point I rose to my feet and simply said—

I do not want to labour this point much further, because the Attorney-General cannot see any merit in it. I will await with interest to hear the arguments put forward by the Attorney-General should another place come forward with a similar amendment.

That is exactly what has happened. Once again, I do not want to labour the point or to claim who won or who did not win, but I would like to point out that twice the Minister virtually contradicted himself—once in regard to the amendment, once in regard to the Bill we abortively debated this morning, for this is definite proof of the need for a second Chamber. These were serious amendments. They were not placed on the notice paper merely on a whim; they were discussed with the Attorney-General and he said further, when the Bill was debated in the Committee stage on a prior occasion, that the Bill would restrict the application of certain people to the court to participate in the estate and that this was not only his view but also the view of the Law Reform Committee, and he went on to oppose the amendment.

Now he agrees with the amendment, and I commend him for it, but obviously, if he takes his view seriously, he changed his mind because of more time being at his disposal, and because of the deliberations made by another Chamber. So here we have direct and immediate proof of the necessity for, and the important influence

of, another Chamber. The other Chamber deliberated on this aspect and decided on its amendment which is virtually the same as the one I introduced, except that I wanted the two conditions cumulative, instead of being alternative, as they are now, and the Minister has realised that this is correct. However, had we not had another Chamber nothing could have been done about the situation. I merely wish to point out to the Committee the immediate proof we have had of the arguments we put forward this morning in regard to another piece of legislation for a unicameral system. I support the Council's amendment with great pleasure.

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

Mr. T. D. EVANS: I move—

That amendment No. 3 made by the Council be agreed to.

This amendment has relation to amendment No. 1 which the Committee has already accepted, and has reference to parents of the deceased, where the relationship is determined through lawful wedlock, adoption, or otherwise, being eligible to test a claim before the court to share in the estate of an illegitimate deceased.

The Legislative Council has sought to add after the word "otherwise," the words, "where the relationship was admitted by the deceased being of full age or established in the lifetime of the deceased."

Mr. MENSAROS: I quite agree with the Minister's remarks, and indicate my full support of the Council's amendment.

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

Mr. T. D. EVANS: I move—

That amendment No. 4 made by the Council be agreed to.

This amendment relates to the last class of person who was eligible to test a claim before the court in regard to the estate of a deceased person, and the relevant paragraph reads as follows:—

(f) a person who at the time of the death of the deceased was being wholly or partly maintained by the deceased, who was ordinarily a member of the household of the deceased, and for whom the deceased in the opinion of the Court, had some special moral responsibility to make provision.

The member for Floreat spoke to the Bill, when it was previously before this Chamber, on the desirability of limiting this class of person to the *de facto* widow of the deceased.

At that stage I was prepared to accept this limiting factor, because I was able then—and I still do—to think of other

situations where a person could, in the opinion of the court, have a moral claim to share in the estate of the deceased person and still meet the other requirements of paragraph (f). However, the Legislative Council has inserted, in lieu of the word "person," the words "*de facto* widow of the deceased." Because the Bill is so important, and its chances of becoming a Statute should not be jeopardised over a dispute as to whether a person should have more moral obligations or whether they should be limited to a *de facto* widow, I agree to the amendment.

Mr. MENSAROS: I notice that this time the Attorney-General did not lend his wholehearted support to the amendment made by the Council. He said that in order to have the Bill passed, he would not oppose the amendment. This is fair enough. I would like to remind the Committee, however, that I did not move this amendment; I was only speaking of the desirability of such a move and asked the Government to do something about it. My point at that time was not to exclude the provision to a *de facto* wife. Members may recall that it brought about a fairly heated debate.

My submission was that if the Government intended that the provision should apply to a *de facto* wife, or to a *de facto* wife as well, they should be named and not brought in under the expression of "moral obligation" to which I took exception. At that time the Government indicated that the provision should apply to a *de facto* wife, but that was not expressed in the wording of the Bill, and that was the basis of my complaint. I said that if I were a judge I would exclude the *de facto* wife under the provision as it stood at that time, because if our society is based on the family as a unit and this is acknowledged, how can we say that the *de facto* relationship is covered under a moral obligation? I simply said that in accordance with the wording of the provision in the Bill, "moral obligation" cannot apply to a *de facto* wife.

This contention of mine was misconstrued by many people, including the member for Boulder-Dundas who said that I contradicted myself because I supported our Government when it sought to extend the provision in the Workers' Compensation Act in regard to *de facto* wives. This is not so. I am not against *de facto* wives benefiting under the legislation, otherwise I would be against the amendment. I was only objecting to the fact that they should be brought in under the term "moral obligation."

Mr. T. D. Evans: The moral obligation will still remain.

Mr. MENSAROS: This question is resolved now, because paragraph (f) of clause 7(1) relates only to a *de facto* wife,

but in addition it says, "if the deceased person has some moral obligation to a *de facto* wife." I have no objection to that, but if the Government wishes to bring in *de facto* spouses, they should be called as such and not brought in under the term of "moral obligation." That, to my mind, is in accordance with the accepted customs and views of our society.

So I have no objection to the clause, because it expresses exactly what I wish. At the time the Bill was before the Chamber on a prior occasion I did not intend to seek an amendment, because I was not certain of what the Government had in mind. It is now clear the Government wants this particular paragraph to relate to a *de facto* wife. It calls a spade a spade, and I am quite happy about it.

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

Report

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

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

This Bill provides for amendment to sections 24 and 52 of the Government Railways Act. Both are minor amendments which have been requested by the Commissioner of Railways.

The first amendment to section 24 of the Act deletes subsection (3) which requires that a copy of all by-laws relating to matters affecting the public shall be painted upon or printed and affixed to boards, or printed in a book hung or attached thereto, and such boards shall be exhibited and maintained in a conspicuous place at every station at which tickets are sold.

Also deleted is the second paragraph in subsection (3) which reads—

Provided that the validity of any by-law or the liability of any person under any by-law shall not be affected by any non-compliance with this provision.

Then in subsection (4) of section 24 the word "exhibited" is deleted.

This provision to exhibit a printed copy of the by-laws has been retained in the Act over the years, but it is considered that no useful purpose is served in continuing this practice.

The obligation was a provision of the original Act in 1904, but having in mind that other Statutes contain no such requirement, it is not readily seen why the Railways Commission should be committed to this unnecessary expense.

It has been the practice to exhibit these by-laws printed on a calico poster approximately three feet square, but due to vandalism and weather conditions, their maintenance in presentable condition has become a problem.

Very few members of the public would bother to make any use of the posters to familiarise themselves with the railway by-laws as displayed.

The obligation on the Railways Commission to continue this practice is no longer warranted and the purpose of this amendment is to delete, from section 24, all reference to this requirement.

The amendment to section 52 of the Act as provided in this Bill is to clarify the right of an employee to lodge an appeal when he is held responsible for any damage caused by his wrong-doing or neglect.

The Act as it stands at present reads—

Every person employed on or about a railway shall be responsible for any damage caused by his wrong-doing or neglect; and the loss occasioned thereby may be deducted from any salary, wages or emolument due to such person, or may be recovered in a summary way:

Provided that in the case of a permanent employee (as defined in section seventy-seven of this Act) where the loss occasioned by such damage is deducted as aforesaid, then such employee shall be entitled to appeal against such deduction to the Appeal Board as provided in said section seventy-seven.

In past years it has been the practice for the Railway Appeal Board to hear and determine appeals against departmental decisions to recover losses by deduction under this section, prior to actual deductions being made. The procedure has been that, when the department advises an employee in writing that deductions from wages or salary will commence from a specific pay period, his right of appeal has been recognised by the board and the appeal heard.

In a recent case the board decided that it did not have jurisdiction to hear and determine the appeal until the full amount of the loss concerned was deducted. The reason advanced for arriving at this decision was that in the second paragraph of section 52 the term "is deducted" appears; whereas in actual fact not any deduction had taken place at the time of lodging an appeal. In view of this decision it is evident that the board had some doubt regarding the practice previously followed.

It is customary to recover losses by deductions in instalments from employees' wages or salaries. This practice has been followed to obviate financial embarrassment which could result if amounts were recovered in one deduction, or where a sum in excess of an employee's fortnightly wage or salary may be involved.

In this particular instance which the board decided that it did not have jurisdiction to hear, recoupment of the loss of \$38.20 was made at the rate of \$2.00 only per fortnight and it was, therefore, some considerable time before the appeal was finally heard and determined.

There is also the further point that protracted delays, in the hearing of appeals, are undesirable from the aspect of subsequent availability of vital witnesses and case preparation. In addition, under the present circumstances, an employee must make full restitution before gaining right of appeal.

The Commissioner of Railways agrees that the present position is unsatisfactory and concurs in the amendment to section 52.

The additional amendments to section 52, as proposed in the Bill, are to define clearly the time when an employee may appeal to the board. I commend the Bill to the House.

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

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th September.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [5.19 p.m.]: This Bill is fairly simple and is designed to cover a few administrative matters within the Industrial Lands Development Authority. The Minister has, with adequate clarity, explained the reasons for the Bill and I do not question his explanation at all. However I would like to comment on one or two matters.

First of all this particular piece of legislation was originally introduced to overcome a situation which developed in respect of Kewdale. It served a very useful purpose there to sort out something of a mess which had developed with a complexity of titles and doubts about ownership and the use of land; and then it was later extended to cover a much broader field.

At the time good reason existed for the provision in the Act for the appointment of the chairman. In other words it would be, for all practical purposes, the head of the Department of Development and Decentralisation. The Minister has explained that in the Bill this has been changed so

that the Governor will appoint the chairman from the authority members. I do not question this because it must be considered a sensible thing to do in the light of the reorganisation of the department which has taken place and the slightly different ministerial control in a number of other departments under the present Government's administration.

It is still up to the Government to make the appointment and the head of the Department of Development and Decentralisation would on most occasions be the logical person.

However, it could be that he is overloaded and so it would be desirable for the man from town planning or one of the other officers to take over. I do not oppose that provision.

The number of members of the authority has been increased from four to five. I do not intend to oppose this, but I do suggest to the Minister that to bring in the secretary of the authority onto this authority—ineestimable though the present secretary is—could have disadvantages. The present secretary as mentioned by the Minister is Mr. Hodgson, a very competent person who has done a good job in connection with real estate and the general co-ordination of the development of these industrial areas. Nevertheless I have always found that it is a bad practice to have the executive officer as a director of a company or as a member of a board or committee in his own right. There is a good reason for this.

Someone must carry out the bidding of the committee, the board of directors, the authority, or whatever the body might be, and once that person becomes a member in his own right, some serious disadvantages can occur. I do not believe this will be the case with Mr. Hodgson, but he will not be there forever. We could have the situation where a person is appointed to the board as secretary, but he will not have the capacity of Mr. Hodgson and he might not have the seniority. I just suggest to the Minister that some disadvantages in the long term could arise.

The other main provision concerns the title of the officer from the Department of Development and Decentralisation, and I do not quarrel with this one because it makes good sense to enable the person holding this particular position, under whatever title, automatically to take over the position on the authority so that the operations of the authority will not be stagnated or held up.

It is a fact that if a person is nominated by a particular title and the department is reorganised and the officer is given another title, a legal quibble could arise as to whether he or the authority could function.

Having made those observations, I support the Bill; but the Government would be wise to give thought to the deletion of the fifth member and to making the secretary remain as the secretary rather than as an official member of the authority. I am sure such a provision will have disadvantages in years to come.

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [5.24 p.m.]: As the Leader of the Opposition stated, there is not a great deal in this Bill. Unfortunately in two succeeding years action has been necessary merely because of a change in the designation or title of a particular officer. This Bill adequately copes with the current situation and any likely to arise hereafter.

The only point of difference—and the Leader of the Opposition was not over-concerned about this, but merely raised a query—is the advisability or otherwise of the secretary or the chief executive officer of the authority becoming a member of the authority itself. The department believes that this is highly desirable.

The secretary is a continuing influence. He has available to him all the details and the experience of contacts, and accordingly he is in a position to make a contribution at least equal to that of any other member of the authority. Indeed there is nothing unusual or untoward in this because the State Electricity Commission, the State Housing Commission, the Metropolitan Water Board, and the Totalisator Agency Board all have their chief executive officer as a member of their particular authority. It has worked very well with those organisations and it is thought it will with regard to the authority under discussion.

The possibility of some lesser officer being appointed as the executive officer and automatically becoming a member of the authority would be adequately catered for because the Minister of the day or the Co-ordinator of Development and Decentralisation who is currently head of the department would have regard for the fact that the person appointed as the executive officer would simultaneously become a member of the authority. Therefore consideration would be given to both of these responsibilities. Consequently I believe there is nothing about which to be concerned, and I hope and trust it will be the will of Parliament that the Bill is passed as it is.

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 5.29 p.m.