Legislative Council

Thursday, 13 November 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 11.00 a.m., and read prayers.

BILLS (5): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. Road Traffic Amendment Bill.
2. Bee Industry Compensation Amendment Bill.
3. Beekeepers Amendment Bill.
4. Dairy Industry Amendment Bill.
5. Mine Workers' Relief Amendment Bill.

NOTICE PAPER

Statement by President

THE PRESIDENT (the Hon. Clive Griffiths): Honourable members, in case you have the same difficulty I am experiencing in trying to recognise this as a notice paper, I point out that it is the best that could be produced in the circumstances as a result of the early start. It is really all right once you study it for a while.

ACTS AMENDMENT (STRICT SECURITY LIFE IMPRISONMENT) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [11.08 a.m.]: I move—

That the Bill be now read a second time.

The Government has become aware of expressions of public concern over questions of the protection of the community and the preservation of public safety. Over a period there has been a tendency for persons convicted of wilful murder, whose sentences have been commuted to life imprisonment, to be released after periods of imprisonment which are becoming increasingly shorter.

Attention has been drawn to this by Mr K. H. Parker in his report to the Government on parole, prison accommodation, and leave from prisons, in February 1979.

Mr Parker indicated that although over a 50-year period the statistical records of releases of those whose death sentences had been commuted were incomplete, a review of cases had revealed that more releases occurred after 15 years' imprisonment than after any other term, with the next most frequent terms being 10, 11, 13, and 14 years—all approximately equal—and 20 years.

The indications were, he said, that a pattern may be emerging for release on parole of persons whose sentences were commuted at or shortly after the 10-year period.

The Government believes that this tendency in relation to some cases of persons convicted of wilful murder who may be released back into the community after too short a period of imprisonment is a cause of public disquiet.

The Government has no present intention of abolishing the provision for capital punishment in the Criminal Code, but it desires to have an additional option available should a decision be made to commute a death sentence; that is to say, an option additional to commutation of a death sentence on the existing terms as set out in section 679 of the Code; an option which will provide for suitable tight security over a longer period than has become customary in recent years.

The view has been expressed that any such commuted sentence on terms of strict security for life should not be capable of being changed without a resolution of both Houses of Parliament.

However, the question of not releasing a prisoner until there is a resolution of both Houses of Parliament introduces some vexed questions, not the least of which is that the Government of the day should rightly make such a decision rather than that it be made through these rather cumbersome processes. The matter does not seem appropriate for a parliamentary resolution.

The Government decided, therefore, that the decision in such cases must remain with the Executive; but the Government believes that any such Executive order should be tabled in Parliament so as to provide the opportunity for the public to be notified and for public debate where necessary. Parliament will retain the right of debate and the right to challenge the decisions of the Executive in such cases, without the power to disallow.

A new form of exercise of the Royal Prerogative is proposed on the basis that a prisoner's sentence on a capital charge may be commuted to life imprisonment on terms of strict security. For practical purposes, such offenders are and will be those who have been convicted of wilful murder. Although any case of wilful murder is by definition serious, it is also clear that some cases may be considerably worse than others. Instances do arise where the circumstances are such that the facts of the case, taken with the circumstances of the background of the offender,

indicate clearly that if the death sentence is not to be carried out the offender must be regarded as presenting a substantial risk to the community for a considerable period in the future, if not for the rest of his life.

At present, under section 679 of the Criminal Code, the commutation may be on condition of imprisonment for life, or in the case of a child, indefinite detention. In relation to such a sentence, the Parole Board must report to the Minister on the offender when requested, or at least after 10 years and thereafter after each five years. It is desired to retain the flexibility generally which such provisions offer, but to engraft upon them an additional option for the Governor which may be more suitable for the worse types of cases. This we have sought to do by amending the Code, section 679, to introduce the concept of "strict security life imprisonment". The content of that type of imprisonment, which will be available only as an option on commutation of the death sentence, is to be derived from appropriate amendments to the Prisons Act and the Offenders Probation and Parole Act, as set forth in the Bill.

Those amendments are designed to provide that the Parole Board is to report upon a prisoner so held after a period of 20 years has elapsed, and thereafter after every three years. The Parole Board will not generally report sooner than those intervals, although it will have the power to report more frequently and earlier in circumstances which appear to it to be exceptional.

The Minister himself will have a power to call for a report on such a prisoner at any time. Those provisions are designed to ensure an appropriate continuation of detention whilst, at the same time, allowing flexibility to meet exceptional cases. Such a prisoner is not to be released from the terms of his detention under strict security life imprisonment before a period of 20 years has elapsed, except where the Governor is of the opinion that special circumstances exist. Upon release, the usual conditions in relation to parole may be applied. Because of the seriousness of such cases, a degree of public accountability resulting from parliamentary debate is to be achieved by the provision which requires the tabling of an order for the release of such prisoners, together with an explanatory note as to the circumstances, in each House of Parliament.

The amendments proposed to the Prisons Act are designed to ensure that, whilst being held in conditions of strict security life imprisonment at a place which will be specified in the appropriate order, a prisoner will not be able to be removed from one prison to another, to hospital, or otherwise beyond the walls of the institution specified, except in circumstances of emergency which are to be reported to the responsible Minister. It is envisaged that such an emergency might be constituted, among other things, by a prison fire, a riot, or need of medical care not available in prison.

In addition, it will be by order of the Governor-in-Executive-Council only that such a prisoner will be relieved of the strict security element of the detention or granted leave of absence from the prison, and thereby the Governor will be able to ensure, for the protection of the community, an appropriate maintenance of conditions of strict security, subject only to the dictates of humanity.

The object of this Bill is to provide greater public confidence in the level of protection to which the community is entitled from persons convicted of capital offences whose sentences are commuted. It is designed to provide greater flexibility in the exercise of the prerogative of mercy. The Bill will not change any existing options which are presently available.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

STATE FORESTS

Revocation of Dedication: Motion

Debate resumed from 11 November.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [11.15 a.m.]: The Opposition agrees with this motion in principle. It is the normal type of revocation motion brought into the Chamber at this time of the year. However, in the short time I have had to look at the proposal, I realise I do not have much information available to me. Four exchanges are to take place. When the Minister is replying, I hope he will give the reasons for those four exchanges. If he satisfies the Opposition on those points, I do not think any opposition would be raised to the motion in the other Chamber.

The Hon. D. J. Wordsworth: The notes are attached to the plans.

The Hon. D. K. DANS: They do not seem to show a great deal. On my reading, they do not give the purpose for the exchanges. I am not saying I have read the documents very carefully; but in the short time I have had them in my possession, I have not found the reasons for the exchanges. I would like to hear them from the Minister when he replies.

We support the motion.

THE HON. D. J. WORDSWORTH (South—Minister for Forests) [11.17 a.m.]: So that they shall be incorporated in *Hansard*, I will read the notes. I was of the opinion that they were attached to the maps given to the Leader of the Opposition.

The Hon. D. K. Dans: I may not have those notes.

The Hon. D. J. WORDSWORTH: The notes are as follows—

Area No. 1

An area of about 5.5 hectares located about 7 kilometres from Capel Townsite comprising a thirty metre strip over a distance of about 2012 metres which has been cleared and has been mined or is scheduled for mining over the next two years. The area will be included in the adjoining railway reserve.

In exchange the applicant will surrender to the Crown for inclusion in State Forest an area of about 5.5 hectares of Wellington Location 3209 which adjoins State Forest planted with pines and will allow a more compact western boundary to be established.

This exchange was requested by Western Titanium Limited to allow mining for mineral sands lying under the railway track which required the existing railway track to be moved 30 metres south, bringing it to the edge of the present railway reserve.

Westrail moved the track at company expense but insisted that the track remain centred in a reserve of 61 metres. To move the line back to its original position would put the company to heavy expense which will be obviated by the addition of the State Forest strip to the railway reserve.

All costs in relation to the exchange will be borne by the applicant.

The Hon. D. K. Dans: Who is the applicant?

The Hon. D. J. WORDSWORTH: Western Titanium Limited. The notes continue—

Area No. 2

An area of about 58.9 hectares located about 5 kilometres north of Harvey Townsite to be exchanged for Nelson Location 2241 which has an area of about 56.5 hectares.

The State Forest area is a small isolated forest block which was acquired from the Shire of Harvey some years ago under an exchange agreement to enable the Shire to relocate its golf course on an area of State Forest west of Harvey. It has no value as production forest and is not an attractive proposition for planting P. radiata.

Nelson Location 2241 adjoins a pine plantation from which it is separated by a railway line. It is 85% plantable to P. radiata and has good access.The proposed exchange will be of mutual benefit to the applicant and the Forests Department.

Area No. 3

An area of about 140 hectares located about 8 kilometres from Donnybrook to be exchanged for Preston Agricultural Area Lot 175 which is approximately equal in area.

The area of State Forest has been partly clear cut for dieback with the remainder having been cut over for mill logs about ten years ago.

Although the area does contain a small area of good quality protectable forest the remainder is average quality forest (47% of the total exchange area) to poor quality (30% of the total exchange area).

The poor quality forest is dieback infested while the average quality area is mainly non-protectable due to slope and proximity to private property. In summary 35% of the total area is dieback infected with a further 42% non-protectable and very likely to become infected in the future due to dieback already present in the area.

The exchange will improve the present boundary of State Forest.

Preston A.A. Lot 175 is suitable for P. radiata in regard to both soils and topography and has a high strategic value being adjacent to Thomson Brook Plantation and State Forest.

Area No. 4

An area of about 172.6 hectares located about 22 kilometres from Boyup Brook which, together with Reserve 174/25 (Timber—Forests Act) containing about 184.1 hectares, is to be exchanged for Nelson Locations 322, 3109, 5099 and 8824 which have an area of about 227 hectares.

The area of State Forest and Timber Reserve concerned adjoins the northern boundary of land owned by the applicant. The area has been grazed under a Forest Lease for over twenty years and there is very little regeneration or undergrowth present. The area consists mainly of sandy soils which is reflected in the poorer quality forest. The area is bounded on three sides by private property and its exchange would alleviate fire

control difficulties and provide a more manageable boundary.

Nelson Locations 322, 3109, 5099 and 8824 are all completely surrounded by State Forest. Locations 3109 and 8824 lie within Zone A of the Warren Catchment and Locations 322 and 5099 lie just outside Zone A and in Zone B of the Warren Catchment. Acquisition of these properties would permit consolidation of State Forest boundaries and reduce fire control problems. Locations 322 and 5099 are suited for intensive forestry practice and Locations 8824 and 3109 are suitable for addition to the Perup Fauna Priority Area.

The proposed exchange will be of mutual benefit to the applicant and the Forests Department.

It is perhaps a little difficult to follow those explanations when one does not have a map in front of one. Nevertheless, maps are available.

The Hon. D. K. Dans: I have the maps. The explanations are now incorporated in *Hansard* and that is what is important.

Question put and passed.

Resolution transmitted to the Assembly and its concurrence desired therein, on motion by the Hon. D. J. Wordsworth (Minister for Forests).

GOVERNMENT RAILWAYS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [11.25 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to equip the Western Australian Government railways with appropriate commercial powers to respond to competition from other providers of transport, so as to ensure that Westrail can respond to the needs of its users in an efficient, competitive transport system.

In framing the Bill, the opportunity has been taken to make amendments also in a number of unrelated areas where the provisions of the existing Act have become outdated.

In 1979 Parliament passed legislation to amend the Transport Commission Act, as it was then called, in order to prepare the way for the introduction of the new land freight transport policy.

Under the provisions of section 34 of the Transport Act, as it is now called, certain controls on the transport of goods by road were removed on 14 April this year. This was the first step in what will be the progressive removal of a great many road freight regulations.

The speed at which these regulations can be removed will be determined largely by the speed at which Westrail's role can be changed towards that of a responsible and responsive commercial organisation, actively marketing its services.

In presenting the 1979 legislation, mention was made of the need to avoid the policy mistake that some other States and countries have made. It is not the intention of this Government to unleash ever-increasing road competition on a railway system which is unprepared to respond to the competition.

Amendments to the Western Australian Government Railways Act are therefore necessary to give Westrail greater independence of management when and where competitive market conditions apply.

The matters which require immediate attention are the provision of greater freedom to Westrail's management in the setting of freight rates for those traffics which are opened to user choice and changing the function of Westrail from a provider of rail services to that of a transport operator and a "packager" of transport services using either of the land transport modes.

The Bill will relieve the commissioner of the requirement to publish a scale of charges for those traffics which are opened to user choice.

These traffics will be defined under section 34(1) of the Transport Act and the range of goods and the zones in which they can move will be progressively extended as the new policy is implemented.

In short, the Commissioner for Railways will be required to continue to publish "gazetted rates" for traffics regulated to rail, but a similar requirement will not apply to traffic opened to competition.

By virtue of the amendments contained in the Bill, the Railways Commission will also be required to charge freight rates for freed traffics which are, at least, sufficient to cover the costs directly attributable to the carrying of those traffics.

To enable Westrail to become a "packager" of transport with the ability to provide door-to-door services, it will be necessary to grant to the

Railways Commission certain powers in relation to the operation of road vehicles.

At this point, the Government's policy on the operation of road vehicles by Westrail is emphasised. Under the new competitive conditions, the Government does not wish to see Westrail a "prisoner" of its rails, unable to offer a full door-to-door service because the service involves a road journey at either or both ends of the rail journey.

However, equally, the Government does not want to see Westrail spending public money to buy or lease road trucks in those cases where private enterprise is offering road services at reasonable cost and of adequate standards.

Westrail is primarily a rail operator, and it should use road transport principally to facilitate its rail transport operations. Members will see this policy quite explicitly reflected in the Bill.

There should be sufficient capacity in the road transport industry to ensure that Westrail will be able to secure the services of subcontractors at competitive rates. However, if circumstances arise where road services are not available at suitable standards or rates, the Railways Commission, by virtue of the amendment, will be empowered to use its own road transport vehicles.

Where the commission decides to use its own road vehicles, within 14 days of its decision to commence the service, it will be required to notify the Commissioner of Transport of its decision. If need be, the Commissioner of Transport may then either seek further information concerning the service or refer the matter to the Minister who will direct whether the service can proceed or is to be discontinued.

From the outset of the implementation of the new policy, the Government has made it clear that while competition will be the major means of evolving a system which makes the best, least-cost use of transport resources, the system would be monitored to ensure that no users are unduly disadvantaged.

To assist in identifying changes which may create undue hardship for users, the amendment provides that where the Railways Commission operates a service for freed traffics, it must give 14 days' notice to the Minister of its intention to either increase charges in relation to the service or withdraw or downgrade the service.

If Westrail is to be progressively freed of pricing constraints it will be necessary to relieve the Railways Commission of the common carrier obligation.

A common carrier may be defined as—

> A person or organisation which is ready to carry passengers or goods for hire as a business and holds out to be a common carrier no matter the client. Such a business does not have the right of selection but may refuse to accept goods provided a lawful excuse can be given; for example, that it does not carry a particular kind of good or it does not service a particular destination.

Westrail must have the ability to accept selectively traffic in a competitive environment, otherwise it will be inhibited in its efforts to restructure its assets and operations around those activities which it can undertake profitably.

The Bill therefore provides for the removal of the common carrier obligation in respect of freed traffics.

As the definition of "freed traffic" is progressively widened pursuant to section 34 of the Transport Act, so the common carrier obligation will be progressively removed.

In line with the Commission's new powers in relation to pricing and the operation of road vehicles, some consequential minor changes in wording will be required in other areas of the Act and these amendments are contained in the relevant clauses of the Bill.

It was mentioned earlier that in framing the amendments to the Government Railways Act in line with the new transport policy, the opportunity was taken also to examine a number of other unrelated areas where the existing provisions have become outdated.

The changes proposed in these areas are outlined briefly as follows:

Several of the clauses in the Bill are designed to increase maximum penalties to bring them into line with the general maximum of $200 for a breach of a by-law. The last increases were in 1960 and, of recent years, their inadequacy has been the subject of comment by magistrates. Generally, the increases will relate to penalties for interference with or misconduct on railway land or property, the avoidance of fares, and the illegal sale of tickets.

The Bill will dispense with the need to convene the full Railway Appeal Board within 30 days after the lodging of notice of appeal, when all parties are agreed that only an adjournment to a later date is required.

Finally, under the existing Act, on every occasion when action is taken against offenders, the prosecutor must prove that the railway has been declared open. Obtaining this proof is often time consuming and in some cases involves

searching through *Government Gazettes* dating back to the last century and also producing evidence of the change of place names. The Bill will relieve the prosecutor of this task.

In summary, this legislation is necessary to enable Westrail to perform effectively in a competitive transport environment and to change those parts of the Government Railways Act which have become outdated.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

JUSTICES AMENDMENT BILL

Second Reading

Debate resumed from 11 November.

THE HON. J. M. BERINSON (North-East Metropolitan) [11.35 a.m.]: That a man's time, let alone freedom, should be valued at $5 a day obviously has outlived its time. That, however, is the effect of the Justices Act in its present form in respect of fines. It provides that one day's imprisonment shall be imposed for every $5 in default.

This Bill proposes to increase the relevant amount to $20 a day. The Opposition regards that as an appropriate updating provision and will support the Bill on that basis. The Bill, of course, leaves untouched the serious and very difficult question as to the equity of a system which for all practical purposes results in imprisonment for poor persons only.

I do not pretend to have a solution to that problem and so far as I am aware no-one else has the solution either. In the circumstances the present Bill may well be the best that can be done. Certainly, in the view of the Opposition, it ought to be enacted.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [11.36 a.m.]: I thank the Hon. Joe Berinson for his indication of the Opposition's support for the amendment which the Bill effects in changing the daily rate of default from $5 to $20. I am glad the Opposition members believe this is an appropriate figure at this stage in our history.

I must say that it was with some difficulty that the Government made the estimate as to what it thought was an appropriate figure. There is no intention that this figure should remain for all time. At the moment we have pending two inquiries into this very matter. One is an inquiry by the Law Reform Commission into the Justices Act which may well result in a recommendation which may be different from the one we have here. The other is the Dixon inquiry into the rate of imprisonment and clearly this is a matter which well may come up in the deliberations of that committee after its investigations into the question of the relatively high rate of imprisonment which has been disclosed by some statistics for Western Australia.

It is quite possible that there may be recommendations from that committee which may also be contrary to this proposal. However, the Government has decided to take its courage in both hands and not wait for either or both reports. It is not a reflection on those committees because we must bear in mind that they have many other matters to consider apart from this one.

The Government decided that the matter was important and that it should not be left any longer. I have been concerned for two or three years that something should be done about this and that is the reason for the general question of the Justices Act being referred to the Law Reform Commission.

I am not critical of the Law Reform Commission in any way because it had a tremendous amount of work to do with inadequate resources until two full-time commissioners were provided.

If there should be recommendations which are contrary to what we have done in this legislation, we will give the matter careful consideration. In the meantime this is a palliative which will ease the situation.

With respect to the point raised by the Hon. Joe Berinson that imprisonment affects poor persons only, in theory that is correct, but in practice it is surprising the number of people who say it is not the money, but a matter of principle.

The Hon. J. M. Berinson: A disproportionate effect on some people would have been a better way to say it.

The Hon. I. G. MEDCALF: Undoubtedly one has to make special allowances for the people who have inadequate means and this is the reason we have increased the amount over and above the normal rises which have occurred in the wage variations.

I thank the Opposition for its support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. Hetherington) in the Chair, the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 167 amended—

The Hon. J. M. BERINSON: I take the opportunity to put a question to the Attorney General. I would like to know the effect of this amendment on persons already in prison on warrants of commitment. The standard form of sentencing is, for example, $100 or 20 days in default. My reading of section 167 of the Act, which is the only section to be amended by the present Bill, suggests to me that people already in prison will not have the benefit of this amendment. Indeed, since clause 2 provides that it will not actually come into operation until 28 days after the day on which it is assented to by the Governor, it could be the case that even people convicted within the next month could still spend time in goal at the rate of $5 a day. Given that the higher figure is clearly accepted unanimously within the Parliament, it would strike me as undesirable if that is the effect of the Bill in its present form. I would appreciate some advice from the Attorney General as to whether I understand that provision correctly.

The Hon. I. G. MEDCALF: There is no intention of altering orders which have been made already. We have explained that it is desirable to impose a period before which amending Acts come into force. Because of the size of the State, it takes a while for information to be conveyed to the appropriate court officers, police officers, and others throughout the State, and therefore we have adopted this method of delaying the implementation of amendments for a period of 28 days.

We have not made any changes in this particular case. We do not wish to make any changes in the orders which have been made. It is not an easy matter to change all these things. It is surprising how many people in various parts of the State will be affected, and I believe confusion would reign supreme if we passed any amendments which would have the effect of retrospectively changing orders which have been made by magistrates in various cases. So it is not proposed that this provision will affect current cases.

The Hon. J. M. BERINSON: I think it was only yesterday that the Attorney General was amenable to the proposition that consideration be given to retrospective effect for amendments to the Stamp Act. The justification for the suggestion from this side of the Chamber and his acceptance of it, at least for purposes of consideration, was that it is desirable, in the public interest, that the revenue should be protected. It is at least as desirable that the liberty of our citizens should be protected.

While there is nothing in this Bill or in our attitude to it which suggests that at least for the time being there is any alternative available to imprisonment in default of payment of fines, nonetheless we have reached the stage where it is agreed generally that to send a person to prison for a day for each $5 in default of a fine is excessive by an order of four.

I am prepared to accept that there are administrative difficulties which would make it impracticable to backtrack on persons already in prison under warrants of commitment in order to provide them with relief. On the other hand, I really do find it unacceptable that we cannot apply these provisions for at least another month—28 days after the Governor's assent to the Bill which itself may take one or two days.

I cannot believe our communications these days are so primitive that we could not ensure that all relevant law authorities would be advised of the change and act accordingly within no more than seven days of the day of assent.

I regret we have already passed clause 2. As I indicated earlier, I was not completely sure about the effect of the legislation in terms of the time at which it would apply. However, I suggest to members, and more directly to the Attorney General, that this well could be a case where it would be reasonable to reconsider clause 2 with a view to inserting the words "seventh day" in lieu of the words "twenty-eighth day" before the general rule is implemented.

This is an Act which goes directly to the liberty of individuals within the community, and since we have decided to relieve them of the harshness of the provisions brought about by a failure to update the relevant sections of the Act previously, at least we ought to implement the amendments promptly now.

I suggest seriously to the Attorney General that this would be an appropriate case to reconsider clause 2 with a view to reducing the period to seven days.

The Hon. I. G. MEDCALF: This is not as easy as it sounds. Many people are involved in this process, including justice in remote parts of the State. If it is considered advantageous to have a period of 28 days in which to notify people of changes, this Bill illustrates the importance of having that period. Having just decided a few weeks ago that we will have a period of 28 days in which to notify changes, particularly of an administrative kind—and that is the kind of change we are debating—there well could be

confusion if we were to change that principle at this stage.

Many people could take advantage of that confusion. All those who go to prison are not fine upstanding people who habitually honour their arrangements. There is no other way sometimes to enforce the requirements of the law than to insist on imprisonment, and the honourable member indicated that is the situation now. I would not be prepared to give any such undertaking. While I am still in the same generous mood I was in yesterday, I do not believe it is appropriate that I should give an undertaking to reconsider the Bill.

I am prepared to say I will arrange to have the Bill looked at administratively to see what can be done; I have discovered it is quite surprising what can be done administratively.

I do not believe at this stage we should alter the principle we have just adopted of having a 28-day period. This is a classic case where one is necessary, to get this information around the State.

If we suddenly shortened that period, I believe we could cause trouble. We have had this particular daily rate of default for some nine years. I suppose some justices probably could recite in their sleep the number of days of default for various fines. If this is to be changed, it would require a definite direction or instruction to all the people who are involved; and, many people are involved. I could not tell members the number of justices who may be involved. It is not simply a matter of notifying the clerks of courts, the sergeants of police, or other police officers who are acting as clerks of court in remote areas; justices who come to court perhaps only once a month would also need to be notified.

Therefore, I do not believe this is a proper case for a reduction in the period of 28 days. In fact, I believe it is a proper case for our keeping the period. However, the general proposition is reasonable, and I would be prepared to say we will examine the matter to see what can be done administratively to allow this to have some effect.

The Hon. H. W. OLNEY: Section 167 of the Act provides that the rate of imprisonment shall be one day for every $5—now to be $20—and also for any fraction or part of $5, now to be $20. Perhaps the Government could consider removing the provision in respect of fractional parts.

In the old days, in my time as a magistrate, the rate was set at a day's imprisonment for every £1, which made it very easy to work out. If somebody was fined £10, with 10s costs, he would be required to serve 11 days in default.

Now, of course, as the unit in respect of each day's imprisonment increases there is a greater range of fractions so that a minor offender who has been fined, say, $20, with $1.50 costs finds himself required to serve two days' imprisonment instead of only one.

This is probably not a very important issue, but in many cases it could involve an additional day to be served in default due simply to a small amount which has been added by way of costs. Perhaps the Government could examine this matter at a later date.

The Hon. I. G. MEDCALF: It is true that on odd occasions, cases could arise such as Mr Olney describes. However, we must cater for fractional parts of $20, because an offender may be fined $10, with $5 costs. It is hardly appropriate to reduce the daily amount to a number of hours, whereby a person fined $5 would be required to serve six hours in default. We must have a cut-off point somewhere, and that is all it is.

However, as I indicated earlier, the totality of the Justices Act—apart from the appeal provisions, on which the commission already has reported—is still being examined by the Law Reform Commission, and the honourable member's comments will be conveyed to the commission in case it would like to make some suggestion on the matter.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

PARLIAMENTARY SUPERANNUATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.57 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Parliamentary Superannuation Act following a

review of the parliamentary superannuation scheme undertaken by a panel comprising Mr K. J. Townsing, Government consultant and former Under Treasurer, Mr D. E. Barton, consulting actuary, and Mr P. J. Lanigan, Chairman of the State Superannuation Board.

The review panel, in reporting to the trustees of the scheme, has suggested a number of changes after having due regard to several proposals put forward by members and to the provisions of the various other schemes in Australia which provide superannuation benefits for members of Parliament and their dependants.

The trustees, consisting of the Hon. V. J. Ferry, MLC, the Hon. N. E. Baxter, MLC, and Mr P. Coyne, MLA, and Mr T. H. Jones, MLA, have considered the suggestions of the review panel and recommended several legislative amendments to which the Government has agreed.

The proposed amendments as contained in the Bill seek to—

(1) increase members' contributions to the fund from 10 per cent to 11½ per cent of salary;

(2) raise the level of basic pensions emerging in the future from 38 per cent to 38.8 per cent of basic salary after seven years' service, increasing by 1.2 per cent in lieu of 1 per cent of that basic salary for each additional six-monthly period of service up to a maximum of 70 per cent of basic salary after 20 years' contributory service;

(3) reduce a member's contribution rate by half when the basic pension of 70 per cent of basic salary is achieved after 20 years' contributory service;

(4) permit members retiring at age 65 or more to commute up to 50 per cent of their full pension entitlement and for that percentage to increase by 1.25 per cent for each six-monthly period and any part thereof by which the age of a member at retirement is less than age 65;

(5) reduce, for members retiring at age 66 or more, the commutation factor of 10 by half the difference between the number of years of the retiring member's age and 65;

(6) remove the existing provision which requires a retiring member under age 40 to take the total pension entitlement in the form of a lump sum;

(7) raise the level of a surviving spouse's benefit from five-eighths to two-thirds of the member's entitlement or notional entitlement assuming 16 years' service, whichever is the greater;

(8) provide an option for the surviving spouse of a member who dies in office to commute up to 50 per cent of the reversionary pension entitlement;

(9) provide, that where a member's parliamentary service ceases and the member does not qualify for pension benefits, a supplementation be paid from the fund to that member equal to the amount of personal contributions made to the fund accumulated at interest; and

(10) to apply the proposed supplementation to any former member who ceased to be a member after the 1980 elections and did not qualify for pension benefits.

The Government considers that the foregoing proposals are reasonable and warranted and it is appropriate to explain each of them more fully.

The proposed new contribution rate for members of 11½ per cent of salary is identical to that prevailing in all other parliamentary schemes in Australia, with the exception of Tasmania, where it is 12 per cent of salary. The higher pension benefit structure would also bring the scheme more into line with other parliamentary schemes in Australia.

While the proposed increase in pension entitlement is only moderate, the new benefit structure would result in the maximum basic pension entitlement being achieved after 20 years' service rather than 23 years as at present.

The purpose of item (3), in conformity with existing practice, is to authorise the reduction of a member's contribution rate by half when the maximum basic pension of 70 per cent of basic salary is achieved.

While being conscious of the merit of ensuring that retiring members in later years have reasonable levels of income in their retirement, the proposal under item (4) acknowledges an existing trend in comparable schemes towards more liberal commutation options and accordingly would permit members to commute greater portions of their pensions at retirement.

Adoption of the revised commutation arrangement would enable a member retiring at age 45 or less to commute 100 per cent of his or her pension entitlement. On retirement at later ages up to age 65 or beyond, the maximum proportion of pension commutable would progressively fall to 50 per cent. At age 55, for

example, the maximum commutable proportion would be 75 per cent of the pension. This compares with the existing provision which permits a maximum commutation of 75 per cent of the basic pension at age 40, progressively falling to 45 per cent at age 55, and to 25 per cent at age 65 or more.

Again, in common with a number of other parliamentary schemes, it is proposed under item (5) to reduce the standard commutation factor of 10 for those members retiring at age 66 or more. For example, where a member retires at age 67, the conversion factor would be reduced to 9.

Under the existing legislation, a retiring member under age 40 is obliged to take the total entitlement in the form of a lump sum. Under item (6) it is proposed to remove that obligation. In effect, such a retiring member would in future be able to commute any part of the entitlement, but there would be no compulsion to do so.

Such a measure would be unlikely to impose any additional strain on the fund due to the high probability that members retiring with pension entitlement under that age would, in any case, elect for the full lump sum.

Item (7) provides for an improved reversionary benefit for the surviving spouse of a member or former member. The increase is not large, but it is proposed that the improved benefit would apply to existing as well as future widows.

For an existing widow, her pension would be recalculated based on two-thirds of her husband's entitlement or notional entitlement assuming he had served 16 years. Generally, her pension would be increased by 6.67 per cent, which is the percentage difference between the present and the proposed spouse's reversionary rate.

The proposed option under item (8), to enable the surviving spouse of a serving member to commute up to 50 per cent of the reversionary pension, is considered a meaningful innovation. By way of explanation, under the proposed revision of members' benefits—item (2)—and spouses' benefits—item (7)—and assuming the current basic parliamentary salary, the minimum pension to which the surviving spouse of a present member would become entitled would be $10 486 per annum of which up to 50 per cent could be commuted, using the same conversion factor that applies to retiring members.

No change is proposed in respect of the surviving spouse of a former member, in which case, as members will be aware, a full spouse's pension is payable even though the member may have elected for maximum commutation at retirement.

Item 9 relates to the entitlement of a member who retires from Parliament, voluntarily or involuntarily, without pension rights. Under existing arrangements the benefit payable to a member in such circumstances is a refund of personal contributions made to the fund accumulated at interest. Under this proposal, such a member would also receive a supplementation from the fund equal to the amount of personal contributions made accumulated at interest. Due to the special circumstances of parliamentary life, it is considered that the proposed supplementation is justified.

The question of providing some form of lump-sum supplementation, where a member retires either voluntarily or involuntarily from Parliament, was given consideration by the Government late last year. While no final decision was taken at the time, an undertaking was given that should the Government proceed with a proposal of this nature during the course of this Parliament, any enhanced benefit would be paid retroactively in regard to any former member who ceased to be a member after the 1980 elections and did not qualify for pension benefits. The proposal under item (10), if adopted, would honour that undertaking.

Of the proposed changes, only three will have any impact upon State revenue. The proposed increase in members' pension entitlements—item (2)—has been estimated to cost $130 000 in a full year. The proposed increase in spouses' benefits—item (7)—would apply to existing as well as future widows and would impose an additional cost estimated at $20 000 per year.

It is difficult to forecast the cost that would be incurred under item (9) in any future election year. However, based on the experience of the last three elections, the cost would be unlikely to exceed $50 000 in current terms. Following the elections earlier this year, four members retired without pension entitlement. The aggregate payment to those members under item (10) would, in total, be $46 912.

This Bill contains a proposal, approved by the Government during the course of the previous Parliament, but in respect of which legislation was not introduced. As members will be aware, under existing legislation new members of Parliament have the right, within three months of their election, to back-pay superannuation contributions to a date not earlier than 1 January in the year of their election. Any period for which contributions are so made is credited as contributory service for the purpose of assessing benefits payable under the Act.

As the basic pension entitlement of a member after the minimum period of seven years is increased by a percentage increment for each subsequently completed period of six months' contributory service, the option to pay back contributions is of particular relevance to members of the Legislative Assembly. For members of the Legislative Council who are elected for a precise term of years, the option does not have the same importance in this regard. Members of both Houses will, of course, appreciate the added significance of the pay-back option should the proposal under item (9) be adopted.

The Act as it stands does not permit any extension of time beyond a three-month period for members to back-date contributions, nor does it confer upon the trustees any discretionary power to permit an extension of time where the circumstances justify such action.

Inquiries have revealed that many current members did not back-pay contributions on first becoming members. Generally, the reason for this is that they were not acquainted with the provision early enough to exercise the option within the specified time. There is no doubt that many would exercise the option now if they were able and it is considered only fair and reasonable that they should be given the opportunity to do so. The Bill therefore contains a provision to give the trustees discretionary power to extend the time for the back-payment of contributions and to determine the amount of interest, if any, that should apply to those contributions.

The proposed amendment has been considered by the trustees and they have agreed that no interest charge will apply to any present member who has so far not back-paid contributions, but who, following the introduction of this legislation, elects to do so, provided the appropriate payment is made to the fund within three months. The members affected by this provision will be advised in writing of the position at an early date.

The Bill contains one further proposal. In the course of preparing the proposed legislation some doubt arose in regard to the actual cessation date of a member of the Legislative Assembly who is not re-elected to the Parliament following an election. The uncertainty stems from the fact that the Legislative Assembly is normally dissolved some weeks before an election and the relevant proposal clearly establishes the ceasing date in such instances as the date of the poll following a dissolution.

I would like to correct an earlier part of my speech because I inadvertently omitted to include the Premier, Sir Charles Court, when I referred to the trustees of the fund. He is one of the trustees and, in fact, is the chairman.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [12.10 p.m.]: I will not be foolhardy by rising to oppose this Bill. The Opposition agrees with it.

I have some personal thoughts on the present superannuation scheme and the time it has taken for this Bill to arrive at this point. All I would like to say is that I wish the Government had taken some notice of a request made by some members of the committee and the board to give some consideration to *de facto* spouses. I will not say any more than that because in hardly any area of life today is a *de facto* situation not recognised.

Members of Parliament are just as fallible in this arena as are other members of the community. Whilst that issue has not been catered for adequately on this occasion, I hope that in the not-too-distant future the parliamentary superannuation scheme will be suitably amended to include *de factos*.

With those few words, I support the Bill.

THE HON. V. J. FERRY (South-West) [12.12 p.m.]: Mr President, as one of the Trustees of the Parliamentary Superannuation Fund I can say that this Bill has my complete support, as you probably would have guessed. I wish to inform the House that over the last 12 months or so a considerable amount of work has gone into a review of the scheme.

I wish to pay tribute to the introductory speech of the Leader of the House. He provided full explanatory notes on the provisions in the Bill. I do not intend to go over the ground which he so adequately has covered; nevertheless, I wish to say it would be appropriate for the Government to consider a complete reprinting of the Act to render it in a concise form following the anticipated passing of this legislation through the Parliament.

In my view the updating of the provisions of the parliamentary superannuation scheme will enable the scheme to compare favourably with schemes in the other Australian Parliaments, including the Commonwealth Parliament. Whereas not one scheme is exactly the same as another, it is my view the present proposed amendments will bring our superannuation scheme up to a very reasonable standard by comparison with the others.

Members will be aware that at present the contribution from members' salaries is 10 per

cent, and that it will be increased to 11.5 per cent. The public does not appreciate always that a superannuation scheme is not a pension fund. Like other superannuation schemes, in the main, our scheme provides that contributions be a certain amount and, ultimately and hopefully the members will receive benefits.

One of the pleasing features of the updating of the Act is that there will be greater provision for benefits to be given to surviving spouses of members. I think this is fairly important in this day and age because surviving spouses should be catered for so that they can live in reasonable circumstances, bearing in mind that the spouses of members of Parliament have to put up with a member's lifestyle which is quite different in many ways from what might normally be expected in the community. Therefore some adequate provision is necessary to cover this unusual situation—if that expression is appropriate.

I do not wish to delay the House any further. I just refer members to the adequate notes supplied by the Leader of the House. I suggest if any member has any particular queries as to his situation, as to how he may stand in regard to the fund, that he contact the Superannuation Board directly to obtain an accurate assessment of how he is placed.

THE HON. P. H. LOCKYER (Lower North) [12.17 p.m.]: Very briefly in support of this Bill I want to add to the words of the previous two speakers.

As a person who was in the insurance business for a number of years I am pleased that the superannuation fund has been revamped. It is my belief that members of Parliament have the same rights as people in private interprise and, in fact, people in private superannuation funds throughout Australia. It is important that members of Parliament receive the same privileges. The fund that is being put up in this Bill is reasonable. It is nothing fantastic compared with what is available to the general public, especially in private enterprise. I believe we as members of Parliament are equally entitled to look to our future as do people who enter private enterprise, run their own businesses, or work for the various companies or corporations in this State, and who may work in the north or the south as the case may be.

The committee did a very good job in revamping the fund, but I support the point of the Hon. Des Dans about *de facto* spouses. He was quite right. This is something the Parliament should consider in the future.

The Bill is good. It will improve the position of members approaching retirement, and younger members thinking about retirement, especially when one takes into account that the coming world will be more expensive to live in. It is important that our benefits are improved.

I support the Bill.

THE HON. W. R. WITHERS (North) [12.18 p.m.]: I will not speak against the Bill, but I will express some disappointment; in fact, I will express two disappointments.

The Hon. D. K. Dans: You are gamer than I am.

The Hon. W. R. WITHERS: My first disappointment relates to my desire to say something that should reach the public, but the Press Gallery is empty; it looks as though I will waste the time of the House for a few minutes!

Several members interjected.

The Hon. W. R. WITHERS: The Press is not here to listen to my comments.

My second disappointment relates to the trustees' not accepting the recommendation I put to them. I asked the trustees to recommend that a member be allowed to leave the Parliament at any time after he has served his particular term and still to receive a pension on the regressive scale, if he so desires. The reason I say this is that members find, if they are under the age of 55, have completed seven years in Parliament, and for some reason wish to leave it for the benefit of their health or for the benefit of their constituents—to be fair to their constituents to allow proper representation in Parliament—they are penalised.

In fact, I pointed out in my submission to the trustees that at the moment a member has three avenues to follow. The first avenue is to say, "I wish to resign because I can no longer represent my people effectively". Of course, that is a situation in which I find myself at the moment in the North Province seat. I have elected to again live in the Kimberley in my electorate. I find I can no longer properly service the southern half of my province—that is the Pilbara area—because of the way the airline schedules are structured. For me to go to a town such as Tom Price I would have to embark on a four-day safari, and that would be in order to attend one meeting. Therefore I believe I cannot effectively represent my constituents, and if I cannot do that I should resign.

I have told the Parliament I will resign for that purpose; to my satisfaction I cannot represent the southern half of the province effectively.

If I do this, I find that I cannot receive a pension. This did not particularly worry me until one other member—who shall remain nameless—told me he also would like to leave Parliament under much the same sort of conditions, but he found he could not afford to do so. He was not in my position—I have a family business. He was employed prior to his coming to Parliament.

I want to point out that a member of Parliament, after he has been in Parliament for a period of nine years, becomes unemployable outside. I will explain the situation.

The Hon. J. M. Berinson: The trustees did not back up that proposition?

The Hon. W. R. WITHERS: That is so. They have their reasons.

The Hon. D. K. Dans: They did not back that proposition.

The Hon. W. R. WITHERS: Yes, they did knock it back.

I want to say that a person who was employed initially, say, as a fitter and turner, and who was a member of the Labor Party, could go through the union movement to the point where he becomes a shop steward. Because he is a good shop steward, he seeks endorsement from the Labor Party, receives it, and is elected to Parliament. He then serves, say, 12 years in the Legislative Council. I am not referring to any particular member; this is a hypothetical example. We will find that that person, if he wishes to leave Parliament because he feels he cannot effectively represent his constituents any longer, or because the travelling is getting him down, puts his resignation to the tribunal and asks whether he qualifies for a pension. The tribunal will not tell him until he is in the position where his resignation is irrevocable. When he is committed to his resignation, he may be told he cannot get a pension. He receives a lump-sum payment consisting of his own payments plus a small amount of interest.

That person then puts himself on the job market. I ask: Who will employ him? If that fitter and turner wants to return to his old job he will walk the factories. At this time he will be about 52 years of age. He will place an advertisement in the paper to the effect—

> Job Wanted. Extensive experience in fitting and turning before 1968. Since 1968, a member of Parliament.

Who the heck would employ him? Absolutely nobody! He is unemployable in his peer group; his past peer group does not exist outside so virtually he is unemployable.

I will use another example of an ex-serviceman who has served his country well. He may have been commissioned, and he decides to go into politics. When he retires he is placed in the same position as the fitter and turner. He places an advertisement in the paper to the effect—

> Job Wanted. Man with extensive executive experience. Last 12 years member of Parliament. Will accept any executive position.

I put it to members: No job will be available to him.

The Hon. J. M. Berinson: There is an even more classic case, which is more common. I refer to a union secretary who goes into Parliament. His position does not exist when he leaves Parliament.

The Hon. W. R. WITHERS: There is a slight difference there because when a person works in a particular job outside Parliament he is getting current experience in that job. We are getting current experience as members of Parliament, and that job does not exist outside Parliament. All that a member could do is to seek endorsement for another seat, and who would want to do that after leaving Parliament?

I put to the commission three examples of what a person could do if he decided to leave Parliament—the case of the tradesman, the case of the army person, and the case of a person like myself. Let us look at the three options.

The first option I have already described; that is, the former tradesman who seeks to leave Parliament for various reasons, and having committeed himself to an irrevocable position of being an ex-member, he is advised he will not receive a pension. The system has exploited that member.

Let us take the second example, where a member will decide to stand for a seat which he cannot win. Of course, he loses. Frankly, that person is immoral in deliberately standing for a seat which he cannot win, and which he could not represent even if he won it. However, that member would gain a pension. That particular person says that he will not be stupid and let the system exploit him. He uses the system, and he will rationalise his little act of immorality.

But, let us look at the third option. This is a terrible situation, but it could be exploited by every member in this House. I will describe to members a situation which could allow them to make $210 000, and obtain a pension for life.

Several members interjected.

The Hon. W. R. WITHERS: Any member can follow this course. A member can be elected and serve six years in the Legislative Council. In this instance, the member would need to have absolutely no morals or semblance of morals at all.

The Hon. D. K. Dans: I do not think you could find a person of that type here.

The Hon. W. R. WITHERS: I have had occasion to call a few people illegitimate, in a jocular way, but I do not know of any member who would be so immoral as to follow the course I am about to outline.

Having served six years conscientiously as a member of Parliament, a member could decide to seek re-endorsement, but not tell anyone that for the next six years he will work entirely for himself. He could win the seat at the election, and set up an office to be paid for by the Premier's Department. He could employ a secretary, again at the expense of the Parliament. His telephone account would be paid 75 per cent by the Government. He could get his fares paid from and to his electorate, and he could receive a non-taxable allowance, supposedly to represent his constituents.

That member could decide to no longer represent his constituents. He would attend Parliament only for the statutory required period to prevent his loss of the seat, which I think would be one visit every three weeks. He would then conduct a business from his electorate office. His secretary would handle his private letters, and his constitutional work would be handled with a pro forma type of letter shoving the responsibility onto either his colleague in this place, or to a member in another place. He would attend only functions which would benefit his business. On occasions he could come to Parliament House dining room as a business meeting place, and provide a rather inexpensive meal for his guests.

A member in that situation would have a business from which he would earn his living, while his salary and allowance would go into a kitty which, with interest, will amount to some $210 000 at the end of his six-year term.

Because that person would be such a lousy member of Parliament, there would be no way that he would be elected again, so he would have a pension for life. That is a disgusting situation, and the existing circumstances invite members to follow that course if they are immoral enough. As I said previously, no-one in this Chamber would be immoral enough to take that action.

The Hon. D. K. Dans: Perhaps you should have printed that and circulated it secretly.

The Hon. W. R. WITHERS: Actually, I did print it, but there is no-one who would do it.

I am pleased to see the improvements contained in this Bill, but I am very sorry that we have a system still which allows a member to be exploited in the face of being unemployable for the reasons I have expressed. I look forward to the day when my suggestion will be adopted. It will not cost the State additional money because my suggestion is that a pension scheme for voluntary resignations should be on a regressive scale.

Sitting suspended from 12.31 to 2.15 p.m.

THE HON. I. G. MEDCALF (Metropolitan —Leader of the House) [2.15 p.m.]: It would be appropriate for me to act in the customary manner and thank members for their support of the Parliamentary Superannuation Amendment Bill. Obviously it is not a very contentious Bill, but no doubt individual members believe some aspects of it could be improved.

I noted the points made by members when they spoke on the legislation. For example, I noted the comments of the Hon. Des Dans in relation to *de facto* spouses. It might be a matter of debate as to how many *de facto* spouses each member is entitled to have.

The Hon. D. K. Dans: I am asking for only one.

The Hon. I. G. MEDCALF: It is probably a matter of debate also as to whether the *de facto* spouse should be interchangeable at any stage. This is a matter which has caused problems to a number of other superannuation trustees.

The Hon. D. K. Dans: The problems are not insurmountable. Given enough time and thought, they can be overcome—I do not mean the *de facto* spouses; I mean the legislation!

The Hon. I. G. MEDCALF: I believe we have probably said enough about that. The Hon. Vic Ferry informed me the question of *de facto* spouses remains on the agenda of the superannuation trustees.

The Hon. R. Hetherington: I think we should return to the use of the term "common law wife". It sounds better.

The Hon. D. K. Dans: I do not like the use of the word "common".

The Hon. I. G. MEDCALF: We owe a debt of gratitude to the trustees. One assumes this is an automatic job, but they have spent a great deal of time on the matter. They have been asked a number of questions and I know they have

endeavoured to give fair consideration to all the matters raised, although they have not all been negotiated successfully. Some requests have had to be refused.

I know the trustees have spent a great deal of time on the matter, because Cabinet has, from time to time, discussed the trustees' recommendations. Members generally owe a debt of gratitude to the trustees, including the Hon. Vic Ferry and the Hon. Norman Baxter, for the work they have done.

I have noted the comments made by the Hon. Vic Ferry in regard to the reprinting of the Act. That matter falls within the portfolio of the Attorney General and I will look at it.

I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. I. G. Medcalf (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

The Hon. N. E. BAXTER: I should like to refer to the situation in which a member retires through ill-health. During the second reading stage, Mr Withers said a member who retired through ill-health could not obtain a pension.

I should like to point out there is a provision in the Parliamentary Superannuation Act which covers members who are forced to retire through ill-health. That provision is applicable at the discretion of the trustees of the superannuation fund.

The Hon. W. R. WITHERS: The Hon. Norm Baxter has misunderstood what I said, which was that if a member wishes to retire for some reason, he has to make an application to the committee and before the committee replies it is necessary that his retirement as a member of Parliament is irrevocable. In other words, he has already committed himself to retirement but he does not receive an answer until he is fully committed to retirement.

If a person does wish to retire from Parliament and is hopeful of receiving a pension, it is possible that the tribunal can still knock back his application. However, that does not happen until after he has committed himself.

Clause put and passed.

Clauses 4 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

RESERVES BILL

Second Reading

Debate resumed from 11 November.

THE HON. J. M. BROWN (South-East) [2.25 p.m.]: I indicate the Opposition's support for the Bill and in doing so I wish to acknowledge the safeguards the Parliament has provided for "A"-class reserves.

This would be one of our most important functions, although some members may consider that this legislation is a machinery Bill. However, it has a far wider application.

In his second reading speech the Minister said the purpose of presenting the Bill late in the session was to ensure that there could be as many "A"-class reserves as possible in one Bill. This fact is acknowledged and I want to add that this legislation has come forward following the correct deliberations made by the departments concerned because it is not likely that we will consider the variations within the "A"-class reserves without giving the matter the consideration it really deserves.

Whilst the Opposition supports the Bill, the time which is available to investigate the matter is insufficient. It is insufficient to ascertain the full implications of what the Bill actually does.

The information which was prepared by the Lands and Surveys Department—and which had been presented to the Hon. J. Berinson and passed on to me—covers all areas of the State and when we consider the various impacts of what is presented, we note that there are 14 areas affected. Six areas have excisions, four have a change of purpose, and three have a cancellation.

This matter is before Parliament because of the considerations which have been made in the past, particularly by those before us who believed that "A"-class reserves should be preserved for posterity. When we make a determination or an alteration to the preservation of these reserves I do not believe we should do it lightly and I do not think it is done lightly. However, we must give

some accent to what is being done within the Parliament in regard to this legislation.

In the early 1960s there was a reserve for flora and fauna on the outskirts of the Merredin water catchment area. A case was presented to the Minister of the Crown that that area should be used for farming purposes. The roads board of the day, in its wisdom, said that the application which was supported by the Minister of the Crown, could not be accepted. That board made an immediate application to the Minister for the area to be made a class "A" reserve so that it could be preserved in perpetuity.

Therefore, I believe it is a correct process that alterations to reserves should come before the Parliament for consideration. I believe also when the Minister has made a decision to alter a reserve, it should not be done without due consideration.

If we refer to the information provided to the Minister by the Lands and Surveys Department we note that the Nedlands local authority used a reserve for an incorrect purpose. I think it is only correct that it has asked the Parliament to rectify the matter.

This is what we are doing today. Similarly, in the Shire of Denmark, a church organisation wants to acquire a very valuable piece of land. The information I have is that contained in the map together with the information from the Department of Lands and Surveys. Having a look at this, I think probably one would need to investigate the area to determine whether we are making the right decision. However, as the second reading speech was delivered only this week, I am relying on a presentation put forward by the officers concerned, together with the information we have before us. Therefore, as I said earlier, we support it.

The Minister said that the Bill was delayed until the last possible moment so that as many areas as possible could be embraced. I realise, of course, that the Bill covers amendments in respect of various areas of land in "A"-class reserves. I believe we should have the opportunity to give this matter the investigation it deserves. I trust the Minister will recognise my remarks as being constructive criticism.

Some 14 reserves are to be altered; some are to be declared "A"-class reserves, some areas of "A"-class reserves are to be excised, and some areas are to be put into their right perspective following errors made in the past. This problem will continue to arise in the future.

I recognise the power of Parliament to alter an "A"-class reserve. This power is given to Parliament specifically so that it can protect our State in future years.

It is significant to note that one amendment will make an "A"-class reserve available for caravan parks and chalets. In another case, the designation of "caravan parks and chalets" is to be returned to that of an "A"-class reserve.

As I say, we recognise this particular problem. We realise that the introduction of the Bill was delayed so that as many changes as possible could be presented to the Parliament during this session. Therefore, I ask whether it would not be possible in the future to supply to the House the very valuable information prepared by the Department of Lands and Surveys. Let us have a little more time to look at the alterations that are to be effected, because our deliberations will affect the future of this State. We support the Bill.

THE HON. V. J. FERRY (South-West) [2.34 p.m.]: I support the Bill, and in so doing I tend to concur with the latter remarks of the Hon. Jim Brown. He thought that we could be presented with a little more information and background material, particularly in regard to parcels of land which are proposed to be changed by way of designation.

This is an important Bill, although it takes up only a few pages. Parliament has the prerogative to examine the classification of land in "A"-class reserves and this is guarded rather jealously, as it should be. Therefore, it is appropriate that Parliament should examine the provisions of any Reserves Bill which comes before it.

Only one particular parcel of land referred to in the Bill is in the province I have the privilege to represent, and that is Class "A" Reserve No. 27618. This is an "A"-class reserve in the Augusta-Margaret River Shire. The designation is being changed from one of "recreation, caravan park and camping" to "recreation". That is a very small change in itself, but nevertheless it is an important one. It arose from a request by the local authority concerned. I have been in touch with the shire council about this reserve, and I was informed that the alteration is completely in accordance with its wishes. I commend the Government for bringing the matter forward in this Bill. I support the measure.

THE HON. T. KNIGHT (South) [2.36 p.m.]: I rise to support this Bill also, and as members will note, three amendments cover areas of my electorate. The first one of these is Class "A" Reserves Nos. 24547 and 24548, the designation of which is to be changed to permit chalets to be built. This is a good move, particularly because of the tourist potential in the area. The shire council

has shown a lead in this matter by seeking the establishment of chalets for tourism and to improve the recreational potential of the reserves. Certainly I support this amendment.

Class "A" Reserve No. 25337 in Denmark is required to build a church for the Uniting Church. This area was held by the boy scout association, but as that body was not utilising the reserve, the Government, through the Minister and me—working on behalf of my constituents—made the necessary arrangements for this alteration. Obviously, therefore, I support it.

The Hon. J. M. Brown: Is there any other area that could be suitable?

The Hon. T. KNIGHT: This has been decided by the shire council, the people in the area, the department, and the members of Parliament who represent the area. It is a practical site for a church. The area held by the church was of insufficient size for this purpose. This borders on an area which is under development for purposes in harmony with the establishment of a church.

The Hon. J. M. Brown: Have you personally looked at the area?

The Hon. T. KNIGHT: I have looked at the area, discussed it with the shire councillors, representatives of the church, and local residents.

The Minister referred to Class "A" Reserve No. 74912. He stated that quite inadvertently the owner of a farm fronting this reserve had fenced the area. It is not considered that the reserve will be ever utilised as a road, and I think the best action to take is that contemplated—the area will be included in the farm concerned. I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [2.39 p.m.]: I thank members for their support of the legislation and the comments they have made. I will answer some of their queries. The Hon. Jim Brown mentioned the length of time available for consideration of the Bill. I was aware of the fact that introducing the Bill during the second last sitting week makes it more difficult for members, and I apologise for that.

Members might also be aware that only yesterday a question was asked by a member of the Opposition in another place as to why the Geraldton Rifle Range was not included in this year's Reserves Bill. I know the member representing the area and the Hon. Margaret McAleer have been working on this matter. Unfortunately, the survey arrived at my office only two days after the Reserves Bill had been completed. There is always another item which people and members are anxious to have included.

The Hon. Neil McNeill: It has been waiting around for only about 15 years.

The Hon. D. J. WORDSWORTH: Yes, and when the item gets that close to going in the Reserves Bill, members are anxious that it be included.

It was suggested that this Bill is hurried through the Parliament. It certainly is the case that it is introduced late in the session, and does not have very much time to pass through both Houses. However, that does not in any way suggest that the relevant departments have hurried their consideration of the matter. As the Hon. Neil McNeill indicated, the officers of departments such as the Department of Conservation and Environment, the Department of Fisheries and Wildlife, and others have been around for a long time and, most certainly, they would not hurry decisions unduly. These matters are the subject of thorough scrutiny and investigation.

One of the greatest safeguards in legislation such as this is that under our parliamentary system, individual members attend to in detail what is of importance to their electorates. They, in turn, must go back and live with any decision the Parliament makes. They are on record as having spoken either for or against a proposal, if indeed they spoke at all on it. That in itself is a very good safeguard.

The Hon. Jim Brown referred to the Denmark proposal, and the Hon. Tom Knight also spoke on this matter. I have obtained an aerial map of the area, which may be of interest to Mr Brown. I mentioned the church was to be constructed in an area which had been cleared for a scout hall; the aerial photograph clearly shows that area.

This was a difficult proposal on which to be assured of a consensus; for that reason, I requested the Shire of Denmark to advertise the proposal in the local newspaper and in *The West Australian* on two occasions so that if anyone had any objections, they could be discussed. We should bear in mind only a one-denomination church is to be constructed on the site, rather than a scout hall, which is open for everyone.

I understand only one letter was received by the shire querying the clearing of the land and the increase in the traffic which may occur as a result of the proposed development. Those matters have been satisfactorily answered. The Conservation Society of Denmark supports the proposed use of that site.

This illustrates the great care Ministers take in such matters. This is one occasion when his decisions are open to public scrutiny—as, indeed, they should be.

One of the things which concerns me is the number of "A"-class reserves which are created, and how much more of this sort of thing the Parliament might expect to confirm in the future. Most members would consider that to be a good policy; after all, it does not take too long for us to handle such matters in this place. In fact, in Executive Council we create something like three or four "A"-class reserves every couple of weeks. Members can imagine there is now a great number of such reserves in Western Australia. Most of these additional "A"-class reserves have been created in the last few years, largely as a result of reports of the Conservation Through Reserves Committee.

Some of the things in this Bill with which we must deal are rather finicky. Mr Ferry mentioned the reclassification of the reserve at Gracetown; it involved a change in vesting from "camping, caravan park and recreation" to simply "recreation". However minor that matter might be, nevertheless the Act requires that it be brought to Parliament.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. Hetherington) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Short title—

The Hon. J. M. BROWN: I thank the Minister for his remarks concerning the proposition I put to him. I acknowledge the difficulty he has experienced, and I also acknowledge the careful scrutiny given to these matters, as emphasised by the Hon. Neil McNeill. Strange to relate, I believe such scrutiny is right and proper, because the preservation of "A"-class reserves in Western Australia is very important to our well-being.

I emphasise again the great importance the Opposition places on the preservation of our reserves, and on the scrutiny which must take place to ensure that past decisions are upheld and expanded.

Clause put and passed.

Clauses 2 to 15 put and passed.

Title—

The Hon. NEIL McNEILL: When the Minister referred to the omission of the Geraldton Rifle Range, I interjected to the effect that the matter had been around for only about 15 years. In view of the fact my interjection may have been interpreted as a criticism, and with great respect to members representing the area, I take this opportunity to expand on the matter.

For a very long time I have been aware of and closely connected with a great many representations made over the years as a consequence of certain things which have happened. For the record I indicate this commenced in effect with the taking over of what is now the Rangeway suburb of Geraldton which was originally a rifle range. It was understood there was an arrangement that an alternative piece of land would be made available for the purpose of rifle shooting in the area.

I will not elaborate any further other than to say representations have been made by a great many people for a very long time, including all the local members, and I certainly would have liked to see a reserve being created for a rifle range in the Greenough area being legitimised by this legislation; but because of time constraints and other matters this has not been possible.

In closing, I indicate that from my knowledge and awareness of what has and has not transpired in both Commonwealth and State Government departments, the greatest progress has been made on this project at State Government level during the period of handling of the Portfolio by the Hon. David Wordsworth. This is the period when the greatest progress has been made and the time when daylight has been shed on this subject, which has been very close to the hearts of the people involved.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and transmitted to the Assembly.

LAND AMENDMENT BILL (No. 2)

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [2.53 p.m.]: I move—

That the Bill be now read a second time.

Western Australia has always respected the manner in which pastoralists went out and pioneered the more isolated and arid regions of the State. During our early history our economy was very dependent on their efforts and it is better understood when one appreciates that in 1912 half the State's sheep numbers were carried in the pastoral zone.

With a deteriorated resource and affected by drought and unfavourable conditions, their sheep numbers are now only some 5 per cent of the State population. During the last four years of drought their sheep numbers have fallen from 2.6 million in 1976 to 1.72 million today.

While their cattle numbers still represent half those in the State, that section of the industry was very adversely affected by low world beef prices which have only recently recovered.

Having a grave concern for the pastoral industry, this Government requested a committee to be chaired by Mr B. G. Jennings to fully investigate and make recommendations as to its future. The committee issued an interim report recommending various ways in which the Government could alleviate the economic consequences of the drought and the need to implement new methods of wild dog control. These recommendations were acted upon by the Government. After two years of study, including interaction with the pastoralists themselves, the committee made a lengthy report containing a number of recommendations.

Following distribution of this report to all lessees and extensive field work by the Pastoralists and Graziers Association as to the attitude of its members, there have been lengthy discussions between the industry and Government.

The active participation and excellent liaison between this associaion, the Chairman of the Pastoral Appraisement Board, and me, has resulted in the formation of a strategy which should assist to resolve many of the difficulties experienced by pastoralists.

It is my belief that we have seen more change take place in Government attitude in matters relating to the industry in the last six months than in probably all the years back till 1963 when a previous inquiry precipitated major changes in pastoral lease administration.

Although drought-breaking rains have fallen in widespread pastoral areas and have considerably alleviated the situation, there remain many problems in the industry.

The Jennings committee reported that there are about 427 station businesses which represent less than 2 per cent of the number of active rural holdings in Western Australia. The industry directly supports some 4 000 people including owners, the employed labour units, and their families.

The Jennings report also assessed that each pastoral lease required some $7 300 annually in Government expenditure for extention and administration. However, this is not an aspect which has been allowed to daunt Government resolution to support and encourage this industry. We are firmly committed to this course.

Since the first applications for rental remission were received in early 1977, the total lease rentals waived has amounted to about $214 000. In approximately the same period, freight subsidy payments for movement of stock and fodder enforced by drought conditions have totalled over $300 000.

These relief measures were applied solely to pastoral leases outside the Kimberley division from which leases the total annual rental is now less than $200 000.

With regard to emergency relief loans granted through the Rural Adjustment Authority, there have been 79 successful applications for carry-on finance involving approved loans totalling $1.844 million.

A concessional loan scheme designed to finance restocking depleted pastoral leases has recently been launched and this will greatly assist eligible pastoralists to restore the viability of their pastoral enterprises, which otherwise would have taken much longer following disastrous stock losses through drought.

Fortunately, the recent picture in the beef-producing Kimberley division has not been as gloomy as the situation in the rest of the pastoral areas. This is instanced in the interest displayed by people desirous of acquiring cattle properties in this region. Kimberley pastoral leases recently changing hands have involved very favourable, if not high, purchase prices, and this trend appears to be holding.

Earlier I referred to the firm commitment of this Government to support and encourage the pastoral industry and one very important component of this general attitude is assistance in restructuring individual stations to improve viability. When a pastoralist wishes to remain in the industry, but occupies a barely economic or marginal lease, every endeavour will be made to promote amalgamation with a contiguous lease when a sale of that lease is contemplated. There will be full co-operation from Government to

achieve the build-up of small leases wherever possible.

The Hon. J. M. Brown: Is that spelt out in the minority report?

The Hon. D. J. WORDSWORTH: To be honest, I am not sure whether attention was drawn to it in the minority report. However I can find out.

In accordance with a further Government commitment, arrangements have been made to establish a position of an executive liaison officer who will be appointed to effect greater day-to-day liaison with the industry. It is proposed that this officer, who will be appointed on a contract basis, will research any matter affecting the industry which involves the pastoral board, and will attend meetings and conferences, particularly with representatives of the industry. He will be involved also with proposals concerning lease amalgamations designed to facilitate long-term viability and, within whatever financial restrains are applicable to the particular case, assist the pastoralist to establish himself as a profitable producer in the industry.

The appointed officer will have direct communication with the Minister and the pastoral board, thus enabling quicker response to problems arising, and consequential remedial action without delay.

Whereas in the past staff dealing with pastoral leases have not been in one branch, it is now proposed to set up within the Lands Department a pastoral section handling all matters pertaining to the industry.

Dealing specifically with the amending proposals in the Bill now before the House, it is intended that the existing Pastoral Appraisement Board be abolished and replaced with a pastoral board which will have added responsibilities and will report directly to the Minister for Lands. The new board will be in a position to make recommendations to the Minister in areas it did not previously enjoy.

The board will include two industry representatives—the existing Pastoral Appraisement Board has only one—so that the new body will consist of five members. These will be the Surveyor General and Director of Agriculture as *ex officio* members, with the person occupying the position of Surveyor General being chairman, as is the present situation.

The other three members, including the two industry representatives, will hold office for three years. Provision is made for the existing members of the Pastoral Appraisement Board appointed by the Governor to remain as members of the Pastoral Board under the terms of their original appointments.

The Land Act presently provides that rental on all pastoral leases in the State be reassessed at intervals of 10 years, with those in the Kimberley division being reviewed two years later than the balance of the leases in other pastoral areas. For example, the most recent rental review in the Kimberley division was effected on 1 July 1979, while the remaining leases were reassessed on 1 July 1977.

It is now proposed that all pastoral leases be subjected to rental reassessment on a common date and that this review be carried out at four-yearly intervals instead of the present 10. Under the provisions of this Bill, the first common rental reassessment will take place on 1 July 1983, the next on 1 July 1987, and so on.

The Pastoral Appraisement Board recommended this changed system of rental review in order to provide the means of more readily adjusting rentals to recognise any dramatic fluctuations in economic conditions that may occur in the pastoral industry—either upward or downward—and to level out rental anomalies that become obvious when reappraisements in the two regions are conducted two years apart.

The Bill also proposes an amendment which will grant a pastoral lessee the right of appeal against the rental reassessment at any time after two years and not more than three years from the date of a general reassessment. To state this another way, a pastoralist still has the right of appeal within three months of a general reassessment of rental and again he can appeal any time in the third year.

Provision is made also for a rental reduction to be granted in cases where the pastoralist is required to reduce stock numbers on his lease below the figure assessed for rental purposes, because of degraded or eroded rangeland.

There is already provision to reduce the rental where grazing of livestock is prohibited from a specified area of the lease, but a forced reduction of overall stock numbers is not presently catered for in the same manner. The amendment proposed will overcome this anomaly.

The existing provisions of sections 101A and 101B of the principal Act relating to rental relief in times of drought, cyclone, fire, or flood are to be extended so that they may apply to loss of beef production in addition to wool production which is already specified in the Act. The extension of rental remission for a period of a further two

years after cyclone, fire, or flood is also provided. Currently, the extension of rental relief for a further two years following the event, is applicable only after the end of a drought.

In respect of development plans and annual stock and improvement returns required to be submitted by all pastoral lessees, the amendments provide that, if the board considers the leased land to be adequately developed, then it may dispense with the requirement presently existing for the lessee to submit a plan of proposed development every five years. Experience has shown that there are many leases which have reached the stage of full development and, apart from maintenance and replacement of established improvements, no further capital improvements are required.

In addition, there are amendments to provide that, where plans of proposed development are required, they will be submitted directly to the board and not to the Under Secretary for Lands as is the case at present. Similarly, the annual stock and improvement returns will be directed to the board and not to the Under Secretary for Lands as is currently required in the principal Act.

Section 105 of the principal Act specifies the restrictions imposed on a pastoral lessee in the use of the soil and timber on his lease. The Bill proposes to repeal section 105 and widen the rights conveyed to the pastoralist by empowering the Minister to approve the cultivation of the soil and the sowing of non-indigenous pasture species under appropriate terms and conditions. The objective is to enable a pastoral lessee to increase the stock-carrying capability of his lease. Obviously, approval to cultivate the soil would not be granted on fragile areas susceptible to erosion, and approval would be conveyed only after very careful examination and assessment of the particular rangeland system, soil types, topography, and climate. The areas to be cultivated, as well as the plant varieties and methods of establishment, will be stringently controlled.

As any increased carrying capability resulting from these artificial means will not attract an increased lease rental, it is not intended that a higher value on these improvements be considered for compensation purposes than would otherwise apply as a normal pastoral lease, based on use of the indigenous vegetation only. The right to the soil in these special circumstances can be considered as concessional and should not involve the Crown in additional compensation payments in the event of resumption.

This Bill also proposes the repeal of section 107 of the principal Act which relates to ring-barking of trees on pastoral leases. This section is to be updated to allow the Minister to grant permission to the pastoralist to remove or destroy scrub or other vegetation for the purposes of promoting growth of indigenous pasture species.

The controlled practice of chaining down thick, useless, or unpalatable scrub to allow useful natural pasture species to proliferate has already assisted to increase stocking capability in certain areas.

As with section 105, the removal or destruction of scrub or other vegetation approved by the Minister under the new section 107 will not be a compensatory item for the same reasons.

Section 113 of the principal Act limits the area of pastoral land that can be held by any one person or by any association of persons incorporated or unincorporated, and this limit is set down as 404 686 hectares, or, one million acres. The same area limitation applies to the beneficial interest that may be held; for example, shareholding in a company that holds pastoral leases.

This Bill proposes to increase this area limitation to 500 000 hectares which equates approximately to 1.235 million acres. While this amendment is not as broad as that suggested by the Jennings committee, which recommended an upper limit of two million hectares, it is my intention to change the interpretation whereby husband and wife are treated as one person, for I believe that this will overcome many of the problems which have at times been presented in pastoral lease transactions. As practice and policy in the past, the pastoral lease holdings of a husband and his wife have been accounted as one so that, if the husband held the maximum leasehold area permitted, then his wife was precluded from acquiring or indeed continuing to hold any land under similar tenure in her own right.

The remaining amendments proposed in this Bill more precisely define the term "pastoral lease"; totally repeal section 98B of the principal Act which is now redundant through the effluxion of time; and increase certain monetary penalties so that they are more in keeping with money values today.

I believe that the actions which Government has already been able to bring about, and the proposals contained in this Bill, should give pastoralists more confidence in the future of their industry. It has always been considered a most

difficult and hazardous one attracting only those with special characteristics.

This or any other legislation will not fully remove the need for the rugged individualist who has the ability and desire to live under such difficult conditions. I am confident, however, that it is the Government's intention to alleviate as many of the problems as possible and will continue to do so.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

STAMP AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. I. G. Medcalf (Leader of the House) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. I. G. MEDCALF: During the second reading debate on this Bill I indicated I was quite prepared to raise with the Treasurer the question mentioned by the Hon. J. M. Berinson in regard to possibly giving this Bill retrospectivity.

I indicated that the Government was not favourably disposed in principle to the question of retrospectivity, but, nevertheless, in some situations it may well be considered desirable.

I have had an opportunity to speak to the Treasurer about this matter and he has indicated that he agrees on this occasion we could make the Bill retrospective to the date when notice was first given of it.

No preliminary notice was given to the public, as far as I am aware—and as far as the Treasurer is aware. In fact, the Treasurer indicated that preliminary notice was avoided so as not to advise the people of the Government's intention in regard to the actions it was about to take on this legislation. The Government did not intend to forewarn those who might take advantage of the Government's intention which could not be carried out immediately.

That situation will be overcome if we adopt the method referred to by the Hon. J. M. Berinson, and adopted by the Federal Government. I shall refer that matter for further consideration; that is, whether it is advantageous to make a public statement and then back-date legislation to that time. An indication is then given to the public that the legislation will be back-dated to the first announcement prior to the legislation being brought into Parliament.

I move—

That a message be transmitted to the Legislative Assembly requesting that the Bill be amended as follows—

Page 1—Insert, after subclause (3) of clause 1, the following subclause—

(4) This Act shall be deemed to have come into operation on 4 November 1980..

The Hon. J. M. BERINSON: I briefly support the amendment and welcome the flexibility which the Attorney General has shown in this matter. I also welcome the assurance he has given that consideration will be given to the more far-reaching proposals made in the course of the earlier debate in respect of advance notice that legislation of this type is to be brought in, and to be effective from the date of notice.

I am sure my colleagues will join me in waiting with interest on some sort of definitive statement from the Government on that aspect of the proposal.

Question put and passed.

Clause put and passed, subject to the request being complied with.

Clauses 2 and 3 put and passed.

Report

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) reported that the Committee had considered the Bill and had agreed to return it to the Assembly with the request that the amendment agreed to by the Committee be made; and that the Committee asked leave to sit again on receipt of a message in reply from the Assembly.

Report adopted, a message accordingly returned to the Assembly, and leave given to sit again.

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 6 November.

THE HON. F. E. McKENZIE (East Metropolitan) [3.19 p.m.]: The Opposition has no objection to clauses 2 and 3 of this Bill, but a decision in respect of clause 4 will be made after the Leader of the House has responded to the debate.

Clause 2 contains proposed new section 17A which concerns the election of members of local

authorities to the Metropolitan Region Planning Authority, their terms of office, and the number of members. As the Minister pointed out in his second reading speech, a difficulty has arisen in respect of the timing of local government elections. The Bill seeks to correct that situation, and we support that provision.

Clause 3 concerns an increase from $25 000 to $100 000 in the allocation of moneys for the purposes of land purchase. Again, the Opposition has no objection to that provision.

Clause 4 repeals sections 33D and 33E and replaces them with a new section 33D. We have some concern in respect of how that clause affects the rights of citizens of the State. Our concern may well be ill-founded. However, I have supplied to the Leader of the House a copy of a letter I received from a constituent which brought to my attention and, subsequently, to the attention of the Opposition, some of the fears in respect of this provision. When one looks at this provision in the worst possible light one realises it can give cause for concern, and it is the role of the Opposition to view legislation in that way.

Other amendments concern metrication and consolidation of amendments to the scheme, and we have no quarrel with them. We are concerned about the rights of citizens who may be affected as a consequence of Parliament approving the consolidation of the scheme; because the consolidation may be termed a validation of all that has happened before and could well prevent citizens from mounting a legal challenge to the authority. I know not many people challenge the authority legally because, firstly, it is a very costly process; and, secondly, the ordinary citizen has difficulty in understanding the Act.

In fact, even members of Parliament have difficulty in understanding fully the Metropolitan Region Town Planning Scheme Act, and I would hazard a guess that even the legal fraternity could place different interpretations on various sections of the Act. Therefore, before we agree to this amendment we should have an assurance from the Leader of the House as to the protection of the rights of citizens to ensure they are not eroded.

I intend to read in full the letter to which I have referred because it clearly indicates the concern of the Opposition. Whilst it may apply to an individual in this instance, it could very well apply to anyone in the community. I provided a copy of the letter to the Leader of the House some two or three days ago. I will listen very closely to the reply to the debate given by the Leader of the House to hear what he has to say in connection with the letter, and at that stage on behalf of the Opposition I will decide whether we will support the Bill or pursue some of its provisions in the Committee stage.

The letter is from Mr A. C. Uren of 60 Wyatt Road, Bayswater, and is addressed to me. It reads as follows—

> The current Bill for an Act to amend the Metropolitan Region Town Planning Scheme Act 1959-1979 should be DEFERRED by the Council until a thorough investigation of its effects upon citizens' and affected property owners' statutory rights has been made and publicised.
>
> I have very grave fears that Section 4 of the Bill which proposes to repeal Sections 33D and 33E of the Scheme Act 1959-1979 and to substitute therefore a New Section 33D contains provisions which will, if passed, infringe, violate and deny to the public and to the property owners affected by M.R.P.A. Plan No. C333 the lawful statutory rights currently inherent in the Scheme Act 1959-1979.
>
> The general public and the property owners directly affected by that M.R.P.A. Plan No. C333 are entitled to require that that reservation of land as required for the Beechboro-Gosnells Controlled Access Highway be laid before Both Houses of Parliament for possible disallowance under Section 32 of the Scheme Act, prior to that Plan acquiring the strict force of Law. Section 4 of the Bill threatens that right.
>
> M.R.P.A. Plan No. C333 defines a very substantial alteration to the Metropolitan Region Scheme which acquired the force of law in 1963. 18 kilometres of the Beechboro-Gosnells Controlled Access Highway northwards from the Roe interchange affecting hundreds, perhaps even thousands, of property owners is involved.
>
> M.R.P.A. Plan No. C333 became incorporated into the 1974 amendment to the Metropolitan Region Scheme as a result of resolutions made by the M.R.P.A. at its meetings held on the 10th and 17th July 1974. This amendment is known, colloquially, as the 1974 "Omnibus" amendment to the Metropolitan Region Scheme. It was forwarded, according to the Report on the Objections to it, to the Minister who granted his preliminary approval to it, pursuant to the provisions of Sections 31-33 of the Scheme Act as then amended, on the 31st July 1974. Following the Minister's preliminary approval the

amendment was published in the *Government Gazette* firstly on the 2nd August 1974 (No. 59 page 2890) secondly on the 9th August 1974 (No. 60 page 2961) and thirdly on the 16th August 1974 (No. 62 pages 3083 and 3084) as well as in newspapers, and was open for public inspection and objections until the 4th November 1974. (See Report on Objections as Tabled 7th Oct. 1975)

The M.R.P.A. accepted 4 formal objections to the RE-ALIGNMENT of the Beechboro-Gosnells Controlled Access Highway as shown to be amended within the areas coloured on sheet map No. 13/4 as a result of the incorporation thereinto of M.R.P.A. Plan No. C333. Those objections were formally dealt with and are recorded in the Report on Objections as Tabled in both Houses of Parliament on the 7th October 1975. All 4 formal objections were dismissed by the M.R.P.A. and no modification whatever resulted to the alignment of the Beechboro-Gosnells Controlled Access Highway as such is shown on Sheet Map No. 13/4.

Because all objections to M.R.P.A. Plan No. C333 as such is incorporated into Scheme sheet Map No. 13/4 were dismissed and because no modification whatever was made to that incorporation by either the Authority or the Governor, the legislation under which it was deposited for public inspection and objection requires that the amendment to the Beechboro-Gosnells Controlled Access Highway be laid before Both Houses of Parliament for possible disallowance by either House.

This TABLING has not yet occurred. Therefore all citizens and affected property owners have not yet been afforded their due statutory rights as offered to them by the incorporation of the M.R.P.A. Plan No. C333 into the Section 31 of the Scheme Act amendment which was granted preliminary approval of the Minister on the 31st July 1974.

If this Bill becomes Law before the 1974 Re-alignment of the Beechboro-Gosnells Controlled Access Highway is laid before Both Houses of Parliament for possible disallowance then Parliament will perpetrate a grave injustice to the public and to the persons directly affected by M.R.P.A. Plan C333: and this should, by all means be prevented. The statutory rights of electors, the general public and property owners directly affected by any amendments to the Metropolitan Region Scheme should be preserved, and be seen to be preserved: not be circumvented, lost and violated in what appears to be a simple consolidation of that Scheme.

In answer to questions recently asked in Parliament, the Minister for Transport has acknowledged that he has announced that part of the re-alignment Beechboro-Gosnells Controlled Access Highway is to be proceeded with to relieve traffic problems in Bayswater and that to so proceed some property will have to be resumed. Until M.R.P.A. Plan No. C333 has been laid before Parliament as the legislation requires any compulsory resumptions effected on it as a basis are subject to challenge as to validity. Parliament should insist that the right to move for the disallowance of the Plan should be provided to any interested citizen BEFORE Parliament approves the consolidation of the Scheme as proposed by this Bill.

As you well know, in February of 1979, in the Supreme Court, Mr Justice Wallace recognised that Clause 15 of the Scheme Text was an "illogicality" running contrary to the provisions of the Parent Scheme Act, and you introduced into the Council a Bill designed to bring that Clause under control of the Scheme Act. Since then, of course, as you also well know the M.R.P.A. has itself recognised the "illogicality" and has proposed an amendment to the Scheme Text to delete clause 15 from that Text. In reply to questions asked by you on the 14th October last, the Leader of the House representing the Minister for Urban Development and Town Planning indicated that such amendment was now in the Governor's hands subject to His Excellency's approval prior to being laid before Both Houses of Parliament for possible disallowance. It is a Section 31 of the Scheme Act amendment.

When the deletion of the clause 15 illogicality is placed before Parliament an opportunity will occur to raise the question of what is proposed to be done to compensate the numerous property owners who were directly disadvantaged by the illogical use of that illogical clause 15 in 1974 when the Gazette Notice was published on the 23rd August, thus during the period when the M.R.P.A. clause 15 Plan No. C333 as

incorporated into the 1974 Metropolitan Region Scheme amendment map No. 13/4 was, with the statutory preliminary approval of the Minister, before the public and the properties directly affected by it, for inspection and objection by virtue of the prior Gazette Notices and pursuant to the provisions of Sections 31-33 of the Scheme Act as then amended.

It must surely be a simple procedure for Parliament to require that M.R.P.A. Plan No. C333 be Tabled for possible disallowance to rectify the disadvantage sustained thus far by the property owners directly affected by its illogical use BEFORE this Bill, and/or the deletion of clause 15 is Tabled, and the Bill passed.

To this end I suggest that the following questions be asked and be thoroughly investigated and answered before this current Bill proceeds further:

1. (a) Did the M.R.P.A., on the 8th August 1973, resolve to adopt, inter alia, Main Roads Department Plans as land protection plans for the Beechboro-Gosnells Controlled Access Highway? and
   (b) also resolve to act to amend the Metropolitan Region Scheme accordingly?
2. (a) Is M.R.P.A. Plan No. C333 dated 20th September 1973? and
   (b) Was that Plan prepared following the meeting of the Authority held on the 8th August 1973 at which meeting those plans of the Main Roads Department for the re-alignment of the Beechboro-Gosnells C.A.H. were adopted?
3. Did that M.R.P.A. Plan No. C333 depict, by colourings and markings on the Plan, amendments to the zoning and reservation boundaries of the Metropolitan Region Scheme to accommodate the re-alignment plans as adopted by the Authority, as above, on the 8th August 1973?
4. Did the M.R.P.A., on the 12th December 1973, resolve to amend the zoning and reservation boundaries for the Gosnells-Beechboro-Controlled Access Highway in accordance with the M.R.P.A. Plan No. C333?
5. Attached is a photocopy of a Notice which was attached to the pad of 18 Scheme Maps which was deposited for public inspection and objection on and from the 2nd August 1974 for public inspection and objection until the 4th November 1974 pursuant to the preliminary approval of the Minister given on the 31st day of July 1974 and the consequent Notices published in the Government Gazette on that day. Apart from the underlining appearing thereon, can it be certified as a true copy of such Notice?
6. Can the M.R.P.A. Resolutions as notified to the public in that Notice, or copies (certified) of them, be Tabled in Parliament?
7. Was the M.R.P.A. Plan No. C333, as a result of those M.R.P.A. Resolutions, or otherwise, incorporated for public inspection and objection into the Sheet Map No. 13.4 to which Map the Minister for Urban Development and Town Planning gave his statutory preliminary approval on the 31st July 1974?
8. Were copies of that Map No. 13.4 deposited on the 2nd August 1974 for public inspection and objection pursuant to the Gazette Notice which appeared in No. 59 of the same day?
9. Was the pad of amending Maps as certified by means of the above mentioned Notice deposited pursuant to the provisions of Sections 31-33 of the Metropolitan Region Town Planning Scheme Act, 1959-1970?
10. Was the re-alignment of the Beechboro-Gosnells Controlled Access Highway shown on the 1974 amending Map No. 13.4 within the areas coloured on that Map Sheet.
11. Did the Gazette Notice which appeared on page 2890 of No. 59 on the 2nd August 1974 invite objections to the re-alignment of the Beechboro-Gosnells Controlled Access Highway as shown within the areas coloured on that Map sheet No. 13.4?
12. Were any formal objections to the RE-ALIGNMENT of the Beechboro-Gosnells Controlled Access Highway as shown, within the areas coloured on that Map sheet No. 13.4, received and accepted as formal by the Authority?

13. If so, were those objections processed by the Authority and ultimately Tabled in Parliament as required by the Legislation?
14. Was any modification effected to the RE-ALIGNMENT of the Beechboro-Gosnells Controlled Access Highway as shown on the Map sheet No. 13.4?
15. Were the objections which were received and accepted and duly processed, dismissed or upheld?
16. Are the boundaries of the Beechboro-Gosnells Controlled Access Highway as depicted on the sheet Map No. 13/4 as Tabled in Parliament on the 7th October 1975 identical with RE-ALIGNED boundaries of that particular highway as such boundaries are shown on the 1974 sheet Map No. 13.4 which was granted the preliminary approval of the Minister pursuant to the provisions of Section 31 of the Scheme Act 1959-1970 on the 31st July 1974?
17. If so, why is the amendment to the Beechboro-Gosnells Controlled Access Highway not marked and coloured on the 1975 sheet Map No. 13/4 to identify that amendment to the public, the property owners directly affected by that amendment and to the Parliament?
18. When will the amendment to the boundaries of the Beechboro-Gosnells Controlled Access Highway, as depicted by markings and colourings on M.R.P.A. Plan No. C333 and which was incorporated into 1974 amending sheet Map No. 13.4, granted the preliminary approval of the Minister on the 31st July 1974 and deposited, pursuant to the Gazette Notice of the 2nd August 1974, for public inspection and objection, and for presentation to Both Houses of Parliament for possible dis-allowance in accordance with the provisions of Section 32 of the Scheme Act, be so presented?

Until the M.R.P.A. Plan No. C333 as incorporated into the "Omnibus" amendment to the Metropolitan Region Scheme is identified and Tabled in Parliament and survives a possible motion to disallow it, any compulsory resumptions based upon it are most certainly subject to a strong legal challenge as to validity.

Parliament should not approve its consolidation into the Metropolitan Region Scheme as proposed by this Bill until that Plan has acquired fully and properly the force of law by surviving a possible challenge in Parliament as it was deposited to do in August of 1974.

Can we have an irrevocable assurance that the consolidation of the Metropolitan Region Scheme as proposed by the Bill presently before the Council will not infringe or destroy the existing right of citizens to mount a strong legal challenge to the validity of the M.R.P.A. Plan No. C333 to acquire, without due Notice of Intention to do so, any properties purportedly reserved by it for the Beechboro-Gosnells Controlled Access Highway, under the Metropolitan Region Town Planning Scheme Act 1959-1979?

Once the M.R.P.A. Plan No. C333 is Tabled in Parliament and survives a motion, or possible motion, to disallow it, a legal challenge to its validity would have no basis at all.

I sincerely trust that you can bring these matters to the urgent notice of the Honourable Members of the Legislative Council.

Yours most sincerely,

A. C. Uren.

Attached to the letter is a document which was referred to in two of the questions asked. In total 18 questions were contained in the letter and, for the sake of completeness, I believe I should read the attached document. It is signed by Mr D. M. Stotter, Acting Secretary, MRPA, and reads as follows—

PROPOSED AMENDMENT—METROPOLITAN REGION SCHEME—1974.

THE METROPOLITAN REGION PLANNING AUTHORITY AT ITS MEETINGS HELD ON 10TH AND 17TH JULY 1974 RESPECTIVELY, RESOLVED TO AMEND THE METROPOLITAN REGION SCHEME.

THE AMENDMENTS PROPOSED FALL WITHIN FOUR BROAD CATEGORIES—

(A) AMENDMENTS RESULTING FROM PHYSICAL DEVELOPMENTS WHICH HAVE TAKEN PLACE E.G. A ROAD CONSTRUCTED ON A SLIGHTLY DIFFERENT ALIGNMENT TO THAT SHOWN ON THE SCHEME: OR AREAS DEVELOPED FOR RESIDENTIAL PURPOSES BUT STILL ZONED RURAL (E.G. YANCHEP, SINGLETON).

(B) AMENDMENTS RESULTING FROM DECISIONS MADE BY THE AUTHORITY OR GOVERNMENT E.G. LAKE JOONDALUP RESERVATION FOR PARKS AND RECREATION.

(C) AMENDMENTS RESULTING FROM APPROVAL OF LOCAL AUTHORITY TOWN PLANNING SCHEMES WHICH DEFINE IN MORE DETAIL ZONINGS SHOWN ON THE SCHEME.

(D) OTHER AMENDMENTS RESULTING FROM A MORE DETAILED STUDY OF A SPECIFIC PROPOSAL OF THE SCHEME OR TO FURTHER ADVANCE THE CORRIDOR PLAN FOR PERTH.

I CERTIFY that the copies of Metropolitan Region Scheme Maps hereunder numbered 1.1, 3.1, 6.1, 7.1, 8.1, 10.5, 11.1, 12.1, 13.4, 14.1, 16.4, 17.2, 19.3, 20.2, 22.1, 23.1, 24.1 and 25.1 are in accord with those to which the Minister for Urban Development and Town Planning gave preliminary approval on 31st July, 1974.

I have now dealt with all the correspondence and I thank members for bearing with me while I read it. It contains a number of questions which members may find difficult to understand fully. I am aware of the problem, but when so many questions arose, I felt it was better that the people who are involved with the matter should provide the answers.

I wanted to make sure all members were aware of the reasons I accepted the remarks of Mr Uren. I thought it was important the matter should be clarified. When all the amendments to the scheme are consolidated we should ensure everyone involved in the amendments, who has not as yet launched a challenge as to their validity, should not be prevented from doing so.

Section 16 of the Interpretation Act outlines clearly the position in that regard. In 1974 we had a lengthy discussion on this matter, particularly in relation to plan No. C333. The matter has been discussed in the House on a number of occasions.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. F. E. McKENZIE: I now want to advise members the reason I went to the trouble of reading to the House the letter I received from Mr Uren. I will provide some of the history leading up to the concern which has been expressed. Quite a bit of the material contained in the letter was dealt with by this Parliament before my time back in 1974. Those members who were here at that time will probably recall that a disallowance motion was discussed here.

Since that time Mr Uren has been involved in legal challenges to the MRPA. I can clearly remember Mr Justice Wallace remarking, during one case, that as far as he was concerned, whilst he might try to bend as far as possible to assist an individual, courts were courts of law and it was not to be construed that they were courts of justice. He had the distasteful task of determining the law, and making a determination on the law, and not determining the justice of a case. If a law needed to be changed, it needed to be examined by the Parliament.

As a result of that statement I decided to introduce a private member's Bill to amend the Metropolitan Region Town Planning Scheme Act to enable members of the public to have a right of appeal in all cases. A great deal of the injustice suffered by Mr Uren was the result of the provisions of clause 15 of the schedule. As members will be aware, the Leader of the House at the time would not accept my amendment because he said it would create problems in the implementation of the Act. However, the authority has agreed to the deletion of clause 15 of the schedule, and that is now in the process of being done. I am not sure how far it has been taken, but certainly it has been advertised in the *Government Gazette* for repeal, and objections and submissions have been received.

We have reached the stage where the Metropolitan Region Planning Authority has decided to request the repeal of clause 15 of the schedule, and Parliament has agreed, and that indicates the validity of the concern expressed by Mr Uren. Over a long time he has been involved in a number of challenges to the MRPA as a result of injustices perpetrated upon him because of the provisions of clause 15 of the schedule. That clause prevented him from having the right of appeal, even to the Minister. Subsequently, the provisions were included in an amendment to section 31 to overcome the objections raised by

Mr Uren. Subsequent to that, there have been a number of court cases.

The consolidating scheme provided in this Bill will also validate all that has gone on previously, and any legal challenge which Mr Uren, or anybody else may wish to embark upon against the MRPA may be invalid.

If the Minister can give an assurance that that will not be the case, then the Opposition will indicate its support of the Bill. However, if that is not the case then during the Committee stage we intend to vote against the clause. We hope the Government will agree to our proposition and examine the matter further.

THE HON. P. G. PENDAL (South-East Metropolitan) [4.08 p.m.]: I support the Bill, and in doing so I commend the Government for its willingness to introduce the amendments. They have been introduced quickly, after certain anomalies became known.

At first glance, parts of the Bill appear to be fairly inconsequential. In fact, that is not the case and in the few minutes during which I intend to speak I want to demonstrate that certain local authorities in my province consider the amendments to be of considerable moment.

I want to discuss the part of the Bill which relates to the local government membership of the MRPA. Members will be aware that problems arose in this respect because appointments from local government to the MRPA, for two-year terms, in the past have commenced on 8 April.

The commencing date of 8 April has been found to be unworkable in local government circles because of its close proximity to local government elections, normally held late in May. As has been pointed out, there have been cases where councillors have either decided to retire—that is, not to seek re-election—or they have sought re-election and, as a result of their retirement or their defeat, have thus ceased to be eligible for membership on the MRPA.

There has been a mechanism by which vacancies could be filled, but with a body which exercises as much influence and power as the MRPA, delays of several months can have very serious consequences. The matter was brought to my attention by both the City of Canning and the City of Gosnells. In the case of the City of Canning, the council wrote to me on 19 June this year; and in the case of the City of Gosnells, it wrote to me on 23 June. One of those letters sums up the situation, and I propose to quote it as follows—

> The appointments are made on the 11th April and stand for a period of 2 years. As you are aware the Local Government elections are held in late May of each year. Therefore, it is possible, and this occurred last year, for a representative of Group 'C' to be appointed to the M.R.P.A. on the 11th April and then lose his seat during the elections in May. On not being re-elected he is automatically not eligible to sit on the M.R.P.A. This situation occurred in 1979 when Group 'C's representative, Mr A. A. Mills was defeated in the election and it was in excess of 3 months before a new representative was elected by Group 'C', submitted to the Governor for approval and then finally appointed.

It was not just one isolated case, because the letter then goes on—

> This problem has emerged again this year as Group 'C's representative on the M.R.P.A., Councillor W. B. Bridson is not seeking re-election and therefore it could again be several months before another appointment is made.

As you would be well aware, Mr President, the local authorities concerned approached not only me, but also you, my co-member for the province. Both cities made a similar suggestion; that was, that the problem as they saw it could be overcome by amending the metropolitan region scheme Act to enable local government appointments to the MRPA to become effective within a reasonable but specified period after the completion of local government elections.

As a result of that, Mr President, both you and I made approaches to the Minister for Urban Development and Town Planning (the Hon. June Craig) specifically asking for the changes in the legislation suggested by the local authorities. To her credit, she saw the problem and acted on it as quickly as she was able to. Indeed, within the space of only a few weeks she responded to me, concurring with the concern expressed by the local members of Parliament and by the local authorities. She informed us that she had since obtained Cabinet endorsement for the necessary amendments. Those amendments now form part of the amending Bill before us. I, for one, sincerely thank the Minister for the promptness with which she acted in the matter.

For that reason, I support the Bill.

THE HON. R. HETHERINGTON (East Metropolitan) [4.14 p.m.]: I have always found great difficulty with the Metropolitan Region Town Planning Scheme Act, and I do not always understand it. One of the problems we face with very important Acts like this is that they are often

so technical that when we get amending Bills we can quite easily pass over important developments because we do not completely understand them. This is something that may well have happened here.

I remember some years ago a problem occurred about land resumptions at Jandakot where legal action would have been prevented by a Bill which was introduced. The matter was brought before the House, and I think it was the present Attorney General who had the Bill amended. I am relying on him to do that again if necessary because he has the legal knowledge and expertise that can help him understand things of which I am not convinced yet one way or the other.

If in fact clause 4, by allowing consolidation of amendments, does validate things that up until this time have been open to challenge, that is a very serious matter. If that is not so, I will be pleased.

I have read the clause a number of times and I would need far more advice than I have been able to get before I could make up my mind. Therefore, this is one time when the Opposition is going to do something that is not entirely characteristic of it; that is, we are going to throw the onus back on the Government and trust the Minister concerned because we think and hope that we can do that in this instance. I might not do that with all Ministers of the Government.

I am sure the Leader of the House will understand that we are not doing this with the intention of being unduly difficult or carping. We are just trying to make absolutely certain there is no possibility of injustice or of validating things which hitherto have been open to challenge. That is why we have raised this question; and, as my friend, the Hon. Fred McKenzie, has said, we will listen to the Minister's reply and decide then whether we will support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.17 p.m.]: The Hon. F. E. McKenzie did inform me that he had received a lengthy letter from his constituent (Mr Uren); and having on other occasions received lengthy letters from Mr Uren, I realised it would contain a lot of technical matter which would require careful study. I therefore submitted the letter to the Town Planning Department and asked for comments. I might say—and Mr McKenzie knows this, of course—that Mr Uren has been involved in negotiations, discussions, litigation, and every other form of intercourse—of a commercial kind—with the Town Planning Department over a long period of time. Mr Uren is very well known to the department, and the department is very well known to Mr Uren.

The Hon. F. E. McKenzie: And the Ombudsman; you missed him!

The Hon. I. G. MEDCALF: Yes, Mr Uren also has engaged in similar activities with the Parliamentary Commissioner for Administrative Investigations.

Mr Uren has been in this House on a number of occasions when we have debated this matter. I do not see him at present, although one does not know; he could be hidden behind a chair somewhere.

The Hon. F. E. McKenzie: He told me he had complete faith in you.

The Hon. P. G. Pendal: He has impeccable judgment.

The Hon. I. G. MEDCALF: I am delighted to hear that because on the last occasion, as the honourable member pointed out, I was able to give Mr Uren some assistance which he had been seeking for a long time. I am most familiar with his situation, although I must confess that when I read the list of questions I realised I would need several weeks if I were to get to the bottom of them. Therefore, I must rely on others.

I referred the matter to the MRPA which has not answered the questions in detail; I suppose when the officers looked at the list of questions they had feelings somewhat similar to mine. Nevertheless, they have supplied me with notes which I propose to read out, and then I propose to make other comments. The spokesman for the MRPA has supplied me with the following information—

> The subject of Mr Uren's land has been aired in Parliament, the Supreme Court and investigated by the Parliamentary Commissioner. I do not think anything new can be added to the volumes already existing.
>
> Mr Uren's concern regarding the proposal to repeal Sections 33D and 33E has no logical foundation whatsoever.
>
> These Sections were introduced last year and were designed to achieve the consolidation of amendments, but in seeking to do so in the same form as the amendments to an Act, i.e. "by reprinting". The technical problems of map reproduction and the point that the maps have never, in fact, been "printed", because there is no requirement to do so, were not appreciated by the Metropolitan Region Planning Authority. The practical problems have been

subsequently highlighted in trying to implement the first consolidation.

In other words, the MRPA proposed some amendments which the Parliament passed last year, but the MRPA did not appreciate that, when it spoke about reprinting its maps, they could not be reprinted because many of them had never been printed in the first place. There were other technical problems. I continue—

> In accepting that reprint was a reasonable description of the action necessary to fulfil the consolidation, the Authority in absence of any other provision to the contrary, assumed that the same steps would satisfy the requirements of the Act.
>
> The legal view is that the two steps cannot be so related, however appealing the contrary argument may be to the layman and it is therefore desired to put the matter beyond (reasonable) doubt.

That was to be done by the implementation of the proposed new section. I continue—

> Members of the House will appreciate that no change to the current requirements for promulgation as set out in Section 32(1)(a) has been suggested.
>
> As stated Mr Uren's concern is not well founded. It would seem that Mr Uren is endeavouring to use the current Bill as a vehicle to promote further debate with respect to his own property.
>
> I am advised that the Metropolitan Region Planning Authority has advanced Mr Uren $73 520, being the amount of their offer plus $3 000 as an *ex gratia* payment, and is prepared to accept a determination by a Compensation Court of the final amount payable.

In other words, the MRPA is saying that as far as the current litigation between it and Mr Uren is concerned, that will proceed. The MRPA is not attempting to prejudice that in any way.

The Hon. F. E. McKenzie: He has got his land back, and he has got their $33 500. They have made no attempt to get that off him.

The Hon. I. G. MEDCALF: I should say he ought to keep quiet and not make so much noise. He sounds as if he is doing very well. However, that is just an aside.

There is no doubt there were technical problems associated with this. I would not attempt to say I understand these technical problems fully. However, it is clear that the maps and plans that the MRPA has put out over a period of time have been based on a variety of different scales, and have been brought in over a long period of time. For example, originally the 1963 plan was based on the Bonne projection, a particular type of map projection, and it was based on a scale of 1 inch to 40 chains. It has been found not possible to reconcile that scale with the latest AMG projection, which is based on a scale of 1 : 2 000. The MRPA has not been able to reconcile those projections in the reprinting of the amendments.

It appears the MRPA assumed it could simply reprint all its amendments when it was consolidating them and putting them together; but it has not been able legally to consolidate the various plans and maps without amending this section again.

The MRPA is really saying it is consolidating sections 33D and 33E into the proposed new section 33D in a way which will enable it to have more flexibility when it produces its final scheme and plans. However, it is still only a consolidation of what it had before. That is quite clear.

Since I received those notes, I have asked for a separate assurance along the lines requested by Mr McKenzie. I have been advised that I can give an assurance that the consolidation of sections 33D and 33E will in no way affect the rights of people. It is intended solely to enable the conversion of the scale on the original plans; to include all amendments—for example, the reprint of a Statute—and the Minister may approve further consolidations of future amendments at a future time.

That should assure the honourable member. As I say, further to the receipt of those notes I obtained this additional assurance. I obtained that after the honourable member spoke, when I heard the question he was asking.

I thank other members for their support of this Bill, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. I. G. Medcalf (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Sections 33D and 33E repealed and section 33D substituted—

The Hon. F. E. McKENZIE: I said during my second reading speech that the Opposition would indicate during the Committee stage whether it supported clause 4. In view of the reply given by

the Leader of the House—and I thank him sincerely for that reply—the fears we had have been allayed. There is no foundation in them. It is quite clear, from the assurances received, and from the further assurance obtained by the Leader of the House, that the matter has been clarified.

In respect of the matters raised in the letter, they have been the subject of litigation; and I have no doubt that, in the future, they will certainly be the cause of further discussion. That is inevitable. I will not say they will be the subject of further litigation. However, if there is a need for further litigation, or for any of the doors to be reopened, the opportunity exists for Mr Uren, and, more importantly for everybody else, to do so because of the assurances given by the Leader of the House.

I believe that the faith that Mr Uren told me he had in the Leader of the House has in fact been vindicated; and I am sure he will be pleased to hear that.

We support the clause.

The Hon. R. HETHERINGTON: I join with my colleague in thanking the Leader of the House for his normal courtesy and consideration, and the assurances he has given.

In case there is any misunderstanding about Mr Uren, I do not think he was concerned about his own litigation at this stage, because he seemed to think that was well under control. I am quite sure that the Leader of the House and other members will hear from Mr Uren again because, as is the motto of the RSL, "The price of liberty is eternal vigilance". In Alan Uren we have another Brian Tennant, in another direction, who is determined to see that an authority as large and as important as the MRPA does not ride roughshod over any civil liberties. In this way, although sometimes Mr Uren is a bit of a gad-fly and an irritant, he is serving a very useful public purpose.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

QUESTIONS

Questions were taken at this stage.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

THE HON. R. T. LEESON (South-East) [4.50 p.m.]: This Bill is to amend the Coal Mine Workers (Pensions) Act. I certainly have no opposition to this legislation. However, I wish to make a couple of observations.

Firstly, it is probably ironical that this Bill is introduced today, one week after I spoke on a Bill which was to repeal a pension fund for goldmine workers. Whilst I say I have no opposition to this Bill, as a member who represents an area outside of the coal industry I certainly look very enviously at this legislation and the Act in general.

This Bill enables coalmine workers who have had to take a fortnightly pension when they reach the age of 60, to now take a lump-sum payment in lieu if they so desire.

Earlier today we amended another pension Act and we were fairly generous, so there is no reason to deny these people something similar, even though it may not be quite as generous.

Last week I mentioned that I was sorry to see the repeal of a type of pension that goldminers have enjoyed. The point I wish to make is that I think it has come to the time when the Government will have to take some initiative and take a look at the possible extension of a pension scheme for mineworkers, not only in the coal fields and goldfields, but in mining generally throughout Western Australia. We must bear in mind that mining of all descriptions plays a very important part in the activities of Western Australia. It is one of those things which helps to make up the backbone of this State.

We must also bear this in mind, especially when we read in the newspapers about the development of mining and are told in this House that it will become an ever-increasingly important part of the activities of the State.

As years go by, mineworkers will expect some sort of assistance in the area of pensions. It may be that now is a time when the Government could probably head off trouble which perhaps will be experienced in years to come when workers compare their lot with that of the Collie miners.

We all know what has happened, particularly in the north of the State, where the workers are prone to take fairly drastic action sometimes. I realise of course that the coalmine workers' pension scheme has been in existence since 1943. Its existence was brought about by a fairly militant work force which suffered at the hands of

unscrupulous mineowners many years ago. It is a part of history, not only in Australia, but also throughout the world, that because of the suffering of the miners, mineworkers took action. Apparently they had a terrible struggle to obtain some of the conditions that they have today.

It seems to me that with the matter of energy at the forefront, coal-mining companies are prepared to say that they are fairly prosperous and are prepared to pay for such a pension scheme. This Bill is intended to provide approximately $11 a week into a pool so that the scheme will be able to pay out lump sums; that was to be from 1 January this year. Because the industry is fairly prosperous at the present time the companies are prepared to say they will pay such a pension scheme, after agreement.

However, there are other areas of the mining industry which are fairly lucrative. I note that with this legislation the Government has been able to opt out of its responsibility in respect of the amount of money it contributes to the scheme. It is obvious that the owners of the companies can well afford to provide the pension scheme at the present time.

The Government should be encouraging mining companies to get together—after all, the Government is the only body which could co-ordinate such a thing satisfactorily—and encourage them to initiate some sort of inquiry into the pension or superannuation schemes for mineworkers.

As I said last week, probably I will have a little more to say about this matter as time continues. However, I will wait to see what the Government's intention is and what it will do. Certainly, if it does not do anything then we will be asking it to consider this matter in the future.

With those comments I support the Bill and trust that it will be beneficial to the coalminers in Collie.

THE HON. R. G. PIKE (North Metropolitan) [4.58 p.m.]: I support this Bill and in doing so I would like to place on record my appreciation for the tremendous courtesy and co-operation as well as hard work done on this matter by the Hon. A. A. Lewis, who is one of the upper House members for the Collie area.

I have been approached in regard to this Bill by many Collie residents who are personal friends of mine and who would have been affected by the Bill if it had been proceeded with in the form in which it was drafted originally. Some of them have an entitlement to war pensions from the 1914-18 World War and the Second World War, and would have been dealt with quite severely in this matter.

As a consequence of an approach made to the Minister a compassionate clause was inserted into the Bill which enables the Minister to deal with such problems as and when they arise.

I think it is appropriate that the point should be made—speaking as an original Collie boy—that I am very much aware of the comments made by the Hon. Ron Leeson with regard to strife, strikes, and the unions in Collie. It behoves us to remind ourselves that this particular industry has had an incredible record of total-free industrial strife for well in excess of 20 years. I believe this is because of the arrangement between the unions and the company. I think it is even more probably as a consequence of the policy of promoting to the positions of managers and directors and other areas of authority within the mining companies, men who were, in fact Collie men and coalminers.

The classic example of such a promotion is that of Mr Al Fogarty who started his career in the pits and ended up in charge of Western Collieries.

It must be mentioned also that the Collie combined unions' organisation which had its origin with the fiery Welsh socialists who came to Collie at the turn of the centure, enabled that industry to speak with one voice. This may be the answer to a great deal of the industrial strife in Western Australia and Australia. I support the Bill.

THE HON. A. A. LEWIS (Lower Central) [5.00 p.m.]: I appreciate the remarks of the Hon. Ron Leeson and the Hon. Bob Pike. I look upon this Bill as a fitting tribute to Mr Jack Watkins, who was the Secretary of the Collie Workers' Union for many years. He was a man who did not play politics. He had a point of view and he was prepared to put it forward. I hope the Government will see his point of view with regard to reducing the retirement age from 60 to 58 years. I believe the age will be reduced to 58 in New South Wales within the next 12 months, and perhaps we should have taken the lead in this instance. Unfortunately, we could not get agreement to that provision.

I believe that the job done by Mr Watkins, not only on the tribunal, but as union secretary, has shown what industrial relations are all about. He could get on with the mining companies, and he could get on with politicians. Collie is a union town, and is represented by the Hon. Win Piesse, Mr Tom Jones, and me. We all represent that area and Mr Watkins got on with all of us. He contributed to many decisions, and he argued with us many times. He spoke severely to us, not

only to Mrs Piesse and myself, but also to Mr Tom Jones, because he had his own point of view about industrial relations.

I support the Bill not only because of its content, but in order to place on record the appreciation I have for Jack Watkins and the job he has done for the town of Collie. He has worked not only for the unions, but for the coalmining companies and the industry in general.

The Hon. R. G. Pike: Hear, hear!

The Hon. A. A. LEWIS: I believe this is the sort of effort which should be recognised. He is the type of advocate who is fair-minded and he has always worked for the industry without playing politics. He has worked totally towards the betterment of the life style of the community. He is one of the people to whom we should pay tribute. I only hope for Jack Watkins' sake the Government will see fit to reduce the retirement age from 60 to 58 years.

The Hon. D. K. Dans: Do you think the assistance of the Joint Coal Board would have helped?

The Hon. A. A. LEWIS: I think the main thing that helped was the sanity of the union under its secretary. I have had dealings with the tribunal which the Leader of the Opposition just mentioned, and I am not prepared to comment further on that! Mr Watkins is the person to whom I believe we should pay tribute. I hope that the Minister will come back within the next 12 months with amendments along the lines suggested by Mr Watkins and Mr Tom Jones during the last six or seven years—lump-sum payments and a retiring age of 58 years. Those improved conditions will be of benefit to the community and the industry.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.04 p.m.]: I thank members for their support of the Bill. They have each spoken from their own various points of view. We had the benefit last week of hearing the Hon. Ron Leeson speak about the goldmining industry, when he mentioned the benefits also accruing from the fund set up for the coalminers. He has made his position clear in relation to this Bill.

We have also had the benefit of hearing from the Hon. Bob Pike who is very familiar with the conditions in the town of Collie as a result of the years he spent there. The Hon. Sandy Lewis is one of the members who represent the area, and I know he has played a very significant part in designing this Bill.

Of course it is a great advantage when legislation such as this comes before us which has had the benefit of a careful analysis by the parties most concerned and interested in it. We have the situation of the board and the union, assisted by the local members of Parliament, designing something which really is satisfactory and which, after negotiation, was drafted in a form satisfactory to all parties including the Government.

I thank the Hon. Sandy Lewis, and others, for the part they have played in bringing forward this Bill. It is a good example of a law having the consent of the Governor, which is the most effective law of all. Again, I appreciate the support given to the Bill.

With regard to the future, it will be up to the Minister to determine what legislation comes before the House. I am sure he will approach further proposals in the same co-operative spirit we have seen in relation to this legislation. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

PHARMACY AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.09 p.m.]: About a week ago I suggested that some Bills were good, some Bills were bad, and some Bills were unnecessary. That was not an exhaustive list. In fact, some Bills are also stupid and this is a perfect example of that category.

That this Bill is so bad is indicated by the extent of the amendments which are listed for consideration in the Committee stage. I draw the attention of the House to the fact that the legislation has only two substantive clauses; they are, clauses 2 and 3.

Clause 3 has three subclauses, and the proposed amendments will amend all three of those subclauses and add a totally new and extensive subclause (4).

I put it to the Government that once amendments as extensive as these are proposed,

two things follow. Firstly, the comments of the Minister in the second reading speech become almost irrelevant to the final aim of the measure. Secondly, it is an indication of a sloppy approach to the preparation of the Bill, and in my opinion, the proper course to follow would be to withdraw the Bill and start again. In that respect, I would say nothing would be lost by the delay, even if it were not brought back until next session. Indeed, nothing would be lost if it were not brought back ever.

For the moment, as it is rather difficult to deal with both the Bill before us and the extensive proposed amendments, let me proceed with the Bill as it now stands, bringing in such reference to the amendments as will be appropriate and possible from time to time.

According to the Minister, the Bill as now before the House, has three purposes. Firstly, it will regularise the activities at the Murdoch University veterinary pharmacy which are apparently illegal now. Secondly, it will prohibit commercial advertising of pharmacy-related services by persons who are non-pharmacists. Thirdly, it will prohibit persons who are not registered pharmacists from holding themselves out as pharmacists, even by reference.

That is what the Minister described as the three aims of the Bill although, as I will submit to the House in a few moments, that is not what the Bill provides at all.

Dealing with the three provisions in the Bill one at a time, I come to clause 2 which deals with the Murdoch University veterinary pharmacy. It appears that the Veterinary School at Murdoch University has already established a veterinary pharmacy for its own purposes and that is not authorised by the Pharmacy Act. Its operations, therefore, are illegal. Instead of amending the Act so as to regularise the operations of the veterinary pharmacy to which, as far as I can tell, no-one is opposed, the Government proposes to exempt the veterinary pharmacy altogether from the provisions of the Pharmacy Act.

I suggest that is an extraordinary course to take, and one with extraordinary and undesirable consequence. To illustrate what I mean by that, I turn to some sections of the parent Act. At this point it might be appropriate to interpolate that clause 2, relating to the Murdoch University, is one that the Government does not intend to amend.

I refer firstly to subsections (1) and (2) of section 23. Without the irrelevant words, section 23 provides—

> (1) No person who is a pharmaceutical chemist shall carry on the practice of a pharmaceutical chemist, whether as principal or manager for a principal . . . in any pharmacy unless that pharmacy is registered in accordance with the provisions of this section. ;
>
> (2) The Council may upon . . . application . . . register . . . any pharmacy . . . or the Council may refuse the application or may withhold registration of the pharmacy until the applicant complies with such conditions as may be prescribed.

To extract the sense of that section, I have left out a considerable number of words. However, any perusal of the Act would support the conclusion that that is what the section says. So what does that mean? It means that no pharmaceutical chemist can carry on a pharmacy unless that pharmacy is registered, and the test of registration will be whether the Pharmaceutical Council agrees with the registration.

That is what the Pharmacy Act provides, and that is what is made irrelevant by the provision of the Bill which will affect Murdoch University. The result is that an ordinary pharmacy could be established at Murdoch University, and it could be conducted by a pharmaceutical chemist or, for that matter, as I will explain in a moment, by a person who is not even a pharmaceutical chemist. It would not be in breach of the Pharmacy Act, as proposed to be amended by the present Bill, because the provisions of the Act will not apply to any activity at Murdoch University. I now refer to section 26(1) of the Act which reads as follows—

> (1) A pharmaceutical chemist shall not practise or carry on business as a pharmaceutical chemist or, as agent, employee or otherwise, be engaged with any other person in the practice or business of a pharmaceutical chemist, except under the authority of a licence from the Council as prescribed by the regulations . . .

That will be done away with. Any pharmaceutical chemist without a licence could set up in business with any other person. Again I interpolate to remind the House that the word "person" as defined in the Interpretation Act, covers corporate bodies. So any pharmaceutical chemist could practise alone or in conjunction with Murdoch University at the university entirely free from any requirements to meet the provisions of the Act.

Section 32(1) of the Act provides—

(1) Under the provisions of this section—

(a) a pharmaceutical chemist; and

(b) any company or friendly society engaged in carrying on the practice of a pharmaceutical chemist . . .

may be made a party to disciplinary proceedings instituted by the Council.

Subsection (2) reads as follows—

(2) The provisions of this section . . . apply to and in relation to any . . . premises in or in part of which the practice of a pharmaceutical chemist . . . is, or is intended to be, carried on.

Again Murdoch University veterinary pharmacy will be entirely exempt from that provision, just as it is exempt from every other provision of this Act. So no question of disciplinary proceedings or control which apply to all other pharmacies in this State will apply to this particular establishment.

Since I see that the Minister for Lands is very rapt in the examples I am giving, I will give him a few more. Section 36(1) is a very significant part of the Pharmacy Act. It reads—

(1) Subject to the provisions of subsection (2) of this section, no person other than—

(a) a pharmaceutical chemist; or

(b) a company, or a friendly society registered under the Friendly Societies Act . . . engaged in carrying on the practice of a chemist . . . by and under the immediate supervision of a licensed pharmaceutical chemist,

shall carry on the practice of a . . . pharmaceutical chemist.

The Hon. D. J. Wordsworth: Is it usual for all those who dispense veterinary products to be qualified pharmaceutical chemists?

The Hon. J. M. BERINSON: Not necessarily. The point that I will come to in a minute, and which I hope may have started to become obvious at this point, is that by excluding this institution from the provisions of the Pharmacy Act, the institution can provide all materials, substances, drugs, and poisons which it is open to any pharmacy to provide.

The reason for that is that in the absence of the application of the Pharmacy Act to that institution, there is nothing to prevent that institution from doing so.

I refer finally to section 39 of the Act which says a person shall not carry out the dispensing of any medicine or drug unless he is a pharmaceutical chemist, a person who carries out such dispensing under the immediate personal supervision of a pharmaceutical chemist, a medical practitioner, or a dentist or veterinary surgeon. That provision does not apply to this institution. While I am not suggesting for a moment that this would happen, the head of the school of business administration at Murdoch University could dispense medicines in the Murdoch veterinary pharmacy and neither he nor the university would fall foul of the provisions of the Act. I cannot believe that was intended, and yet in spite of similar arguments having been put in the lower House, the Government has insisted on bringing the legislation to this House in its original form.

We have now the absurd situation that in this very Bill there are provisions to restrict bodies from holding out to be pharmaceutical chemists through advertising in certain ways; but at the very moment that we are legislating to say how bad that activity is, we are legislating to permit the Murdoch University veterinary pharmacy to do it.

I draw to the attention of the House proposed new section 5A which reads as follows—

5A. (1) This Act does not apply to or in relation to the veterinary pharmacy operated by Murdoch University.

(2) In subsection (1) of this section—

"Murdoch University" means the university referred to in section 4 of the Murdoch University Act 1973.

That is a very interesting section because it defines "Murdoch University", but it does not define "veterinary pharmacy"; nor does it make any effort to express itself so as to exempt that veterinary pharmacy while functioning as a veterinary pharmacy alone. Even if we had some sort of provision like that, we would be in all sorts of trouble. Even if we were told that Murdoch veterinary pharmacy could function only as a veterinary pharmacy, our store of knowledge would not be greatly expanded because we are nowhere told what a veterinary pharmacy is. It is not even proposed to provide that the veterinary pharmacy be restricted to whatever might be the activities of a veterinary pharmacy, as commonly understood. It is not suggested the pharmacy will be restricted to the provision of veterinary pharmaceuticals, or to the dispensing of prescriptions of veterinary surgeons alone.

The Hon. D. J. Wordsworth: It is very hard to describe it. Perhaps we should say the patients must have four legs.

The Hon. J. M. BERINSON: I do not think it is that hard to describe. If the Minister looks at, for example, the Poisons Act he will find a huge range of drugs and poisons are categorised and classified in the schedule to the Act. It is not by any means an impossible task.

In any event I think I have at least made my first point; that is, this Bill does exempt the veterinary pharmacy from the Pharmacy Act for all purposes. That in my belief must surely go beyond the intentions of the Government. It certainly goes beyond any exemption reasonably necessary to protect the express and, no doubt, real interests of the university authorities themselves.

Again I point out, if that is needed, there is not the faintest suggestion on my part that the university will be looking for loopholes to establish itself as a retail pharmacy. It will not set up its own friendly society by the use of a loophole of this sort.

However, that is not really the point. Legislation can never be advanced on the basis that we can rely on people indefinitely to do the right thing; it has to be advanced on the basis that we specify what is permitted and what is not permitted. In my submission what we are permitting the Murdoch University veterinary pharmacy to do is unreasonable and it is not sensible. It must go beyond what the university itself wants, and it ought to be understood that it is going beyond what this Parliament should be asked to provide.

If I could summarise my attitude to clause 2 of the Bill, I would say that its aim is unexceptionable, but its proposed form of implementation is exceptionable. It is sloppy and excessive to its purposes, and just as clause 3 of the Bill is intended to be amended from start to finish, so should this clause be subject to very substantial amendment.

The Minister explained the second aim of the Bill in this way—

> There is some concern that persons who are not pharmacists, without penalty are able to advertise pharmacy-related professional services. However, if a pharmaceutical chemist advertises generally and offers professional advice in relation to ailments, he would be liable to action by the council for contravening a regulation made under the Pharmacy Act.
>
> The Bill seeks to remove this anomaly by prohibiting commercial advertising of pharmacy-related professional services by persons who are non-pharmacists, thereby placing the same constraints on both registered pharmacists and non-pharmacists.

That sounds almost as though the clause is designed to prevent non-pharmacists advertising that they are offering professional services. But, again, clause 3 goes much further and precludes both non-pharmacists and pharmacists alike from advertising the availability of professional services from qualified pharmacists themselves. This extends to the nth degree a provision in the regulations, the justification for which is highly questionable, anyway. I refer to regulation 62 (2) made under the Pharmacy Act which says in part that a pharmaceutical chemist shall not in any advertisement cause or permit any reference to be made to the fact that he provides or offers to provide dispensing or other professional services of any kind.

Why should pharmacists, whose profession it is to dispense prescriptions, be prohibited from setting out in an advertisement that they dispense prescriptions? In the past, and on the basis of that regulation, chemists have been fined for being so daring as to describe themselves as dispensing chemists or prescription chemists; but what possible peril to the public could arise from an innocent description of that sort?

Note further that under the provisions of the Bill as presently before us, a self-description of that sort would not only bring a chemist in breach of regulation 62, but also would bring him in breach of proposed section 36B. The relevant penalty under the regulations is $100; whereas the relevant penalty for the same offence under proposed section 36B is $1 000 and 12 months' imprisonment.

The Hon. R. G. Pike: "Or" or "and"?

The Hon. J. M. BERINSON: Mr Pike is quite right; it is "or". That is not so bad. The Government is jumping on exactly the same offence, but is increasing the penalty from $100 to $1 000, or 12 months' imprisonment. At least in respect of pharmacists, let me concede at once that this absurd situation will be remedied by the proposed amendment. This still does not leave me with a great deal of confidence in the law-making processes of either the Government, or the Parliament—especially in the lower House—

The Hon. D. K. Dans: Hear, hear!

The Hon. J. M. BERINSON: —members of which not only considered this at great length, but also considered pushing it through this House unamended.

The Hon. N. E. Baxter: Would that not be a problem caused by Crown Law drafting?

The Hon. J. M. BERINSON: I do not know where the responsibility lies, but there is nothing more certain that from start to finish, this Bill is a bureaucratic bungle. I do not know whether it is the draftsman's responsibility; it could very well be the responsibility of the department, or of the Pharmaceutical Council itself. I do not know who set out the instructions for the draftsman, but whoever's responsibility it was, looking at it in retrospect he would appear to have quite an onerous responsibility.

If anything, the third provision of this Bill is even worse than the first two. Certainly, it promises every kind of absurdity. Proposed section 36B(2) states as follows—

> (2) Subject to subsection (3) of this section, a person shall not in any sign or advertisement use the word "chemist", "druggist", "pharmaceutist" or "pharmacist" or any derivative of that word, whether alone or in conjunction with any other word or words.
>
> Penalty: $1 000 or imprisonment for 12 months.

Proposed subsection (3) goes on to state—

> (3) Subsection (2) of this section does not apply to—
>
> (a) a pharmaceutical chemist; or
> (b) a company, or a friendly society registered under the Friendly Societies Act 1894 . . .

On this, the Minister said—

> A final amendment proposes to prohibit persons who are not registered pharmacists from holding themselves out to be such, even by inference.

That simply will not be the effect of these new subsections, neither in their present form nor even with the proposed amendment. It prohibits the use of the specified words in any context, unless they are used by a pharmaceutical chemist or a friendly society.

I invite the attention of the House to some of the consequences which could follow from this provision. I take perhaps the least serious example; namely, an advertisement for Revlon cosmetics which states "Available at Boans, Myer, and selected chemists." That advertisement would be in breach of this Bill, and the company would be liable to a penalty of $1 000, or 12 months in gaol.

Let us narrow it down further to medicines. Members no doubt will be aware that certain codeine compound pain relievers can be supplied only by chemists. Dare a chemist say so in an advertisement, and off he goes.

I put those two examples at the beginning of this list in order to indicate at once that the nonsense proposition involved in that situation will be met, at least in part—during the Committee stage I will indicate it will be only in part—by the proposed amendment.

Let me give members other examples which admittedly stray a little from what we would normally be looking to in a Bill of this sort, but which are actually the sort of advertisements which often appear. If, for example, the Australian Labor Party runs an advertisement authorised by my colleague, the Hon. D. K. Dans, which says in quite standard form, "Vote for Joe Berinson. He is a splendid chap, aged 48 years, and a family man" that would be quite acceptable. If, however, at the end of that advertisement there was included the words "occupation: chemist", up the river goes Mr Dans! He would be subject to a fine of $1 000, or imprisonment for 12 months. Even allowing for the Attorney General's generosity in his amendment to the Justices Amendment Bill today Mr Dans would face 50 days' imprisonment in default.

The Hon. D. J. Wordsworth: I am disappointed; I thought you were going to say, "Berinson—aspirin to follow Hawke—port".

The Hon. J. M. BERINSON: Let us consider another totally innocent advertisement which states, "Bill Smith offers specialist services as an industrial chemist to the iron ore industry". Mr Smith would be in breach of the Act because he used the word "chemist" either alone or in conjunction with any other words, and he is not a pharmaceutical chemist or a friendly society. Mr Smith is in breach, so up the river he goes to join the Hon. Des Dans.

We all know this part of the legislation is directed solely against the Good Neighbour Chemist group. Apparently objection has been taken in some quarters to the sort of advertisements the group has been inserting in the local Press, although for the life of me I cannot see what public harm they involve, and why people should be so anxious to bring in special legislation to meet whatever supposed threat is involved in reading over a bowl of Weeties the words "Good Neighbour Chemists when you need something special".

What possible harm that, accompanied by a list of goods at cut prices, can do completely escapes me. However, as is widely acknowledged and as everyone knows, that is the sole reason for this

Bill, with the exception of the clause relating to the Murdoch University.

I wonder how ridiculous the Government can get in its anxiety to regulate everything in sight. Under the proposed amendment, Good Neighbour Chemists as a firm will not be able to authorise advertisements using the term "Good Neighbour Chemists", but the chemist members of Good Neighbour Chemists, being pharmacists, could continue to do so.

The Hon. R. G. Pike: I believe the amendment on page 3 will enable the pharmaceutical wholesalers to do that.

The Hon. J. M. BERINSON: The pharmaceutical wholesalers themselves would have difficulty in advertising for Good Neighbour Chemists. Nonetheless, I am astounded that this Bill is designed to have the effect of preventing Good Neighbour Chemists as a firm from inserting advertisements in our local Press.

The whole effect of that will be obviated by the chemist members of the firm authorising the advertisement. One can only wonder whether we have not come to a very sad situation when there is nothing better than that on which to legislate.

Even with the amendments which I will refer to in more detail at the Committee stage, this Bill has a great deal of potential for disruption and uncertainty in the industry, without the slightest good purpose being served. In the Minister's second reading speech, there was no suggestion of harm to the profession, and there is not the remotest possibility of harm to the public.

In summary, let me say that so far as the provision relating to Murdoch University is concerned, the aim is perfectly acceptable, but the form in which it is being legislated is atrocious. In respect of that part of the legislation relating to advertising in pharmacy related services, the aim and the method are equally atrocious.

Debate adjourned, on motion by the Hon. M. McAleer.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.41 p.m.]: I move—

That the House do now adjourn.

State Library Board: Queens Park Library

THE HON. R. HETHERINGTON (East Metropolitan) [5.42 p.m.] Before the House adjourns, I would like to bring to the notice of the Minister for Lands representing the Minister for Cultural Affairs, and the Leader of the House representing the Premier, a problem that has arisen in my electorate. In order to save the time of the House, I am speaking jointly on behalf of my friend, the Hon. Fred McKenzie, who is equally concerned about this problem and me.

As members no doubt know, Queens Park, in the City of Canning has been one of the more depressed areas in the province, and it suffers a lack of services. The Government and the City of Canning have set about rectifying this. I have made a couple of speeches in the House about the State Housing Commission's upgrading of Maniana, which is now called North Queens Park; and after my original doubts, I give the SHC due praise for what it has done.

Recently, the City of Canning has built a very impressive recreation complex. It was going to complete the upgrading of the area by building a library in Queens Park. The city had been promised that 15 000 books would be allocated to the library; but the State Library Board has found it can no longer make that allocation.

In response to a question I asked yesterday, I was informed that all the State Library Board could do as far as the City of Canning was concerned was to produce not 15 000 but 5 200 additional stock for next year. The City of Canning had to face the situation whether it should continue to build the library and have no books in it, or whether it should not build the library. If the library is built, it could be a white elephant.

The council has planned and it has committed its funds to building the library. The people of Queens Park are in dire need of books. It is an area which needs a library, and it needs books. I hope that the two Ministers can raise this matter with members of the Cabinet to see if something can be done about the matter.

This matter has been raised already in another place by our colleague, the Hon. Colin Jamieson. It is a matter about which we are all well aware. I hope the Government will have another look at this to see if it can provide sufficient books in order to finish this most important library in Queens Park, and so it can provide the services that are needed there.

I am sure that if the Government has another look and another think, and if it has the concern mentioned by the Hon. Mr Wells the other night, it will do so. I make a heartfelt plea to the Ministers to do something about this.

Question put and passed.

House adjourned at 5.44 p.m.

QUESTIONS ON NOTICE

FISHERIES AND WILDLIFE DEPARTMENT

Director

436. The Hon. D. K. DANS, to the Minister for Fisheries and Wildlife:

(1) Is the Director of the Department of Fisheries and Wildlife or his representative, a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the director or his representative hold?
(4) Does he have full voting status on the bodies?

The Hon. G. E. MASTERS replied:

(1) Yes.
(2) and (3) The Director of Fisheries and Wildlife is on the following committees within Western Australia—

Western Australian Wildlife Authority—Chairman
Rock Lobster Industry Advisory Committee—Chairman
Western Fisheries Research Committee—Chairman
Estuarine and Marine Advisory Committee—Chairman
Kangaroo Management Advisory Committee—Chairman
Esperance National Parks Advisory Committee—Chairman
National Parks Authority—member
Zoological Gardens Board—member
Conservation and Environment Council—member
Road Verges Committee—member
Fishing and Allied Industries Committee—member
Fishing Industry Facilities Committee—Member.

The deputy of the director under the Fisheries Act is Chairman of the General Fisheries Advisory Committee.

(4) Yes.

437. *This question was postponed.*

SOLICITOR GENERAL

Membership of Government Committees and Boards

438. The Hon. D. K. DANS, to the Attorney General:

(1) Is the Solicitor General or his representative, a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?
(2) If so, what are the bodies involved?
(3) What positions does the Solicitor General or his representative hold?
(4) Does he have full voting status on the bodies?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) Stipendiary Magistrates Examinations Board.
Planning Committee for the District Court Building.
Committee of Inquiry into the Future Organisation of the Legal Profession.
The Barristers' Board.
(3) He is Chairman of the Barristers' Board and a member of each of the other bodies.
(4) Yes.

HEALTH

Perinatal Deaths

439. The Hon. W. M. PIESSE, to the Minister representing the Minister for Health:

Referring to the committee set up in 1978 to study perinatal deaths—

(1) Have all the members been appointed to this committee?
(2) Who are they?
(3) (a) Has the committee met; and
(b) if so, on what dates did it meet?
(4) What report or recommendations have so far been put forward?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2)

Permanent Members	Deputy Members
Professor J. D. Martin	Professor P. F. H. Giles
Dr L. J. Holman	Dr C. F. Quadros
Dr A. Grauaug	Dr J. R. Tompkins
Dr P. J. Pemberton	Dr J. M Scurlock
Dr A. R. Burkitt	Dr P. S. Finch
Professor M. S. T. Hobbs	Dr B. Armstrong
Provisional Members	**Deputy Members**
Dr S. Reid	Dr G. Smith
Dr D. Watson	Dr H. Watts
Dr R. J. Stanley	Dr J. Henzell
Miss R. J. Denny	Miss R. Crocker

(3) (a) Yes;
(b) 1.5.79; 5.6.79; 7.8.79; 1.4.80; 26.8.80.

(4) Reports have been made to the Commissioner of Public Health and Medical Services following each meeting. A considerable amount of work has been done by the investigators, but it may be some time before patterns emerge to justify recommendations being made.

440. *This question was postponed.*

LAND

Lands Department: Under Secretary

441. The Hon. D. K. DANS, to the Minister for Lands:

(1) Is the Under Secretary for Lands or his representative, a member of any Government committees, authorities, councils, advisory bodies or other State Government, or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the Under Secretary or his representative hold?

(4) Does he have full voting status on the bodies?

The Hon. D. J. WORDSWORTH replied:

(1) to (4) The Under Secretary for Lands is either appointed by the Governor or by Statute to—

Bush Fires Board—Chairman
Industrial Lands Development Authority—member
Government Domain Reserve Board—member
Tender Board—member.

The Under Secretary is represented on the Townsites Development Committee, Road Verges Committee, and numerous other interdepartmental committees which it is felt do not come within the province of the question.

442. *This question was postponed.*

STATE FORESTS

Conservator

443. The Hon. D. K. DANS, to the Minister for Forests:

(1) Is the Conservator of Forests or his representative, a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the conservator or his representative hold?

(4) Does he have full voting status on the bodies?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) and (3)

WA Wildlife Authority—member
Conservation and Environment Council—member
Water Resources Council—member
National Parks Authority—member
Government Tender Board—member
Sandalwood Export Committee—Chairman
Road Verge Conservation Committee—Chairman
Research Co-ordinating Committee—Chairman
Planning and Co-ordinating Authority Subcommittee—member
Parks and Reserves Committee—member

(4) Yes.

DEPARTMENT OF CONSERVATION AND ENVIRONMENT

Director

444. The Hon. D. K. DANS, to the Minister for Conservation and the Environment:

(1) Is the Director of the Department of Conservation and the Environment or his representative, a member of any Government committees, authorities, councils, advisory bodies, or other State Government or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the director or his representative hold?

(4) Does he have full voting status on the bodies?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) and (3) The Director of Conservation and Environment is on the following committees within Western Australia—

Environmental Protection Authority, Chairman.
Conservation and Environment Council, Chairman.
System 6 Committee, Chairman.
Planning and Coordinating Authority, member.
CSIRO State Executive Committee, member.
Australian Environment Council—Standing Committee, member.
Darling Range Advisory Committee (P &C A), member.
Research Co-ordinating Committee (DRAC), member.
Western Australian visits Committee for Nuclear Powered Warships, Chairman.
Western Australian Water Resources Council, member.
Western Australian Advisory Committee on Environmentally Hazardous Chemicals, Chairman.
Basic Raw Materials Committee (MRPA), member.
Central Area Committee (MRPA), member.
Housing and Services Committee (MRPA) member.
Raw Materials Committee (MRPA), member.
Eastern Corridor Committee (MRPA), member.
Jervoise Bay—Woodman Point Steering Committee (MRPA), member.
Mandurah Region Study Steering Committee (MRPA), member.
Water Resources Council Salinity Committee (WRC), convener.
Regional Open Space Planning Committee (MRPA), member.

(4) Yes.

The Hon. J. M. Berinson: Do they ever appeal from Caesar unto Caesar on any of those committees?

The Hon. G. E. MASTERS: Time will tell.

445. *This question was postponed.*

EDUCATION: HIGH SCHOOLS

Languages

446. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister representing the Minister for Education:

(1) What languages other than English are offered as tuition subjects in the metropolitan area of Perth in schools?

(2) What languages other than English are offered as tuition subjects in schools in—

(a) Pilbara; and
(b) Kimberley;

and in which town is each language offered?

The Hon. D. J. WORDSWORTH replied:

(1) The following languages are taught in metropolitan schools—

French
German
Italian
Indonesian
Japanese
Chinese

In addition the Saturday School of Languages offers—

Croatian
Macedonian
Greek
Polish
Portuguese
Serbian.

(2) (a) In the Pilbara—

Hedland—French
Karratha—French
Newman—French
Exmouth—French

(b) In the Kimberley—

Derby—Indonesian
Kununurra—French.

ABORIGINES

Sacred Site: Durba Hills

447. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister for Fisheries and Wildlife:

(1) Since officers of his department have discussed this issue at Jigalong, is his department aware of the claim by some language groups within the Jigalong community that the area known as Durba Hills on the Canning Stock Route is sacred?

(2) Have any steps been taken by the Department of Fisheries and Wildlife in respect of the declaration of that area as a reserve?

(3) If so, what are the proposals by the department?

(4) Do those proposals include management of the area with the involvement of the relevant Aboriginal claimants?

The Hon. G. E. MASTERS replied:

(1) The department is aware that the Jigalong community claims that certain places within the Durba Hills are sacred.

(2) No.

(3) and (4) Answered by (2).

HEALTH: ALCOHOL AND DRUG AUTHORITY

Treatment Centres

448. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister representing the Minister for Health:

Since the abolition of the Inebriates Rehabilitation Board and the establishment of the Alcohol and Drug Authority, what treatment centres, if any, have been established, and what treatment centres have been closed, for the treatment of persons suffering from alcoholism or who have been declared inebriates, and in respect of each such centre—

(a) upon what date was it established; and

(b) upon what date was it closed?

The Hon. D. J. WORDSWORTH replied:

(a) and (b) The Alcohol and Drug Authority has established the following treatment centres—

Ord Street Hospital in December 1974
Quo Vadis Hospital in June 1975
Aston Hospital in October 1976.

The centres under the control of the Department of Corrections at Byford and Bartons Mill were closed for the reception of inebriates from the date of the establishment of the Alcohol and Drug Authority in November 1974.

A number of voluntary agencies provide accommodation and, in some cases, programmes for the rehabilitation of individuals with problems arising from alcohol.

PASTORAL LEASE

Millstream Station

449. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister for Fisheries and Wildlife:

I refer to a recent television programme in which the owners of Millstream Station expressed concern at the drop in the water level of parts of the Millstream Pools area, including Crystal Pool—

(1) What steps, if any, have been taken to check these allegations, and have any officers of the Minister's department been to Millstream subsequent to these allegations?

(2) What is the department's view about the substance of these allegations?

(3) What steps, if any, will be taken to keep the situation under review?

(4) What steps, if any, will be taken with the Public Works Department to prevent permanent damage to the area?

The Hon. G. E. MASTERS replied:

(1) Officers of the Department of Conservation and Environment, National Parks Authority, Forests Department, and Public Works Department have recently inspected the area.

(2) and (3) A report is being prepared by my department and an ongoing vegetation monitoring programme has been established.

(4) Extraction of water from the aquifer is managed with great care by the PWD to ensure that the unique environment of the area is maintained.

LAND RESERVES

Dampier Archipelago

450. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister for Lands:

I refer to the gazettal on 24 October 1980 of reserves in the Dampier archipelago, and ask—

(1) In respect of the Enderby Island Reserve, does the "A"-class gazettal cover the whole of the island?
(2) If not, what portion of it?
(3) Is it intended that these reserves should be managed and/or policed by an officer of the department?
(4) If so, which officer, and what time will be spent managing and policing the reserves?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.
(2) Answered by (1).
(3) and (4) This part of the question should be asked of the Minister responsible for the authority in which the reserves are vested.

POLICE COMMISSIONER

Overseas Trip

451. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister representing the Minister for Police and Traffic:

(1) Did the Commissioner of Police recently go overseas?
(2) If so, upon what date did he leave Australia, and on what date did he return?
(3) What countries and towns did he visit?
(4) What was the purpose of each visit?
(5) What length of time was spent in each place?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) Yes.
(2) Left 18 October 1980, returned 25 October 1980.
(3) New Caledonia and Noumea.
(4) To represent Australia at the South Pacific Region, Heads of Police Conference. He was sponsored and financed by the Federal Government.
(5) Seven days in Noumea.

POLICE

International Police Association

452. The Hon F. E. McKenzie (for the Hon. PETER DOWDING), to the Minister representing the Minister for Police and Traffic:

(1) Did a meeting of the International Police Association take place in Perth recently?
(2) If so—
(a) upon what date or dates;
(b) at what venue;
(c) who attended;
(d) who organised it;
(e) who paid for it; and
(f) were the media present at any or all of the meetings, and if not, why not?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) Yes.
(2) (a) 24 to 26 October 1980.
(b) to (f) The International Police Association is a private organisation, formed to link serving and retired police officers of member countries throughout the world, in a sense of service and friendship, thus promoting goodwill and comradeship.

It is an organisation which is not officially sponsored or controlled by any police service and its work is carried out by its own elected officers on a voluntary basis. It has consultative status with the Social and Economic Council of the United Nations.

453. *This question was postponed.*

CROWN LAW DEPARTMENT

Under Secretary

454. The Hon. D. K. DANS, to the Attorney General:

(1) Is the Under Secretary of the Crown Law Department or his representative, a member of any Government committees, authorities, councils, advisory bodies or other State Government, or semi-Government organisations?

(2) If so, what are the bodies involved?

(3) What positions does the Under Secretary or his representative hold?

(4) Does he have full voting status on the bodies?

The Hon I. G. MEDCALF replied:

(1) Yes.

(2) (a) Committee of inquiry into the Rate of Imprisonment.

(b) Training of Justices of the Peace Advisory Committee.

(3) In respect of—

(2) (a) Deputy chairman;

(b) chairman.

(4) Yes.

QUESTIONS WITHOUT NOTICE

LAND

Lands Department: Under Secretary

136. The Hon. D. K. DANS, to the Minister for Lands:

I refer to question on notice No. 441 to which the Minister replied—

> The Under Secretary is represented on the Townsites Development Committee, Road Verges Committee, and numerous other interdepartmental committees which it is felt do not come within the province of the question.

The fourth part of my question stated—

> Does he have full voting status on the bodies?

I want to know—

(1) Does the under secretary know exactly how many committees he is on.

(2) Can the Minister tell this House whether the under secretary has full voting rights on the bodies mentioned in parts (1) and (2) of question 441?

The Hon. D. J. WORDSWORTH replied:

Perhaps we endeavoured to anticipate what the Leader of the Opposition was driving at with his question.

The Hon. D. K. Dans: You do not have to be very smart for that.

The Hon. D. J. WORDSWORTH: Thank you. The answer is as follows—

(1) The bodies listed in the answer to the question on notice were believed to be the ones about which the member asked.

(2) The under secretary has voting power on those bodies.

The Hon. D. K. Dans: Why did you not give me that answer to the question on notice?

The Hon. D. J. WORDSWORTH: I will be honest in this. I do not know of a person on any committee who does not have a voting right. I expect that is what the member wanted to know.

The Hon. D. K. Dans: That is right.

The Hon. D. J. WORDSWORTH: The Under Secretary for Lands is involved with various interdepartmental committees which are set up from time to time to investigate certain matters. One would expect he has voting powers on those committees, but usually they are set up to resolve matters rather than to vote through decisions.

LAND

Lands Department: Under Secretary

137. The Hon. D. K. DANS, to the Minister for Lands:

I refer further to the Minister's reply. What worries me about the reply from the Under Secretary for Lands is the cavalier manner in which the question was answered. I thank the Minister for saying that he believes the under secretary has voting rights, but I would like to extract from the Minister an undertaking that if a question is again directed to the Under Secretary for Lands through the Minister—I know it

is his right to answer it or not to answer it—the under secretary does not answer it in the cavalier manner in which he has on this occasion.

The PRESIDENT: Order! The member is taking extreme license in asking his question without notice. The Standing Orders are quite explicit that a member shall not enter into a discussion on a matter. The member may ask another question.

The Hon. D. K. DANS: I take your point, but at the same time we are entitled to ask questions and to receive answers to those questions. I have asked the Minister representing the Lands and Surveys Department whether he agrees with the cavalier manner in which the under secretary answered a question.

The Hon. D. J. WORDSWORTH replied:

I do not believe the question was answered in a cavalier fashion. I think probably one of the difficulties with which the department was faced in answering the question was that very seldom is the condition that members of a committee have voting rights placed in the constitution of a committee. It is one of those things taken for granted.

The Hon. D. K. Dans: It would be dreadful if I found out that he didn't.