

Legislative Council

Tuesday, the 22nd April, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (14): ON NOTICE

1. QUESTIONS

Replies: Cost and Time

The Hon. A. A. LEWIS, to the Minister for Justice:

- (1) Would the Minister obtain from the Premier the estimated cost of answering parliamentary questions, in this session, in each portfolio of the Cabinet and advise this House of these costs, on a weekly basis?
- (2) Would the Minister also obtain from the Premier the hours spent by the chief executive officer in each of the portfolios in preparing the answers to these questions and advise this House?
- (3) Would the Minister also state whether the answer to the bulk of these questions would be available to members through the process of contacting ministerial offices and what would be the estimated delay if answers could be obtained in this manner?

The Hon. N. McNEILL replied:

- (1) The estimated weekly cost of answering parliamentary questions over the first full three weeks of this session was \$6 681, which averaged approximately \$26 per question. However, the cost of questions varies considerably depending upon whether information is readily available. Questions in this exercise varied from \$15 for ones with readily available information, to \$135 for those requiring in-depth research. The above estimates are based on 780 questions being asked.

The figures for each portfolio per week are detailed hereunder.

- (2) An estimated 118 hours per week have been spent by chief executive officers of the 12 portfolios. The figures for each portfolio are detailed hereunder.
- (3) Yes—the answer to the bulk of these questions would be available to Members through the process of contacting ministerial offices. However, the delay factor would depend upon the question asked,

but generally there should be no more than a few days delay, depending on how the question was presented to the appropriate department or Minister.

Portfolio	Question (1)	Question (2)
	Average Weekly Cost of Parliamentary Questions Under Each Portfolio This Session \$	Hours Spent Weekly by Chief Executive Officers
Premier, Treasurer, and Minister Co-ordinating Economic and Regional Development	163	13
Deputy Premier and Minister for Agriculture	611	7½
Minister for Works, Water Supplies and Housing	660	11
Minister for Justice, and Leader of the Government in the Legislative Council	70	2½
Minister for Transport, Police, Traffic and Traffic Safety	1 685	25
Minister for Education, Cultural Affairs and Recreation	1 002	13
Chief Secretary and Minister for Conservation and Environment and Fisheries and Wildlife	268	
Minister for Labour and Industry, Consumer Affairs, Immigration and Tourism	270	3
Minister for Industrial Development, Mines, Electricity and Fuel and Energy	900	12
Minister for Local Government, and Urban Development and Town Planning	150	3½
Minister for Lands, Forests, and North-West	397	6½
Minister for Health and Community Welfare	496	10½
Total	\$6 681	118½

2. TENDER BOARD

Closing Date of Tenders

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Treasurer:

- (1) When the Tender Board calls tenders on behalf of a Government department, is it customary to announce a specific closing time and date?
- (2) What is the purpose of fixing a specific closing time as well as a closing date for the receipt of tenders?
- (3) Is it the practice of the Tender Board to allow any latitude to tenderers with respect to the lodgement of tenders after the specified closing time?
- (4) If the answer to (3) is "Yes" will he explain the circumstances and state how much time is allowed as a maximum?

The Hon. N. McNEILL replied:

- (1) Yes.

- (2) A time for the closing of tenders is set to coincide with the commencement of the weekly meeting of the Tender Board. Regulation 10 under the State Tender Board Act requires that tenders be opened by the Tender Board, and it is the practice for this procedure to be carried out at the commencement of each meeting of the board.
- (3) Yes.
- (4) No specific time is allowed during which late tenders are accepted. Generally, the board gives consideration to a tender which has been delayed in the mail or where there is a satisfactory explanation for the delay in delivery. However, in accepting late tenders, the board must be satisfied that there has been no opportunity for the tenderer to obtain information about other tenders.

3.

ROADS

Broome Townsite

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Transport:

- (1) What commitment has the Main Roads Department accepted for the—
- restoration of town streets in Broome; and
 - construction of town streets in new residential subdivisions?
- (2) Has the department been directly responsible for the extended delay in performing any such commitment to the residents of Broome and the embarrassment of the Broome Shire Council?
- (3) Does the department encourage local authorities in the Kimberley to develop the capability to carry out normal town street construction?
- (4) If not, would the department give urgent consideration to advising and guiding the shire councils on the plant establishment and workforce required to ensure that the councils are able to carry out their full statutory function in respect of townsite roads in an efficient, expeditious and economical manner not presently seen when the Main Roads Department is forced to leave its highway function to do municipal work?

The Hon. N. E. BAXTER replied:

- (1) (a) The Main Roads Department has accepted responsibility for the preparation of de-

tailed designs and plans covering the reconstruction of certain streets. The reconstruction of these streets and the construction of a comprehensive drainage system based on a design prepared in association with the Public Works Department is being carried out jointly by the Main Roads Department's and shire council's workforces.

- (b) At the request of the State Housing Commission and the Lands Department the Main Roads Department has prepared designs and undertaken construction of new residential streets. The cost of this work is being met by the State Housing Commission and the Lands Department.

- (2) No. The completion of surveys, road and drainage designs and the finalisation of financial arrangements have all been contributing factors to the delay.
- (3) Generally yes, but this depends upon the size, complexity and frequency of the type of work involved.
- (4) Answered by (3).

4. LEGAL ASSISTANCE SCHEME

Divorce Costs

The Hon. Lyla ELLIOTT, to the Minister for Justice:

In view of the statements made in the *Daily News* of the 14th April, 1975, by a Mrs Margaret Dosssett, alleging unnecessary delay and incompetence by her lawyer in respect of her divorce, which she subsequently obtained herself for a cost of 50 cents; the fact that public money was involved as it was originally a legal aid case; and the allegations made by the Divorce Law Reform Association that some Perth divorce lawyers are deliberately delaying cases and charging excessive fees, which the Divorce Law Reform Association contends it can substantiate with evidence, will the Minister—

- (1) Institute an inquiry into the Legal Assistance Scheme for the purpose of ascertaining—
- whether the scheme is being abused by certain legal practitioners; and
 - whether a different system should be introduced to enable stricter supervision of lawyers' handling of cases eligible for legal aid; and

- (2) table a list of the legal firms which have been the recipients of legal aid payments over the past two years and the amount paid in each case?

The Hon. N. McNEILL replied:

- (1) No.

The Legal Assistance Scheme as it is presently operated was instituted by the Legal Contribution Trust Act, 1967. Under that Act, the scheme is administered by the Law Society of Western Australia, which reports annually to me and through me to this Parliament. Since its introduction, the scheme has grown remarkably in the volume and range of legal aid services throughout the State. Apart from the operations of the Legal Advice Bureau, where lawyers receive no remuneration at all, work undertaken is at reduced rates and fees paid are subject to review by experienced members of the profession.

There have been no assignments under the scheme in divorce cases since November, 1974, because the Commonwealth Government's legal aid office has undertaken this responsibility.

I believe that the scheme is adequate and suitable to meet the needs of legal aid in this State, and I am therefore satisfied that no good purpose would be served in the institution of any inquiry.

- (2) No. This information is not readily available. Between October, 1971 and August, 1973 there were of the order of 7 000 applications, with 3 330 assignments. Each of these is on separate files.

If the honourable member requires information on any particular cases I am prepared to make a request to the Law Society for that information, and the president of the society is prepared to cooperate in that regard.

5. ELECTION PROMISES

Industrial Commission

The Hon. D. W. COOLEY, to the Minister for Justice representing the Premier:

How many of the following matters are contained in the 112 election promises that the Gov-

ernment alleges it has given effect to since it came to office—

- (a) Industrial Commission to declare a basic wage at least once every 12 months;
- (b) remove restrictions in the Arbitration Act on equal pay;
- (c) an Industrial Commission declaration necessary for a stoppage to be illegal;
- (d) reduce to a minimum statutory time restrictions for dispute settlement;
- (e) support for union membership;
- (f) regular employer, union, Government consultation;
- (g) the National Alliance's proposed moves to—

- (i) re-institute secret ballots for all elections and a re-training scheme for those workers disadvantaged by automation;
- (ii) the establishment of a labour relations committee headed by a Government - appointed chairman and commissioners, one from the trade union movement, and the other from employer organisations to assume responsibility for the registration of organisations, rule changes, union ballots, and demarcation disputes; and
- (iii) a feasibility study of the appointment of a resident Industrial Commissioner in the north?

The Hon. N. McNEILL replied:

- (a) to (g) Only two of these matters were contained in the promises given by the Premier, and both have been implemented.

6. DUNCAN HIGHWAY *Negri River Crossing*

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Transport:

What steps are being taken to make the crossing of the Negri River on the Duncan Highway trafficable—

- (a) in the short term; and
- (b) in the long term;

to ensure that the crossing will be capable of carrying non-four-wheel drive vehicular traffic and cattle carting road trains as soon as any seasonal floodwaters have subsided?

The Hon. N. E. BAXTER replied:

- (a) Temporary repairs will be carried out as soon as river flow and weather conditions permit.
- (b) Preliminary investigations have been made of possible alternative alignments of the section of Duncan Highway in the vicinity of RB Creek and Negri River. Although these investigations have not been completed it appears that a suitable alignment can be achieved crossing the Negri River downstream of its confluence with RB Creek. This alignment would be exceedingly costly and involve the construction of a large bridge. Because of the cost it is unlikely that funds will be available for the new alignment in the immediate future.

7. CONSUMER PROTECTION

Complaints Against Mr A. C. Pace

The Hon. D. W. COOLEY, to the Minister for Education representing the Minister for Consumer Affairs:

- (1) Is the Minister aware that the Consumer Protection Bureau in its last annual report referred to seven complaints against the Italian Cultural Lyceum and the contracts used by its Director, Mr Aldo C. Pace?
- (2) Is there any evidence that students have cancelled their so-called "contractual obligations" because of illness or Mr Pace's personal behaviour?
- (3) Is the Minister aware that Mr Pace has issued on three or four separate occasions summonses to the same student, and then dropped the action, causing expenditure on legal fees in one consumer case to the extent of \$200?
- (4) If the answer to (1) to (3) is "Yes" is it the intention of the Government to take any action against Mr Pace under the provisions of the Consumer Protection Act?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) Complainants have advised the bureau that they have refused to honour their contractual obligations due to personal illness or Mr Pace's teaching methods.
- (3) Yes.
- (4) Although the contracts are extremely inflexible and weighted against the students, they are nevertheless legally binding and no legal action could be instituted.

8. GREAT NORTHERN HIGHWAY

Construction Plans

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Transport:

- (1) What are the year by year construction plans for the section of the Great Northern Highway between Port Hedland and Goldsworthy under the current National Roads Act?
- (2) Accepting that final approval of work on national highways rests with the Federal Minister for Transport, what will be the Main Roads Department's recommended programme for the reconstruction and sealing of this road from Goldsworthy on to the junction with the Broome-Derby road?
- (3) Has there been consultation with the Commonwealth Government on the possibility of further relocation of this road to a point nearer to Shay Gap then returning to the existing alignment in the general vicinity of Wallal Downs?
- (4) Will such re-location materially affect the road distance between Port Hedland and Broome?

The Hon. N. E. BAXTER replied:

- (1) Subject to the approval of the Federal Minister for Transport it is proposed to allocate \$4.5 million during the term of the National Roads Act, 1974 for the construction and reconstruction of sections of the road between Port Hedland and Goldsworthy. Plans envisage that over the three-year period of the Act a substantial part of the road will be sealed, together with the construction of some smaller bridges.
- (2) Because of the limited funds available under the National Roads Act, 1974 it will not be possible to make any substantial allocations for the reconstruction and sealing of the Great Northern Highway between Goldsworthy and the junction with the Broome-Derby road. The Premier has written to the Prime Minister seeking special consideration for the provision of additional funds for this particular project.
- (3) Preliminary discussion has taken place with officers of the Commonwealth Government. The proposed realignment is still being investigated and when these investigations have been completed it will be necessary to arrange further discussion with Commonwealth officers.

(4) Until investigations have been completed it is not possible to advise whether any relocation finally adopted will materially affect the road distance between Port Hedland and Broome.

9. **ARMADALE HIGH SCHOOL**

Land for Extensions

The Hon. **LYLA ELLIOTT**, to the Minister for Education:

- (1) Does the Government intend to acquire the strip of land lent to the Education Department by Hawker Siddeley (now Monier Brick), adjacent to Armadale High School to enable extensions to be made to the school?
- (2) If not, why not?

The Hon. **G. C. MacKINNON** replied:

- (1) and (2) The 2-chain buffer strip referred to was acquired by the Government from Hawker Siddeley (now Monier Brick) in January, 1966.

10. **HOUSING**

Broome

The Hon. **J. C. TOZER**, to the Minister for Justice representing the Minister for Housing:

- (1) How many State Housing Commission rental houses in Broome have been allocated to evacuees from Darwin in precedence to local families who may have been in equal need of accommodation and listed for extended periods?
- (2) How many families are currently waiting for SHC rental accommodation in Broome?
- (3) What is the SHC building programme for Broome—
 - (a) in 1974-1975; and
 - (b) projected for 1975-1976?
- (4) Is the SHC involved in the allocation of accommodation units which have been built by the commission for the Commonwealth Department of Aboriginal Affairs?

The Hon. **N. McNEILL** replied:

- (1) None.
- (2) 51 Caucasian and 24 Aboriginal.
- (3) (a) 15 units including 5 for Aborigines.
 (b) Tentative programme for 1975-76 is for 17 units including 7 for Aborigines.
- (4) All units provided from Commonwealth grants for the housing of Aborigines are administered by the commission.

11. **TEACHERS**

After School Care: Insurance

The Hon. **R. F. CLAUGHTON**, to the Minister for Education:

Further to my question regarding staff insurance on the 10th April, 1975, will the Minister advise—

- (a) whether individual headmasters are authorised to approve out of school activities; and
- (b) if so, does the department's public liability policy extend to indemnify teachers who volunteer to supervise the activities?

The Hon. **G. C. MacKINNON** replied:

- (a) Yes, within the framework of departmental policy.
- (b) Yes.

12. **ALSATIAN DOG ACT**

Amendment

The Hon. **D. W. COOLEY**, to the Minister for Justice representing the Minister for Agriculture:

- (1) Has legislation been prepared to amend the Alsatian Dog Act, 1962, to provide for the lifting of the ban on German shepherd dogs?
- (2) If so, does the Minister propose to introduce the amendment during this session of Parliament?
- (3) If the answer to (2) is "No" why is the Minister delaying the introduction of the Bill?

The Hon. **N. McNEILL** replied:

- (1) No.
- (2) Not applicable.
- (3) The submission made by the German Shepherd Dog Association of W.A. is still under examination by the Agriculture Protection Board.
 Full consideration will be able to be given to this contentious issue when the board's report is received.

13. **WATER SUPPLIES**

West Pilbara

The Hon. **J. C. TOZER**, to the Minister for Justice representing the Minister for Works:

- (1) What is the estimated storage capacity of a dam on the Fortescue River if it were constructed at the Bullinnarwa Pool site?
- (2) What would be full supply level of this dam if built?
- (3) On the Fortescue River, by how much could it be anticipated that flood level would exceed full supply level, and for how long could such flood level continue?

The Hon. N. McNEILL replied:

- (1) Up to 250 million cubic metres.
- (2) Up to 100 metres Australian Height Datum.
- (3) Depending on the spillway configuration adopted for such a dam, flood levels could exceed full supply level by about 20 metres for extreme events of a 1 in 10 000 year probability. Such floods could last for up to 10 days although the peak levels might only last for 2 or 3 days.

More common flood events of a 1 in 20 years probability could create a surcharge of up to 5 metres and last for a week.

14. PANNAWONICA ACCESS ROAD

Future Programme

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Transport:

Pursuant to the answer given to my question on the 9th April, 1975, would the Minister outline the Main Roads Department's future proposals for the Pannawonica access road after the current programme of works?

The Hon. N. E. BAXTER replied:

Subject to discussion with the company on clause 10(c) of the Iron Ore (Cleveland Cliffs) Agreement it is hoped to provide further funds in the next and subsequent programmes of work to continue the upgrading of access to Pannawonica of the new alignment.

CANNING RIVER

Reclamation: Assembly's Resolution

THE PRESIDENT (The Hon. A. F. Griffith): I have received the following message from the Legislative Assembly—

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following motion:—

That this House do resolve to approve, pursuant to subsection (1) of section twenty-two A of the Swan River Conservation Act, 1958-1966, the reclamation of two areas of the Canning River as follows—

- (a) an area of about 1.7 hectares on the eastern side of the Canning River just south of the Canning Bridge; and
- (b) an area of about 4.18 hectares on the eastern side of the Canning River north of Mount Henry,

which areas are shown stippled in the plan deposited in the Main Roads Department and marked MRD Map Drawing No. 7421-89 and as so shown in the copy of that plan laid on the Table of the House.

The Legislative Assembly now presents the same to the Legislative Council for its concurrence. The Plan of the proposed reclamation is forwarded herewith.

Motion to Concur

THE HON. N. E. BAXTER (Central—Minister for Health) [4.55 p.m.]: I move—

That the request contained in Message No. 2 from the Legislative Assembly be agreed to.

THE PRESIDENT: If the Minister wishes to do other than to receive the message he will have to seek leave of the House. In ordinary circumstances the Minister asks that consideration of the message be made an order of the day for the next sitting of the House.

The Hon. N. E. BAXTER: I seek leave of the House to proceed with my speech on the message from the Legislative Assembly.

THE PRESIDENT: The Minister for Health seeks leave of the House to deal with the message from the Legislative Assembly forthwith. Is leave granted?

There being dissentient voices, leave is not granted.

The Hon. N. E. BAXTER: I move—

That Message No. 2 from the Legislative Assembly be made an order of the day for the next sitting of the House.

Question put and passed.

BILLS (2): THIRD READING

1. Friendly Societies Act Amendment Bill.

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

2. University of Western Australia Act Amendment Bill.

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th April.

THE HON. N. E. BAXTER (Central—Minister for Health) [4.58 p.m.]: Both the Hon. R. Thompson and the Hon. R. Leeson expressed some concern as to the possible application of the proposed new maximum rates. It seems they fear that

the effect of the amendment would be to bring about a widespread increase and that possibly rates up to the new maximum might be levied. I could have given members a simple explanation the other day, but I shall cover the position more comprehensively from the notes that have been supplied to me.

It is important to appreciate that the level of rates is determined by the estimates prepared by the local authority covering the costs which are to be met during the financial year. A local authority may not levy a rate which will provide an amount in excess of the figure which is necessary to produce the revenue required. In other words, it would not use this section of the Health Act to make a profit or create a surplus which could be applied to other works.

The most critical situation exists in the Shire of Wanneroo. The shire has supported the installation of local sewerage schemes to serve small townships. It is currently charging the maximum rate which is ½c in the dollar on the capital unimproved value of the land. On current indications it would appear that this rate will have to be increased to about 1.4c in the dollar. This is considerably below the proposed new maximum of 3c. It is likely to be many years before any local authority will need to consider rating up to the new maximum. No other local authority is in the same difficult position that exists at Wanneroo, but inevitably there will be increases although these are likely to be small. In some cases there will be no increase.

Some of the schemes which have been constructed are designed to dispose of storm water. Others are limited to the collection and disposal of effluent from septic tanks. Maintenance of these schemes is relatively inexpensive and little or no change in the present rate will occur.

I might add, at the same time, that the maximum amount which could be charged on valuation has kept pace only until recently. The revaluations have phased out a little in the last few years and costs have increased to a great degree. Wanneroo is the only local authority which has felt no effect from this move.

The Hon. R. Thompson also made reference to the proposed new section to control the ventilation of car parks. He is recorded in *Hansard* as having said "the amendment is designed in the main to deal with underground or undercover car parks and also home garages in which three vehicles are kept". The Bill does not in fact provide for home garages in which three vehicles are kept.

The Hon. R. Thompson: I said, three or more.

The Hon. N. E. BAXTER: It will apply only to premises where the number of vehicles exceeds three. Such situations are

more likely to be found in blocks of flats rather than in individual dwellings. Not many people would have a garage capable of accommodating four cars, although I suppose there would be a few.

It was also mentioned in debate that the enactment of this provision might result in the setting up of a whole new expensive Government organisation to police the premises which will be subject to the new power. No such method is envisaged.

The Hon. R. Thompson: Who suggested that such an organisation would be set up?

The Hon. N. E. BAXTER: I do not know; the matter must have been mentioned because of the comment contained in my notes.

The Hon. R. Thompson: I certainly did not make the suggestion.

The Hon. N. E. BAXTER: As I said, no such move is envisaged. Officers of the Clean Air Branch and the Health Surveyors Branch of the Public Health Department would normally consider this question in their routine inspection of premises and they would be assisted by the inspection staff employed by local authorities. It is not expected that any special work force would need to be recruited.

The Hon. Clive Griffiths raised the question of expenditure now incurred by local authorities in carrying out a number of functions which are imposed upon them by various pieces of public health legislation. Two arguments can be put forward. One is that power should be centralised and expenditure met by the central authority from funds collected from the general body of taxpayers. The other argument rests on the belief that many functions of government are best carried out as near to the community as possible and that the community itself be involved in the decision-making process. I believe members of all parties believe in this policy: that decisions should be made by the community. It is the Government's belief that local government should be strengthened rather than weakened. Nevertheless if local government is to be given increased authority over matters directly affecting the communities within their boundaries, it is reasonable to expect that they will raise the funds necessary from the communities concerned.

I think those members who have contributed to the debate—the Hon. R. Thompson, the Hon. R. T. Leeson, the Hon. Clive Griffiths, and, I think, one other whom I cannot recall at the moment. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PUBLIC TRUSTEE ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 19th March.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [5.06 p.m.]: The main purpose of this Bill is to give to the Public Trustee the authority to dispose of records which serve no useful purpose. I support the legislation because to the best of my knowledge no obligation is placed upon legal practitioners or private trustee companies to keep for ever records and papers concerning their various clients. For that reason I cannot see why the Public Trustee should be treated any differently, and have to keep records and documents for ever.

Sufficient safeguards are contained in the legislation inasmuch as after an appropriate period of time a final clearance will be given by the Auditor-General. Micro filmed copies of ledger cards which have a bearing on estates will be retained permanently.

The only other two matters dealt with in the Bill are consequential and relate to the Death Duty Assessment Act. I support the legislation.

THE HON. I. G. PRATT (Lower West) [5.07 p.m.]: I wish to speak very briefly in support of the Bill, and mainly to support the principle embodied in it. I refer to the disposal of documents which are no longer required.

One does read that tremendous embarrassment is caused in some of the more populous countries of the world, both to Government departments and public bodies, in physically having to provide accommodation for the storing of documents.

The principle contained in this Bill is that once documents have served their useful purpose they may be disposed of. This is a principle which is most essential in the operation of public bodies and Government departments and it is one which, I feel, we should carry into community work and the work of Government departments and bodies as far as we can. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PRAYER: REVISED FORM*Motion*

Debate resumed, from the 25th March, on the following motion by the Hon. J. Heftman—

That a revised form of Prayer, as contained in the Appendix to this motion, be adopted by the Council.

Appendix

ALMIGHTY GOD, CREATOR OF THE UNIVERSE, GIVER OF LIFE, WHO HAST ORDAINED THAT MAN SHOULD LIVE AS A SOCIAL BEING, SEEKING THE FULFILMENT OF HIS OWN TRUE PURPOSE WITHIN THE SOCIETY AND SANCTIONS OF HIS FELLOW MAN; BLESS THIS LEGISLATIVE COUNCIL NOW ASSEMBLED TO DELIBERATE UPON AFFAIRS AFFECTING THE WELL BEING AND GOOD ORDER OF SOCIETY IN WESTERN AUSTRALIA, THAT ALL MEMBERS GIVE HONOUR, WISDOM AND INTEGRITY TO THE ROLE FOR WHICH THEY HAVE BEEN CHOSEN, AND THE DECISIONS AND DECORUM OF THIS COUNCIL BE ALWAYS TO THE ADVANCEMENT OF THY GLORY, THE HONOUR OF HER MAJESTY AND THE CONTINUED BENEFIT OF THE PEOPLE OF THIS STATE; WE MAKE OUR PRAYER IN THE NAME OF JESUS CHRIST. AMEN.

OUR FATHER, WHO ART IN HEAVEN, HALLOWED BE THY NAME; THY KINGDOM COME, THY WILL BE DONE, ON EARTH AS IT IS IN HEAVEN, GIVE US THIS DAY OUR DAILY BREAD, AND FORGIVE US OUR TRESPASSES, AS WE FORGIVE THOSE THAT TRESPASS AGAINST US. AND LEAD US NOT INTO TEMPTATION; BUT DELIVER US FROM EVIL; FOR THINE IS THE KINGDOM, THE POWER AND THE GLORY, FOR EVER AND EVER. AMEN.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.11 p.m.]: Following a question without notice asked by the Hon. I. G. Medcalf, and the reply supplied by the Minister for Justice suggesting that the Standing Orders Committee give further consideration to the revised form of prayer, I wish to advise that the committee has met and discussed the matter. The committee has agreed to the deletion of the paragraph which reads—

We make our Prayer in the name of Jesus Christ.

I have been instructed to recommend to this Council that the amendment will overcome the question raised by Mr Medcalf.

Amendment to Motion

Accordingly, I move an amendment—

Delete the words "We make our Prayer in the name of Jesus Christ".

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.12 p.m.]: I see no objection to the amendment which would remove part of the objections raised in my own mind when this proposal was placed before the House.

Mr Medcalf forestalled the remarks I intended to make on this motion when he asked the Minister by way of a question without notice to have this matter referred back to the Standing Orders Committee. I agree with the argument that in these times we have a multi-religious community. It is true the majority of our people are nominal Christians although there are a great number of adherents to other different sects and it could well be that a person elected to Parliament, at some stage, could find it quite objectionable to be present when such a prayer is recited.

However, I consider that the traditional Lord's Prayer should also be excised from the revised form. I think the first paragraph of the revised form of prayer would be quite sufficient for the purposes of the Legislative Council. Personally, I do not find that the recital of prayers does anything to affect my attitude towards the procedures of the House. As far as I am concerned, the moral and ethical attitudes with which I have become imbued have long been set and are not improved by the constant daily repetition of such prayers.

I propose to foreshadow a further amendment, that the last paragraph containing the Lord's Prayer also be deleted. Perhaps some other member will be good enough to support me.

THE HON. I. G. MEDCALF (Metropolitan) [5.15 p.m.]: It is very gratifying that the Standing Orders Committee has met and reached the conclusion that it is desirable to delete the portion of the prayer which reads, "We make our prayer in the name of Jesus Christ".

I certainly support the amendment moved by Mr Griffiths. It is, of course, exactly in line with the question I asked and with my suggestion that we should delete this reference in the interests of ecumenism, or the ecumenical approach, so that we may have religious agreement as far as that is possible. To achieve such agreement I think it is necessary to delete the reference to "Jesus Christ" which we do not find in some of the religions in our community, though we nevertheless recognise them as valid religions.

It is pleasing that the committee has reached this conclusion. I support the

amendment and I appreciate the consideration that has been given to the matter.

It is also pleasing to find that Mr Claughton is in agreement on this point. I was not aware that he was about to ask a question similar to the one I asked on this matter. If that was the purport of his comment it is a good thing and it illustrates that this is a matter of common appreciation; it is not one of party but an effort to get a common approach that is suitable to all members of the House and to all members of the community.

I must say, however, that I cannot go along with Mr Claughton in his suggestion that we should delete the Lord's Prayer, which is also part of the prayer before us.

THE PRESIDENT: Would the honourable member confine his remarks to the amendment before the Chair?

The Hon. I. G. MEDCALF: I will certainly do that, Mr President. I feel we should in fact confine our amendment to the amendment that has been moved by Mr Clive Griffiths. I do not believe we should make any further amendments to the prayer before us; indeed I think it would be contrary to that same ecumenical spirit should we delete any further portions of the prayer. With those comments I indicate my support of the amendment.

Amendment put and passed.

Amendment to Motion, as Amended

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.18 p.m.]: I move an amendment—

That the following paragraph be deleted—

OUR FATHER, WHO ART IN HEAVEN, HALLOWED BE THY NAME; THY KINGDOM COME, THY WILL BE DONE, ON EARTH AS IT IS IN HEAVEN, GIVE US THIS DAY OUR DAILY BREAD, AND FORGIVE US OUR TRESPASSES, AS WE FORGIVE THOSE THAT TRESPASS AGAINST US. AND LEAD US NOT INTO TEMPTATION; BUT DELIVER US FROM EVIL; FOR THINE IS THE KINGDOM, THE POWER AND THE GLORY, FOR EVER AND EVER. AMEN.

I concede to Mr Medcalf that this does not contain any reference to Christ and for that reason the prayer is not specifically of a Christian faith; but nevertheless it is a prayer very much associated with that faith, and while my detailed knowledge of other religions would not allow me to be adamant and state that this prayer does not occur in other religions, I believe that would be the case.

For example a Moslem may find objection for the very reason of finding himself unwittingly associated with a recitation of that prayer.

To test the feeling of the House I move accordingly.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.20 p.m.]: I rise to indicate my opposition to the amendment moved by Mr Claughton. I do not agree with the argument he used that portion of the Lord's Prayer as we know it may be related specifically to all Christian people. Mr Claughton also said that a Moslem, for argument's sake, may not fully endorse the use of that prayer.

My point is that the Lord's Prayer is, after all, a prayer to Almighty God. Mr Claughton perhaps overlooks the point that portion of the proposed motion is once again a prayer to Almighty God and, accordingly, I think the substance of his argument is somewhat lost, in view of that fact. The prayer proposed is one to Almighty God, but those general words may not enjoy the support of all other types of religions.

The fact remains, however, that there is a necessity for a prayer and I strongly believe that such a prayer and the Lord's Prayer should, in fact, have a place in the proceedings of this House.

I oppose the amendment.

THE HON. H. W. GAYFER (Central) [5.22 p.m.]: I am afraid I cannot agree with the amendment moved by Mr Claughton and I intend to oppose it; indeed I feel this is the only part of the proposal in front of us which should be retained.

We are confined at this stage in talking to the amendment and if the amendment is carried it will mean that the motion then will constitute the first part of the prayer with the last two lines deleted by the previous amendment.

My contention is that the entire amended prayer should have been deleted, and I say this with all respect to the committee which has worked so hard on this matter, and also with respect to the advice that has been given by certain clerics and the work which they have put into it. I fully appreciate all that has been done, but because of my opposition to the whole issue, I cannot agree to the deletion suggested by the amendment.

Amendment put and negatived.

Motion, as Amended

THE HON. H. W. GAYFER (Central) [5.24 p.m.]: I wish to oppose the motion.

As I have previously stated I am mindful of what it seeks to achieve but, frankly, after reading the old and the new prayers I cannot see much wrong with the old except, perhaps, its length; and I believe this aspect has been circumvented by Presidents over the years when reading prayers in this House, when certain portions of the recognised prayer, and not all of it, have been read.

In respect of the prayer that is portionally read here every night and which has been portionally read every night for

years past I would point out that it contains 301 words and four "Amens". The prayer before us contains 186 words and two "Amens", so it appears we would be certainly cutting out two "Amens".

I do not see why it cannot be acceptable to the House if, under the existing form of prayers we deleted the first part of the prayer and the benediction at the end and left the centre portion—starting with the words, "Most Gracious God" and following this with the Lord's Prayer.

I see no reason why we should implement a new prayer at all. It is my intention to vote against the motion as amended, and if this is carried we will continue with the old prayer on the books at the moment and I should hope that consideration would be given to the President, in his own wisdom, leaving out the first and last part of the prayer.

THE HON. N. E. BAXTER (Central—Minister for Health) [5.26 p.m.]: I have been here a long time and I daresay I am a little more conservative than most, but I would point out that we have used a certain form of prayer for years. As Mr Gayfer has said we have shortened that prayer during the week which means that the full prayer is not used during the whole of the week.

As you are aware, Mr President, you have done what Presidents before you have done—you have used the full form of prayer perhaps on Tuesday; abbreviated it somewhat on Wednesday, and further abbreviated it on Thursday. So it has not been necessary over the years to go through the full form of prayer on every day that we sit. I cannot understand the reason for the proposed change. Perhaps the wording is more modern in style for some people; but perhaps I am an old style Christian who believes in God and all the old things associated with religion; and perhaps it is for this reason that I express the opinion I do.

It does intrigue me, however, that Standing Order 53 states —

The President shall take the Chair and read prayers at the time appointed on every day fixed for the meeting of the Council.

The Standing Order does not say what form of prayer the President may use. I suggest, Mr President, that as presiding officer in this Chamber, when opening the proceedings of the House, you could at any time use any form of prayer you like. Even if the House does not agree to the motion you, Sir, could come here tomorrow and use this form of prayer or another form of prayer if you so desired. You have this right as President, because the Standing Order does not lay down what particular prayer you should use.

The PRESIDENT: I hope the Minister is not suggesting I should use a form of prayer that has not been agreed to by the House.

The Hon. N. E. BAXTER: I do not suggest that for a moment; I was merely saying that if you wished you could use any form of prayer you liked—I do not suggest that you should.

I do not think we really need a change of prayer. The Standing Order says that prayers should be said and that is all. I cannot support the motion.

THE HON. W. R. WITHERS (North) [5.28 p.m.]: What I am about to say is not said in jest, but I did close my eyes for a few moments and while doing so I did a bit of meditation and asked, "What would you like, God?" And the reply I received may be of interest to the House. I do not know whether the reply came from God, from my background training, or whether it was my id speaking, but the answer I received was, "Please yourself; it is of your own making. Apart from this the President can read the prayer in whole or in part—he can leave out what he wishes. So please yourself. What does it matter?"

I wonder how long we will debate this subject, and whether anybody else has asked God what He thinks.

THE PRESIDENT (the Hon. A. F. Griffith): I feel I should say a few words concerning this matter. First of all let me take the blame entirely for the fact that the Standing Orders Committee has contemplated a change.

As the Minister for Health and the mover of the motion have said, our Standing Order 53 provides that—

The President shall take the Chair and read prayers at the time appointed on every day fixed for the meeting of the Council.

In my interpretation of that Standing Order it is within my competence to read a prayer of my choosing. However, I feel that in addition to being President I am a member of this Chamber, and I felt it incumbent upon myself to ask your opinion about whether we should continue in the way we have for many, many years.

I also considered whether I should change the form of prayer without giving the House an opportunity to consider the matter. I think if I had suddenly decided to change the form of prayer I may have been questioned regarding what consideration had been given to the matter and whether the Standing Orders Committee had considered it. I am sure such questions could arise in the minds of at least some members.

The Minister for Health said that Presidents from time to time have read the whole prayer on one day, another portion of it on the next day, and a further portion on the following day. Surely that is conclusive evidence that past Presidents thought the whole prayer was too long, otherwise they would not have elected to adopt that practice.

I have sat in this Chamber and listened to the prayer being read since 1953. The opening words of the prayer are, "Prevent us, O Lord . . ." and they simply mean, "Help us, O Lord." Why should we retain that old English when we can update the prayer and put it into more modern English? I will not read the complete prayer to you because since becoming President I have not done that; however, if I were to do so those members who have never heard it may be surprised, because I think it would probably occupy 10 minutes of the sitting. On the other hand, if members study the prayer of the Legislative Assembly they will find it consists of six lines plus the Lord's Prayer.

I assure members that my intention in this matter is to continue with the practice of saying prayers before the commencement of the business of the House each day; but because it has occurred to me over a long period of time that the prayer is unnecessarily long and is expressed in the old form of English, I thought it would be better for us to express ourselves in a prayer in more modern English. It was my wish that before any change was made the members of the Chamber should have the opportunity to express their opinions.

I want to assure the Minister for Health that if this House rejects the motion I certainly do not intend—

The Hon. N. E. Baxter: Don't pick on me; I am not the only one who said he will vote against it.

The PRESIDENT: I am not picking on the Minister. I am merely reassuring him in connection with his statement. He said if the motion is rejected it would be competent for me to use the proposed form of prayer tomorrow. I want to assure the Minister that such would not be the case. If the House rejects the motion the matter will not be of any great concern to me. My suggestion to the Standing Orders Committee and that committee's subsequent consideration of the matter was intended purely to improve the situation. I leave it to the House to decide the matter.

Question (motion, as amended) put and passed.

House adjourned at 5.35 p.m.