Legislative Council

Thursday, the 16th October, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3): WITHOUT NOTICE

1. WORKERS' COMPENSATION ACT

Judicial Inquiry

The Hon. LYLA ELLIOTT, to the Minister for Justice representing the Minister for Labour and Industry:

(1) What are the terms of reference of the judicial inquiry announced by the Government to inquire into the operation of the Workers' Compensation Act?

(2) Has the Government yet appointed the judge to conduct the inquiry?

(3) When is it anticipated the inquiry will commence?

The Hon. N. McNEILL replied:

I am grateful to the honourable member for some prior notice of the question. In reply I advise as follows—

(1) To inquire into, and report on the operation of the Workers' Compensation Act and, in particular and without limiting the generality of the foregoing, to report whether any and what amendments should be made to the Workers' Compensation Act in respect of all or any of the following matters—

(a) whether the present Act is functioning in the best interest of workers and employers;

(b) the premiums and benefits payable under the Act;

(c) the relationship of the Act to other social service legislation;

(d) whether rehabilitation should be a function of the Act; and

(e) whether industrial diseases should be contained in separate legislation to injury by accident;

and to report whether—

(a) any and what transitional amendments may be necessary; and

(b) any and what other Acts should be repealed or amended consequentially;

subject to final approval on appointment of a judge.

(2) No.

(3) Subject to the availability of a judge, early in 1976.

2. LUPIN SEED PRODUCERS

Referendum

The Hon. M. McALEER, to the Minister for Justice representing the Minister for Agriculture:

(1) Would the Minister confirm that the date of the referendum of sweet white lupin seed producers has been put back to the 29th October, and that applications to vote can now be made up to the 22nd October?

(2) Is the Minister aware that a number of growers who are growing lupins for the first time this year and growers who have not previously delivered lupins have no idea where to obtain application forms?

(3) Would the Minister say where growers can obtain application forms to enrol as eligible voters to vote at the referendum?

The Hon. N. McNEILL replied:

Again, I am grateful to Miss McAleer for the notice given to the Minister for Agriculture. The reply is as follows—

(1) Yes. The dates have been extended in view of delays reported by the Chief Electoral Officer in correspondence with country areas.

(2) No. The conditions of the referendum have been well publicised in the daily and rural Press.

(3) Forms have been available from the Electoral Department, 565 Hay Street, Perth, and district offices of the Department of Agriculture. However, in view of the time involved in applying for forms, the Chief Electoral Officer has agreed to accept written applications for enrolment, not on the prescribed form, provided all the necessary details are provided with respect to full name and address and a statement of the amount of lupins produced for sale in the previous year or sown in 1975. Only one representative of each partnership or company is eligible to vote. The Chief Electoral

Officer is arranging for this information to be broadcast on the ABC "Country Hour".

3. BAYMIS UGLE INQUIRY

Press Comment

The Hon. G. W. BERRY, to the Minister for Justice:

(1) Has the Minister read the article in *The West Australian* of today's date at page 3 under the heading of, "Counsel critical of Ugle inquiries" and the preface to the article which stated—

Two internal police inquires into handling of the Baymis Ugle case reached unjustified and inaccurate conclusions, counsel assisting the Ugle royal commission said yesterday?

(2) If so, has the Minister any observations or comments regarding that claim?

The Hon. N. McNEILL replied:

I am grateful that the member gave me short prior notice of his intention to ask this question. I advise as follows—

(1) Yes, I have seen the article.

(2) Neither the heading nor the first sentence is accurate I express concern at them. A transcript of the proceedings is available and I am advised that in his address to the opening sitting of the commission the counsel assisting the Royal Commissioner did no more than outline the evidence that would be put before the commission and identify the questions that would have to be answered. In no sense was the counsel assisting the commissioner drawing any conclusions from the evidence or expressing any opinions of his own.

Finally, I can accept no responsibility for the manner in which reports appear in newspapers.

QUESTIONS (7): ON NOTICE

1. PRE-SCHOOL CENTRE

Busselton

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

Further to the answer to my question 9 on the 9th September, 1975, regarding the Busselton pre-primary centre, would the Minister advise the source of the funds referred to?

The Hon. N. McNeill for the Hon. G. C. MacKINNON replied:

The West Busselton pre-primary centre was one of the initial six centres funded by a special allocation from the State Treasury. The additional play equipment will be funded from the $1 million allocated in the 1975/76 General Loan Funds for the establishment of pre-primary centres.

2. SUPERPHOSPHATE

Sales

The Hon. D. J. WORDSWORTH, to the Minister for Justice representing the Minister for Agriculture:

For the six months commencing January, 1973, July, 1973, January, 1974, July, 1974, and January, 1975, what were the sales of superphosphate for—

(a) Esperance; and

(b) Western Australia as a whole?

The Hon. N. McNEILL replied:

(a) This information is not available in the Department of Agriculture.

(b) For the six months commencing:

January 1973; 1 218 000 tonnes.

July 1973; 354 000 tonnes.

January 1974; 1 605 000 tonnes.

July 1974; 718 000 tonnes.

January 1975; 347 000 tonnes.

3. CITY BEACH PRIMARY SCHOOL

Staff

The Hon. R. J. L. WILLIAMS, to the Minister for Education:

(1) What is the current number of teaching staff at City Beach primary school?

(2) What was the number of staff one year ago?

(3) How many persons on the present staff were engaged there last year?

The Hon. N. McNeill for the Hon. G. C. MacKINNON replied:

(1) Principal + 16.

(2) Principal + 15.

(3) 9.

4. POLICE

Rape Cases

The Hon. LYLA ELLIOTT, to the Minister for Health representing the Minister for Police:

(1) Has the Minister seen the report in the *Daily News* on Wednesday, the 15th October, 1975, containing allegations by a victim of attempted rape in which she is very critical of C.I.B. handling of the case?

(2) Will the Minister order an immediate inquiry into these allegations?

(3) If the allegations are found to be correct, will the Government reconsider the appointment of a specially selected and trained women police squad to handle rape cases?

The Hon. N. E. BAXTER replied:

(1) Yes.

(2) The Officer in Charge of the Criminal Investigation Branch has already instigated inquiries.

(3) The formation of such a squad is rightly in the province of the Commissioner of Police. Experienced women police are readily available to assist in most rape investigations.

5. MOTOR VEHICLES

Overwidth Permits

The Hon. H. W. GAYFER, to the Minister for Health representing the Minister for Transport:

As local licensing authorities have in the past issued overwidth and overlength permits, both for immediate and annual terms, in respect of, in the main, harvesting and general farm equipment—

(a) is this practice to continue; and

(b) if not, why not?

The Hon. N. E. BAXTER replied:

(a) No.

(b) As the Commissioner of Main Roads and the Road Traffic Authority have officers throughout the State, it is not considered necessary.

6. PRE-SCHOOL CENTRES

Use of Health Centres

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

Will children from pre-school centres be examined in the early childhood health centres to be built at Southwell, Koondoola and Queens Park schools?

The Hon. N. McNeill (for the Hon. G. C. MacKINNON) replied:

The three centres will serve three of the present School Health Service Regions:

Southwell serving Region 1—Fremantle, Melville, Kwinana and southwest suburbs.

Koondoola serving Region 5—Balga, Girrawheen and northern suburbs.

Queens Park serving Region 8—Kalamunda, Kewdale, Bateman and south-eastern suburbs.

All pre-school children within these regions will be eligible to take advantage of the services to be provided. Nurses will visit individual kindergartens, as they do at present, for routine examination of children. If necessary, children will be referred to the health centre for special screening, assessment or guidance, this work being undertaken by specialist staff at the health centre.

7. TOWN PLANNING

Scarborough: Pizza Hut

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

Further to the answer to my question on the 15th October, 1975, regarding town planning appeals, would the Minister—

(a) advise who carried out the traffic study referred to in the Minister's answer; and

(b) supply a copy of the statistics prepared during the study?

The Hon. N. McNEILL replied:

(a) P. G. Pak-Poy & Associates Pty. Ltd.

(b) Copy of the report is tabled —for 7 days only.

The copy report was tabled (see paper No. 391).

OPENING OF PARLIAMENT

Amendment of Standing Order No. 6: Motion

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [2.44 p.m.]: I move—

That Standing Order No. 6 be amended by deleting the word "command" in line 3, and substituting the word "invite".

The purpose of this motion is to delete the word "command" in Standing Order 6 and in its place insert the word "invite". So that members may understand what I am

seeking to do with the motion I will read the Standing Order to the House. It reads as follows—

> 6. His Excellency the Governor will then direct the Usher of the Black Rod to command the immediate attendance of the Members of the Assembly at the Council Chamber.

The members of my party believe that the word "command" has lost its common usage and the word "invite" should be inserted in its place. From inquiries I have made and from my own observations of 17 opening days in this Parliament, which have been performed either by Governors or Lieutenant-Governors, I have never heard the Governor or Lieutenant-Governor issue an instruction to the Usher of the Black Rod to command the immediate attendance of members of the Legislative Assembly at the Council Chamber to hear his Speech. There have been variations over the years, and I am open to correction on that statement, but to the best of my knowledge the Governor or Lieutenant-Governor requests the Usher of the Black Rod to summon the Legislative Assembly members to this Chamber.

From inquiries I have made of officers in another place I understand that when the Usher of the Black Rod goes down to the Legislative Assembly he usually addresses the Speaker and members of that Chamber by saying, "It is the desire of the Governor that you attend the Legislative Council Chamber for the purpose of hearing the Governor's Speech." I believe what follows is that the Speaker then rises to his feet and proceeds to leave the Legislative Assembly Chamber followed by the members of that Chamber to make their appearance in the Legislative Council Chamber.

Therefore the word "command" is not used. Possibly "command" had some significance before the turn of the last century, and it still has, of course, some usage in the armed forces, but it is not in common usage in everyday life or day-to-day contact between people. I do not think our Sovereign would prefer to have the word "command" remain in use in this context, because this is not in line with the thinking of royalty anywhere these days as they are now closer to the people than they were in the past. No doubt this word is probably only a carryover from the last century.

The motion itself is not worth grappling with but it would mean that if it were carried the Governor or Lieutenant-Governor and the Usher of the Black Rod would still be able to use the word as printed in Standing Order 6. It is obvious to all members who have witnessed opening day ceremonies that the word "command" is never used and I think it would be more appropriate if we inserted the word "invite" in its place. I am not even particular about the word "invite" being used instead of "command". We could, perhaps, use "request", but to use the word "command" at the present time seems to be a little severe and I think it should be replaced by a more appropriate word.

I therefore hope that the members of this Chamber will accept the motion in the light in which I have moved it having considered the purpose it seeks to achieve; namely, to have some uniformity in the word used by the Governor or Lieutenant-Governor and the Usher of the Black Rod when he conveys his message to those in another place. Also it would be in conformity with Standing Order 6.

The Hon. S. J. DELLAR: I second the motion.

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.48 p.m.]: The Leader of the Opposition, in a not very lengthy speech made in support of his motion has indicated that, in his view, this is not a subject that requires to be grappled with. He has also related its historical significance; that is, the use of the word "command" in Standing Order 6.

However much the Leader of the Opposition may wish to introduce this motion in low key, I think I would be remiss if I did not take the opportunity to highlight the significance of what is being attempted. There is a matter of very great significance in many other events that have occurred in Parliament in recent years and, more particularly, this can be related to observations made and views expressed.

I relate this firstly to the constant attacks upon authority for the removal of the "Establishment", so-called, and thereby as a consequence presumably to place everyone on a much more equal level. I say "presumably" because I do not believe that is necessarily the consequence of such a proposal, nor do I believe it would be the intention to achieve that particular objective.

The fact that it is of some historical significance, or was, as the Leader of the Opposition said, gives it far more importance. In these days of momentous happenings, as the newspaper reports describe them, we realise there is very much the need to preserve the conventions. A great deal of attention has been directed at that very question; that we should preserve the conventions—not only the rules, but also the conventions—whether they be constitutionally or otherwise laid down after a long period of experience and great tradition.

On this matter there is in fact the aspect of tradition which the Leader of the Opposition has acknowledged. I do not believe it is appropriate that we should subscribe to a change such as this, small

and all as the Leader of the Opposition may have us believe it is, because we know that it can denote something of far greater importance.

The Hon. R. Thompson: You tell me what it is. I do not know.

The Hon. N. McNEILL: There is a right, surely, which is made apparent in the whole tradition of the British parliamentary system of which we have been and are a part. This is the right of the Queen's representative to command. It is a situation which I am sure all members have been pleased to accept on the taking of their oath of allegience in this House. It is an acceptance of the right of authority to command irrespective of whether that right is used by the Governor or the Lieutenant-Governor in this place at the opening of Parliament. He may express the command in some other way, but the fact remains that it does amount to a command as provided in Standing Order 6.

We must remember the very great historical background involved. I am sure members do not need to be reminded of how this came into being. It was as a result of something which happened a long time ago in British history at the time of—

The Hon. R. Thompson: Charles I.

The Hon. N. McNEILL: —Charles I when in fact the monarch was denied admittance to the lower House—the House of Commons.

The Hon. R. Thompson: I know that.

The Hon. N. McNEILL: I said that I believed all members would acknowledge this. Under the circumstances with the Governor acting with the authority of the Queen and as her representative, surely he has the right to command in these circumstances, even though it may be a command in the form of a request or something like that.

To obtain the definition of the term "command" I referred to the *Oxford English Dictionary* which gave the definition of, "order; enjoin; bid with authority or influence". I think that is the context in which this matter must be regarded and I certainly would not be a party to any motion which in any way reduced the power of authority to command because, with the abolition of that right and that power, there is no power to command by anyone.

We could take that a step further and realise that we would have no leadership and with that there would be an end to authority and an end to discipline. Surely no-one in this House would believe there is any minimising of the need for discipline. Of all people, we in this Parliament are subject to disciplines of authority. We are subject to your commands and directions in the House, Sir, and also in the operation and the procedures of the House we must subscribe to the Standing Orders which defer to that authority.

If one were to take this a step further and relate it to the operations and procedures in this House it would mean that in fact you could not direct, but could only request. That virtually amounts to an invitation which people then have a right to refuse. One cannot help but wonder whether if we agreed to the proposal of the Leader of the Opposition, the command would become an invitation to members in another place to join those in this House if they so desired. In other words they would have the right not to be subjected to that authority.

The Hon. R. Thompson: Could you answer me this? If the members in another place did not answer the command, what action could be taken? I think this is the crux of the matter.

The Hon. N. McNEILL: I do not believe it is the crux of the matter at all.

The Hon. R. Thompson: It is the crux of your argument.

The Hon. N. McNEILL: If members do not subscribe to authority and are not prepared to be subjected to direction or command then this would be an initial move in the whole breakdown of authority. I believe that this Parliament, and all Parliaments, should maintain a standard. The responsibility for maintaining that standard, so far as the people of Western Australia are concerned, commences in this Parliament itself, bearing in mind—

The Hon. R. Thompson: What action can be taken if they do not answer the command? That is what I want to know.

The Hon. N. E. Baxter: It could be ignored, as it was last time.

The Hon. N. McNEILL: It could be ignored, and I believe it has been ignored. However, who does it reflect on if, in fact, members do not answer the command?

The Hon. R. Thompson: You are missing the point I am trying to make. What action could the Governor take if the command is refused by all members?

The Hon. N. McNEILL: In my view it would not be an action of the Governor. We must remember that the Governor is the Queen's representative and the whole parliamentary institution consists of a Parliament, an Executive, and the Governor acting as the representative of the Queen. One may also add that a very important part of the whole system is the people. It commences with the people. Therefore any action to be taken would be the province of the people in their recognition of those who are not prepared to submit themselves to the authority laid down in the Standing Orders, traditions, and intentions of Parliament; in fact, the whole parliamentary system.

This is what it really boils down to. It is not as though the Governor himself will do anything, although he could perhaps. Let us go back to the historical

days of Charles I. We all recall our history of what happened in those circumstances. It is the power of the people which is so important and which became enshrined as a consequence of momentous events of that time.

I would not, under any circumstances, be a party to an action which would in any way lessen the right of authority.

The power of persons in that established authority is part of the constitutional system which is laid down and which would, as a consequence, lead not just of itself to damage within the Parliament but also contribute to a further break in that authority. It is as important as that, despite the Leader of the Opposition's opinion that it is of little consequence and that it is simply a word with which we are dealing.

If members have not already done so perhaps they should take a little time out in the course of their parliamentary experience to examine the whole procedures of this authority and the power of command. It is not limited to a service. The power to command is given to the Queen in the Senate—the Upper House of the Federal Parliament—in the same terms as it is given to our own Parliament. It is possible there are certain parties in this country who would like to have some changes made in the Senate situation, particularly in the circumstances which have occurred in recent times. But it is not for me to canvass that subject here.

I repeat that I hope the House will not give its support to the motion moved by the Leader of the Opposition. I believe it is a power that ought to be available to be exercised, bearing in mind that those who carry the authority, in my experience, also have the great capacity to ensure that this is carried out and put into effect in the most acceptable way.

The Hon. S. J. Dellar: Acceptable to whom?

The Hon. N. McNEILL: It is not a new authority; it is based on a long and sound background of tradition. It is not an authority that seeks to seize power for power's sake with a view to imposing its will. It is an authority that is conveyed by a very great Constitution, and a very lengthy Constitution in terms of years; it is one to which we must continue to subscribe if, in fact, we wish to maintain a general level of example and authority throughout our entire society. In my view it is as important as that.

THE HON. V. J. FERRY (South-West) [3.03 p.m.]: I cannot support the motion before the House, which seeks to substitute the word "invite" for the word "command", with reference to Standing Order No. 6 of this House.

In my view this is a royal prerogative of the Monarch, who has the authority to command. It is an inherent right and accordingly it has been carried into our British parliamentary system.

The Hon. D. K. Dans: I am happy to hear you say that.

The Hon. R. Thompson: So am I.

The Hon. V. J. FERRY: It is carried into our parliamentary system as the keystone of the type of democracy we enjoy in this country, and it is from this that other things follow.

I have taken the trouble to consult a well known authority on parliamentary practice—I refer to Erskine May—and I would like to quote from the 18th edition of his *Parliamentary Practice*.

The Hon. S. J. Dellar: You want to get Fraser to read it.

The Hon. V. J. FERRY: I refer to page 266 in which Erskine May comments and gives his opinion on the opening of Parliament by the Queen.

The Usher of the Black Rod, of course, at the Queen's command goes to the House of Commons to convey the command from the Queen. According to Erskine May, these are the words spoken by the Usher of the Black Rod in the House of Commons—

> Mr Speaker, the Queen *commands* this honourable House to attend Her Majesty immediately in the House of Peers.

In the printing of this publication the word "commands" is printed in such a way as to lay emphasis on that word. In my view, therefore, it follows, that Standing Order 6 of this Chamber is correctly worded, and the word "command" is in its proper relationship and, that being so, I believe it should not be changed. I feel it is of particular significance to the conduct of this House and to the good order of society in this State in particular that this tradition should be observed. As Mr McNeill has said, in this day and age it is paramount that the community should uphold authority which is contained in a tradition that has been soundly based over centuries of custom.

In this context authority or command does not mean the seeking of power; it is merely a sovereign right that has been traditional over the years and which, indeed, has guaranteed the stability of people in the British and Commonwealth Parliaments.

I cannot support the motion moved by the Leader of the Opposition.

THE HON. N. E. BAXTER (Central—Minister for Health) [3.07 p.m.]: Like the Leader of the House and Mr Ferry I cannot support this motion.

The Leader of the Opposition raised the question of what would happen if a member did not obey the command. There is no specific penalty for this laid down in the Standing Orders of either House. The penalty of course is in the attitude of the

people—to the one or more people—who might show disrespect to Her Majesty's representative. This penalty could be applied in the ballot box and, of course, it is the only penalty that could apply to a person who might take such action. Perhaps it might possibly apply in due course to the person in question.

If the Leader of the Opposition looks at Standing Order 111 he will find that if a member in this Chamber disobeys any order of the Council or infringes Standing Order 47, he can be ordered to stand in his place, or ordered to attend the Bar of the House.

Being ordered to do something is the same as being commanded to do it. So if we have an indication that an order is a command in one instance—and, as I have said, a member who offends can be ordered to stand in his place, or to attend the Bar of the House—there is every reason for us to retain the word "command".

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.08 p.m.]: I rise to support the motion moved by the Leader of the Opposition. By now we are well accustomed to the words of the members of the Liberal Party and those of the Country Party being at variance with their actions, and it is a little strange for them to speak of observing convention in the light of events taking place in other Parliaments of Australia.

The Hon. Lyla Elliott: Hear, hear.

The Hon. R. F. CLAUGHTON: It is a convention, of course, that the Queen accepts the advice of her Ministers and we retain the formal aspect and seek, for example, the Governor's authority in various Acts which are presented to us. We know full well when the Governor is referred to it means the Executive members of the Government—that is, the Premier and his Ministers.

What we are talking about is the use of a word at a time that is long distant from today. It was because the people revolted against the authority of the Queen, or the King, at the time that our system of parliamentary government arose.

If we adopted the attitude expressed by the various members of the Government who have spoken this afternoon, we would be back in the times of rule by kings and potentates.

The Hon. N. McNeill: We are talking of constitutional monarchy—not absolute monarchy.

The Hon. R. F. CLAUGHTON: Yes, but I said if we adopted the attitude expressed by the Minister, we would still be back in the times of absolute monarchy. In his terms, it is simply not right to oppose the established system.

The Hon. N. McNeill: Do you oppose the established system?

The Hon. R. F. CLAUGHTON: I ask the Minister not to put meanings into the words I use. I said that because the Anglo-Saxon people—using a system of parliamentary government which we attempt to practise—did in fact revolt against the authority of the monarchs, we have the democratic form of government. It is well worth remembering that the system, as it has arisen in England over a long period, sought to establish the superiority of the House of Commons above that of the House of Lords.

What we are talking about this afternoon is nothing as momentous as decisions of that sort. We are talking about the alteration of the word "command" to the word "invite". I suggest this would allow a recognition of the differences that apply today. One can conceive that with the formal aspects of a Government which sought to show a king or queen as the head of the constitutional monarchy in England, it was necessary that all members foregathered in the one Chamber. However, we have come a long way since then and it would be very easy to install public address systems in both Houses of this Parliament so that a speech could be heard in both places. We do that now because some invited guests are seated in the Legislative Assembly and they hear the Governor's address there. In fact, it is not really the Governor's address; it is a speech prepared by the Government of the day but we call it formally the Governor's Speech.

The Hon. N. McNeill: You use every endeavour to denigrate as much as possible. You know it is the Governor's Speech—the Governor's address to Parliament.

The Hon. R. F. CLAUGHTON: In what way did I denigrate the Governor?

The Hon. N. McNeill: You said that we all know what it is—it is the speech prepared by the Government.

The Hon. R. F. CLAUGHTON: The Minister knows it is a speech prepared by the Government and it is called the Governor's address.

The Hon. N. McNeill: That is right.

The Hon. R. F. CLAUGHTON: When we say in an Act that something must be done by the Governor, we know that is only the formal phrasing, and that in fact any action to be taken will be taken by the Government.

The Hon. N. McNeill: What has that to do with this?

The Hon. R. F. CLAUGHTON: The Minister said that I sought to denigrate the Governor.

The Hon. R. Thompson: That applies to any Government.

The Hon. S. J. Dellar: He did not refer to any particular Government, but he could have.

The Hon. R. F. CLAUGHTON: It is unfortunate that arguments of this type are

used by members on the other side. Slighting remarks about speeches made by myself and my colleagues are quite unjustified. I was simply recognising a situation which we all know exists, and to express that view is no criticism of any person in any formal position.

In the political climate existing now, I believe we must recognise the status of a lower House. The party which has the majority in that Chamber forms the Government. That is one of the prime principles of the Westminster system. No upper House can have the right, in coexistence with an effective Government, to block important aspects of Government business.

The Hon. V. J. Ferry: This has nothing to do with Governments. It is parliamentary procedure.

The Hon. R. J. L. Williams: Except where you have a written Constitution.

The Hon. R. F. CLAUGHTON: It is recognised that an upper House, has the right to delay or review legislation, and this is so in all countries that have adopted a Westminster style of Government.

The PRESIDENT: Order! I must point out to the honourable member that this has nothing to do with the motion which is to delete one word and to insert another in lieu of it. The actions of the upper House against the lower House or vice versa have nothing to do with the motion before us.

The Hon. R. F. CLAUGHTON: The argument I was developing is the relationship between the two Houses implied with the use of this word. Mr Thompson's argument was a sensible one and one with which we can agree. At the same time, we must recognise the situation as it actually exists in our style of Parliament.

This motion is no implied attack on the authority of the Queen or on authority in general, as was suggested by the Minister for Justice. He was drawing a very long bow in making an assertion like that, in the same way that Mr Ferry did when he repeated the remarks of his leader. This motion concerns a minor aspect of the way in which this Parliament operates. In his subdued presentation of the motion, Mr Thompson quite rightly desired to place it in its proper perspective. He did not imply that this would be a change of great magnitude.

The Hon. N. McNeill: The intention is to give greater opportunity for others to reject authority.

The Hon. R. F. CLAUGHTON: One must really suffer extreme delusions to express a view of that nature.

The Hon. N. McNeill: I have no delusions.

The Hon. N. E. Baxter: What is the purpose of doing this? Tell us that?

The Hon. S. J. Dellar: Don't you understand it?

The Hon. N. E. Baxter: You have not told us yet.

The Hon. R. F. CLAUGHTON: The purpose is to recognise the relationship between the two Houses.

The Hon. N. E. Baxter: Don't tell us that.

The Hon. R. F. CLAUGHTON: I cannot prevent the Minister placing whatever emphasis he likes on this.

That is his privilege. But because Mr Baxter thinks it has a different meaning is irrelevant; the intention is what must be considered. I support the motion moved by my leader.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [3.20 p.m.]: This debate has been a good exercise, because all I have learnt is that traditions die hard. In this case, we are dealing with a tradition set by Charles I in the seventeenth century. Whether we wish to continue with a feudalistic system remains the province of members of this Chamber to determine. Certainly, I do not want to continue with such a system.

The Hon. N. E. Baxter: How can it be feudalistic under a constitutional Government? It cannot.

The Hon. R. THOMPSON: All I am saying is that the tradition is based upon a feudalistic system once in operation in England; hence the use of the word "command". However, what every member has failed to appreciate is that the Legislative Council Standing Orders have no relevance to any part of the Legislative Assembly. It is ridiculous to try to associate Standing Order 111 with Standing Order 6.

The Hon. N. E. Baxter: That is what you think; read it properly and you will realise it is not ridiculous.

The Hon. R. THOMPSON: A Standing Order is something which directly concerns members of the Legislative Council, and Standing Order 111 relates to bringing before the Bar of the House a member who may have committed a misdemeanour. Standing Order 6 is related to a totally different matter; it provides for members of another Chamber to be commanded to attend this place.

The Hon. I. G. Medcalf: It is a command by the Governor.

The Hon. R. THOMPSON: I accept that, but I think Mr Medcalf would agree that we cannot read Standing Orders 111 and 6 together.

The Hon. I. G. Medcalf: But you would not object to the Governor giving a command, would you?

The Hon. R. THOMPSON: I feel the word "invite" is a far better word. As I mentioned earlier, I have attended 17

openings of Parliament and I have never heard the word "command" used. However, if members of this Chamber reject my motion, in future I will have to ask Mr President to ensure that the word "command" is used by Governors or Lieutenant-Governors during the openings of Parliament. It is not much good having the word in the Standing Orders if the Governor is not going to use it.

The Hon. M. McAleer: Would you say that the word "summon" is very different from the word "command"?

The Hon. R. THOMPSON: That is not what is contained in the Standing Order. If we are going to have a word in the Standing Orders, it should be used.

The Hon. M. McAleer: But is not a summons actually a command?

The Hon. I. G. Medcalf: "Command" is the right word.

The Hon. R. THOMPSON: If the word "command" is in our Standing Orders, it should be used.

The Hon. R. J. L. Williams: Any request or invitation from a Royal personage or a representative of Royalty automatically becomes a Royal command.

The Hon. R. THOMPSON: This Standing Order is quite specific in what it says; I suggest members opposite read it.

The Hon. N. E. Baxter: Do you believe that if your motion is rejected the marginal note should be altered as well?

The Hon. R. THOMPSON: In that case, it should be changed to "members of Assembly commanded". However, Mr Baxter knows as well as I do that what appears in the marginal note has no relevance whatever to the Standing Order itself. The same applies to any Act of Parliament.

The Hon. N. E. Baxter: It has a lot of relevance.

The Hon. R. THOMPSON: No it has not.

The Hon. N. E. Baxter: Do you mean to say there is no relevance to the marginal notes of a Bill?

The Hon. R. THOMPSON: Of course the marginal notes of a Bill have no relevance to the contents of the legislation or the operation of a particular clause. Parliament does not decide the marginal notes of a Bill or an Act. Let us not continue with a silly argument like that.

The Hon. N. E. Baxter: But the marginal notes are read out in Committee.

The Hon. R. THOMPSON: I recall that many years ago the President, when speaking as member on the floor of the House, made the same comment; namely, that the marginal notes have no relevance to the clauses of a Bill.

The PRESIDENT: I have also heard the following request in this House: "Do not put words into my mouth." Please do not attempt to put words into mine.

The Hon. R. THOMPSON: Very well, Mr President. I believe this matter needs some attention, but if the House rejects my motion I will insist in future that the Governor uses the word "command".

The Hon. I. G. Medcalf: Can you recall the actual word used on the 17 occasions to which you referred?

The Hon. R. THOMPSON: I have heard the Governor say, "summon" or "request" when seeking the attendance of Assembly members. However, the words are never recorded in *Hansard*; what appears in *Hansard* is of a formal nature; the Governor's remarks do not appear in *Hansard* in a verbatim form.

The Hon. I. G. Medcalf: Next year we will all be listening interestedly to hear what he has to say.

The Hon. N. McNeill: Would you not consider it a privilege for a person to receive a Royal command?

The Hon. R. THOMPSON: In the true sense, I suppose I would. If the command were for the purpose of conferring a knighthood on me, I would say, "No"; however, if it were for any other reason I would agree that it would be a privilege.

The Hon. N. E. Baxter: That is only because you do not like knighthoods.

The Hon. R. THOMPSON: I trust the House will support my motion.

Question put and a division taken with the following result—

Ayes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. K. Dans
	(Teller)

Noes—13

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. H. W. Gayfer	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. W. R. Withers
Hon. G. E. Masters	Hon. V. J. Ferry
Hon. M. McAleer	*(Teller)*

Question thus negatived.

Motion defeated.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Further Report

Further report of Committee adopted.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [3.32 p.m.]: I move—

That the Bill be now read a second time.

There is a five-year limitation in the term of any contract entered into by the Commissioner of Railways in respect of collection and delivery of goods outside the limits of the railway and to set the rates and charges for such services.

It has recently been found that some projects, particularly those which require companies to invest in rolling stock, have a defined period which is greater than five years.

Members will appreciate that companies concerned require their investment in rolling stock protected over the total life of the project, and this legislation is being introduced to provide this.

It will be noticed that the amendment does not extend the commissioner's existing power, but gives the Minister at the time authority to approve contracts up to a term of 20 years.

Any contracts for a term beyond that would be subject to tabling in Parliament, when they would be subject to disallowance.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan) [3.33 p.m.]: We have examined the Bill, and have read the Minister's second reading speech. We agree to the Bill in principle and detail, and hope it has a speedy passage through the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

ACTS AMENDMENT (WESTERN AUSTRALIAN MEAT COMMISSION) BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.36 p.m.]: I move—

> That the Bill be now read a second time.

The Government has a continuing responsibility in ensuring the economic well-being and effective management of the two Government abattoirs in the general interests of the livestock industry of Western Australia.

The Abattoirs Act established the Midland Junction Abattoir Board, which consists of three persons, one of whom is a chartered accountant who shall have regard to the interests of consumers of meat; another member has regard to the interests of butchers; and the third to the interests of producers. Subject to the Minister, the board is responsible for the administration of the Midland Junction Abattoir.

The West Australian Meat Export Works is a State trading concern, operated by a general manager under the State Trading Concerns Act, the Minister being a body corporate with perpetual succession.

The general manager is consequently directly responsible to the Minister, and there being no board responsible for the overall administration of the works. The Minister for Agriculture paid tribute to management when introducing this amending legislation in another place, in that the works has operated successfully on the existing basis.

Many abattoirs throughout Australia have found themselves in financial difficulties during the past 12 months, with the combined effect of very substantial wage increases, coinciding with reduced throughput, and it will be recalled that in this State the export abattoir at Geraldton was forced to close earlier this year.

Substantial financial loss was also sustained by the Midland Junction Abattoir during 1974-75. By contrast, the West Australian Meat Export Works was able to operate virtually on a break-even basis for the greater part of the same financial year, since it was able to achieve a higher percentage throughput in relation to slaughtering capacity than was possible at the Midland abattoir.

Midland's problems stem substantially from its commitment as a service works which need to be geared to meet periodic peaks in demand for killing capacity, and it was expanded in 1970 in order to overcome a chronic shortfall in slaughtering capacity at that time, since when increased capacity in other export works, and the virtual closure of some important overseas meat markets, resulted in a major fall in throughput. There is no doubt that utilisation of capacity is the key to the economical operation of this abattoir.

The Meat Industry Advisory Committee, in its report to the Government earlier this year, recommended that the management of the Midland Junction Abattoir, and West Australian Meat Export Works, be placed under the control of a single board to be known as the Western Australian meat commission. The proposition was dealt with under the section of the report headed "Organisation of Marketing" and the committee's conclusion was to the effect that in the interests of the meat industry, an effective State meat trading organisation—that is, a WA meat commission—could compete with private enterprise and develop markets for Western Australian meat that might be unattractive to private enterprise.

The advisory committee then recommended that the interests of the meat industry in Western Australia would be advanced by, and I quote—

> The setting up of a WA Meat Commission with trading powers. The

Commission would also assume responsibility for the overall management of the existing State abattoirs—which already have powers to trade—in the interests of safeguarding government investment, as well as ensuring better co-ordinated and rational development between the two works. The composition of the Commission would, in view of its wider responsibilities, be different from that of the existing Midland Junction Abattoir Board which it would replace.

The Minister for Agriculture is convinced that cost savings will be able to be achieved by co-ordinating the operations of the two works, particularly during the off season, and by the amalgamation of such functions as accounts, sales, and other administrative activities.

The Minister considers that the establishment of a single board responsible for the administration of both abattoirs would greatly enhance their operating ability, with particular application in capital investment and the most efficient utilisation of facilities. It is proposed therefore, to restructure the Midland Junction Abattoir Board under the title "The Western Australian Meat Commission". The commission will assume the trading powers currently available to both abattoirs.

The Bill now before members proposes to give effect to this intention by amending the Abattoirs Act by constituting in clause 18 a Western Australian meat commission.

The commission also is given responsibility for administering the Government Stock Saleyards Act—which is to be repealed—and for this purpose the provisions of that Act have been incorporated with this amending legislation.

The composition of the proposed six member commission has a wider range of representation than the Midland Junction Abattoir Board. It is proposed that—

one member shall be a person having relevant marketing experience;

one shall be a person having relevant experience in financial management;

one shall be a person having extensive and relevant experience in the meat industry;

two shall be persons appointed to represent the interests of producers of meat; and

one shall be a person appointed to represent the interests of the State Government.

The term of office of members of the commission has been altered from five years presently pertaining to the Midland Junction Abattoir Board, to four years; the shorter term being considered to offer more flexibility when appointments are being made.

The main functions of the commission are—

to engage in trade in meat, meat products, and livestock;

to assume responsibility for and manage saleyards; and

to do such other things as are, in the opinion of the Minister, necessary in the public interest in relation to the meat industry.

Certain other additional and minor amendments to the Act also are proposed.

The term "Controller" as referring to the "Controller of Abattoirs", currently held by a senior departmental officer, is to be deleted. With the establishment of the commission, there is no necessity to have a controller nominally responsible for ensuring the administration of the Act, as the commission will be directly responsible to the Minister.

Since the Controller of Abattoirs is also the Controller of Saleyards, reference to the latter also is being deleted as relating to the establishment, maintenance, and control of Government saleyards. Similarly, since the Controller of Abattoirs administers the Marking of Lamb and Hogget Act, the deletion requires the Director of Agriculture to assume the direct responsibility for administering that Act.

The interpretation of "disease" is to be changed to permit the Governor to declare any disease, as necessary. In this respect, I would mention that several of the diseases now listed in the schedule to the Act either are not present in Western Australia, or need updating in their nomenclature, and, indeed, relevant diseases at this time at export abattoirs are those categorised by the Commonwealth Department of Agriculture.

The new definition of "stock" now proposed is considered to be more appropriate than the existing definition.

Section 5A, which states that "no person shall knock down cattle unless appointed by the Minister in a district to which the Act applies", no longer is applicable in terms of current abattoir practice, and is to be repealed.

The existing powers of the Government Stock Saleyards Act are to be classified in relation to the numbers of stock which may be yarded at Midland saleyards. This power was last used in 1971 to control the excessive numbers of sheep being yarded, so that the abattoir could handle sheep to the extent of its slaughtering capacity.

Existing powers enabling "the grading and branding of carcases" are to be extended to encompass "classification" of carcases. This is considered desirable since it is expected that meat classification will be introduced by the Australian Meat Board in the not too distant future.

The commission is to be empowered to enter into contracts to acquire plant and equipment to the extent of $10 000 rather

than $2 000 as at present. This is considered to be reasonable in view of the inflationary trends in recent years.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

In Committee

Resumed from the 15th October. The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Sitting suspended from 3.45 to 4.03 p.m.

Postponed clause 5: Section 33A added—

The CHAIRMAN: Progress was reported on the clause to which the Hon. I. G. Medcalf (Honorary Minister) had moved the following amendment—

Page 3—Delete all words in clause 5 and substitute the following to stand as new clause 5—

Section 33A added.

5. The principal Act is amended by adding after section 33 a section as follows—

Validation.

33A. (1) The Scheme, or any amendment to the Scheme made before the coming into operation of the Metropolitan Region Town Planning Scheme Act Amendment Act, 1975 or any act or thing done pursuant to the Scheme or such an amendment to the Scheme shall not be regarded as invalid by reason only of one or more of the following reasons, namely—

(a) that, in the notice of the Scheme or that amendment to the Scheme, as the case may be, the period prescribed for the making of objections was less than the proper period;

(b) that the Authority did not accept for consideration an objection to the Scheme or that amendment to the Scheme, as the case may be, being an objection that was made within the proper period but was not made within the period prescribed for the making of objections in the notice of the Scheme or that amendment;

(c) that a form for making objections to the Scheme or any amendment to the Scheme was not prescribed.

(2) In this section—

"notice", in relation to the Scheme or an amendment to the Scheme, means the notice published pursuant to paragraph (c) of section thirty-one of this Act in respect of the Scheme or that amendment, as the case may be;

"proper period", in relation to the Scheme or an amendment to the Scheme, means the period of three months from the date the notice of the Scheme or that amendment, as the case may be, was first published in the *Gazette*.

The Hon. I. G. MEDCALF: Members will recall this clause was postponed as I gave an undertaking to have consideration given to the points raised in a letter from Mr A. C. Uren, which letter was sent to the Hon. Lyla Elliott as the member for the province. I referred the letter to the Minister for Urban Development and Town Planning with a request that it be researched. He has provided me with a reply to the points raised by the Hon. Lyla Elliott in relation to Mr Uren's letter. I will read the Minister's reply to the House—

(1) First Mr Uren's case has no bearing on the Metropolitan Region Town Planning Scheme Act Amendment Bill. The Bill concerns itself with the validity of the Scheme or Amendments thereto which may not have been advertised for the full three month period only.

(2) To answer the points made by Mr. Uren the following may be of help—

(a) Prior to the Authority pursuing the 1974 Amendments (now tabled) it has also resolved to alter the alignment of the Beechboro-Gosnells CAH by an Amendment pursuant to Clause 15 of the

Scheme. This only requires publication in the *Government Gazette* for it to become effective. It is the practice of the Authority to advise owners involved in relation to Clause 15 Amendments and establishing the names of those owners took a considerable time to a point where the 1974 Amendments were approved and Gazetted prior to the Clause 15 Amendment being gazetted.

(b) In producing the plans for the 1974 Amendments it was anticipated that the Clause 15 Amendment would have been finalised and therefore the realigned CAH was shown on them but was not highlighted on the overlays to those Amending Maps, i.e., it was not intended to be one of the Amendments comprised in the 1974 Amendment.

(c) This was an administrative error and in becoming aware of the situation the Authority advised Mr. Uren of this and that his objections to the 1974 Amendments would be considered and he was given the opportunity, on a number of occasions, of having his objection heard before the Authority. He declined to accept this opportunity for reasons best known to himself. It can be seen therefore that Mr. Uren's position has not been prejudiced in any way.

(3) Two other points are worthy of note—

(i) The overlays referred to by Mr Uren do not form part of the Amendments but were designed to assist the public in understanding the Amendments.

(ii) The Crown Solicitor is satisfied that neither the Authority nor the Minister has acted illegally in this matter.

I have examined the letter, a copy of which was given to me by the Hon. Lyla Elliott, and I cannot see that it has any specific relevance to the Bill before the Chamber.

It is quite true that Mr Uren raises a number of matters which are obviously of considerable concern to him and possibly to other people. He raises matters in regard to what he refers to as a false or misleading overlay, which the Town Planning Department says is not part of the plan anyway; but he also raises questions in relation to why action was taken which appeared to be confusing.

From my understanding of the position, it appears the authority decided to put in what it considered to be a minor amendment of the Beechboro-Gosnells controlled access highway, and it did so under clause 15 of the Metropolitan Region Scheme, which it can do simply by gazetting it. No objections to minor amendments are called for. The authority handled the matter in this way and apparently it was resolved in December, 1973. This is the matter which concerned Mr Uren and no doubt others in his vicinity whose properties were affected by a change in the location of the highway. That was the first step.

That is to say, as I understand it, the authority decided in December, 1973, to bring in what it considered to be a minor amendment to the highway, and gazetted it. The authority stated it had such difficulty in locating various owners and other people in the vicinity that it was not until August, 1974, that it finally got around to having that modification approved. This ties in with Mr Uren's letter, in which he says it took eight months to be completed.

While the authority was doing this and locating the owners, quite independently it came up with a major plan which is set out in the omnibus agreement and which presumably includes the whole of this Beechboro-Gosnells controlled access highway and affects many people. The major plan was put forward and apparently the authority left out of that plan the part it had already put in the clause 15 agreement and used the wrong overlay on it, which gave Mr Uren and perhaps others a wrong impression of what the authority was doing. The major plan in the omnibus agreement proceeded on the basis that the authority had already modified one section of the highway, which was the section by which Mr Uren was affected.

Mr Uren's question really was, "What was the Minister up to? What did he think he was doing? He put this out in a resolution in December, 1973, and subsequently put out another major plan." Obviously it was very confusing and Mr Uren had reason to be confused, but he did in fact lodge three objections to the later major omnibus scheme. One of the objections dealt with this very point. Objection 956 to the omnibus scheme, which is still before the Chamber, was put in by Mr A. C. Uren of 139 Hardy Road, Shire of Bayswater. The grounds of objection are—

> To the amending of the MRS in respect of the Beechboro-Gosnells C.A. Highway by means of the provisions of clause 15 at the same time as amending it under the provisions of Clause 31.

That objection was considered and, according to the statement supplied by the Minister, which I have read out, the authority advised Mr Uren of this and

also that his objections to the 1974 amendments would be considered. He was given the opportunity on a number of occasions to have his objection heard before the authority. As was discussed last night, any person who lodges an objection is entitled to be heard. However, Mr Uren declined to accept this opportunity, for reasons best known to himself. That is his prerogative; he does not have to appear before the authority. He lodged his objections and it does not appear that he has in any way been prejudiced. I cannot see there is any specific prejudice or that in fact this particular Bill is really relevant to his situation.

I undertook to have this looked at carefully. Such a person still has recourse, because he can arrange to have questions asked. If something has been done in some other respect that is not affected by this Bill, he still has recourse. This Bill will not take anything away from him.

Amendment put and passed.

Postponed clause 5, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

PHARMACY ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 23 amended—

The Hon. R. F. CLAUGHTON: This clause proposes to add two new subsections to section 23. The purport of the new subsections is that conditions may be prescribed, and they may include conditions requiring an applicant to make a full disclosure of the persons or bodies having an interest in the business, or any portion of the business, and the extent of each such interest. Pharmacists may be required to reveal all the details of their businesses, and there appears to be no provision requiring confidentiality on the part of the council. It is conceivable that a business competitor of the applicant could be sitting on the council, and the applicant's business details will be disclosed to that competitor. Will the Minister indicate the degree to which confidentiality will be preserved?

The Hon. N. E. BAXTER: This provision is designed purely for the council to ascertain whether a person has a financial interest in more than two pharmacies. In other words, a person may not have an interest in more than two pharmacies. I do not think the matter of confidentiality would enter into this greatly. Any information given to the council would be confidential. Any person who has an interest in more than two pharmacies must disclose his interest to the council and will be obliged to dispose of the extra interest. The council is not composed of the type of people who would go around telling everyone the interests an applicant had disclosed to them.

The Hon. R. F. CLAUGHTON: It is understood the legislation requires that no pharmacist shall have an interest in more than two pharmacies; the reason for that is not in question. The Minister completely avoided the issue I raised.

I can imagine what would happen in this Chamber if the situation were reversed and we introduced legislation such as this. It would be regarded by members opposite as a tremendous sin to include a provision requiring business details to be disclosed without making provision for confidentiality of the disclosures. I am astounded that we have not heard one word from members of the Government about this. It indicates the degree to which they are influenced by whether legislation is presented by their own party or by the Labor Party when in Government.

Surely it is vital to protect the confidentiality of business records. I recall a long debate in this Chamber in which inspectors were given power to visit premises and inspect records. I remember the extremes to which members went in that debate to ensure that the records would remain confidential.

In this instance it is not an inspector who is involved; it could be a competitor of an applicant who is required to disclose the records of his business. I am very surprised the Government has made no attempt to protect the confidentiality of whatever documents and records are presented to the council under this provision.

The Hon. N. E. BAXTER: The new subsection does not in any way refer to disclosing records of the business. It states that the conditions that may be prescribed may include conditions requiring an applicant to make a full disclosure of the persons or bodies—that is, the names and addresses—having an interest in the business, or any portion of the business, and the extent of each such interest. That does not mean the council will have access to records of the business.

It simply means the council will be interested in the extent of the interest a person has in a business. For example, there might be 2 000 shares and the applicant may have to declare that he holds 500 of those shares. The provision does not go beyond that; the council will not have access to the books or records of the business.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 28 repealed and re-enacted—

The Hon. R. THOMPSON: During the second reading debate I referred to the

provisions of this clause. I made the point that the Minister for Education when he was the Minister for Health in a previous Government told the Chamber the Act was being tightened up sufficiently to overcome the type of problem in respect of which the Minister has now presented this Bill. I asked the Minister for Health for further explanation. He said that no pharmacist may own or have an interest in more than two pharmacies. He went on in his speech to say that a person could have a lease of a shop in a prime shopping area, and could let the shop with an escalating rent clause based on the turnover, and also supply goods. I asked him to give instances of this, but I did not receive a reply.

As the Minister in his reply to the second reading debate mentioned friendly societies I think we should get down to brass tacks and ascertain just where the present legislation is weak, and why the Pharmaceutical Council requires this amendment. We were told not so many years ago when this Act was being amended, that the amendments then before the Parliament were to prevent this sort of practice. Therefore I feel the Committee should know the reasons for the current amendment.

In his second reading speech the Minister also said the purpose of the Bill was to prevent chain store type pharmacies coming to Western Australia. I believe the Act as it stands is sufficiently strong to prevent firms like Boots operating here. Certainly I have not seen the name "Boots" anywhere. Was the Minister alluding to chemists such as Vin-Coo? Is the Minister complaining about the activities of Target Chemists? I think we should have some explanation.

The Hon. N. E. BAXTER: As a matter of fact no actual complaints have been made. I refer the Leader of the Opposition once again to what I said in my second reading speech. The final part of my comments on this clause reads as follows—

> As some such leases may be current, the amendment provides that a period of five years should be allowed for these to expire.

I am not sure whether that applies to what has been referred to by the Leader of the Opposition. Nobody has said that these companies have been involved in lease agreements recently, but apparently some lease agreements have been entered into in the past, and the Pharmaceutical Council considers that this provision is desirable so that if such a lease agreement has been entered into it will give the parties involved some notice of the fact that such leases shall not be renewed after the expiration of five years; that is, following assent to this legislation. In the future, of course, it will be illegal to enter into another lease. That is the whole purpose of the amendment. I do not have any information on any leases that may be in existence, but I have been told that there may be some leases that are current and this amendment seeks to cover any that exist at present.

The Hon. R. THOMPSON: I think I was accused of cross-examining the Minister, when he introduced the second reading of the Bill, in an effort to gain some information. The Minister made many allusions as to what was going on without producing any proof. I appreciate what the Minister has just said. However, what will be the situation in the future? I mentioned the name of Vin-Coo previously, because I have entered many chemist shops, and I know that the chemist shop at the Carousel shopping centre was owned by Vin-Coo. As I have also seen a chemist shop at the shopping centre at Hilton Park in his name I felt this was probably in contravention of the Act. Probably this could be one of the firms in question.

Let us say that a chemist enters into a leasing arrangement perhaps for three or five years with an option to renew the lease, and a firm owns the building occupied by the chemist. What happens at the end of five years? Under this clause in the Bill, a chemist who has a lease agreement would be obliged to terminate his lease. So I take it we will be putting that man out of business?

The Hon. N. E. Baxter: No.

The Hon. R. THOMPSON: What happens to him? He cannot enter into another lease agreement and, as the firm owns the premises what happens to the chemist?

The Hon. N. E. BAXTER: If the firm owned the premises this would amount to its having an interest in more than one pharmacy. If that were so, at the end of five years the chemist would be unable to carry on his business. However, a pharmacist who has entered into only one lease agreement and is not involved in any other business will have no worries.

Clause put and passed.

Clauses 11 to 20 put and passed.

Clause 21: Section 39 repealed and reenacted—

The Hon. R. THOMPSON: Great play was made on this clause, particularly by my colleague Mr Dans, in respect of two assistants working under the immediate supervision of a pharmacist. In this instance the Minister made another allusion, I think, because he did not produce any proof, when we questioned him, by naming any firms that were employing two or more untrained people as assistants to a pharmacist.

After studying the Minister's second reading speech it would appear that such a practice is fairly widespread. I have made some extensive inquiries in regard

to this matter and I cannot find any case where a pharmacist has on his staff more than one untrained person who is dispensing or assisting to dispense medicine for sale to customers. At this stage I want the Minister to determine for us the duties of a pharmacist's assistant who is untrained.

At present the usual practice is that a pharmacist's assistant takes the prescription from a customer, hands it to the pharmacist, and he dispenses the medicine, and types out the instructions on the label which is placed on the bottle, and this, together with the prescription if it has a repeat on it, is handed to the customer. The assistant accepts money from the customer and that is the end of the transaction. However, in this clause nothing is spelt out as to what the duties of that assistant shall be, and I direct the attention of members to the wording contained in subsection (2) of proposed new section 39.

My understanding is that a person who is under the direct supervision of a pharmacist engaged in the dispensing of medicines, and who collects money from the customer following the prescription being filled by the pharmacist, is the person to whom the Minister is referring. He is not referring to the assistant who is engaged in the selling of toothpaste, toys, or baby powder in the chemist shop apart from the actual dispensary.

The Hon. N. E. Baxter: I do not think that question enters into this clause.

The Hon. R. THOMPSON: The Minister made misleading statements which do not bear examination, because they are not factual. Therefore is my assumption in regard to this clause correct? If it is not, I ask the Minister to clarify the position for me.

The Hon. N. E. BAXTER: In my second reading speech I thought I made it clear that the situation is that a pharmacist can have only one unqualified assistant working with him in the dispensary, but outside the dispensary itself he can employ as many assistants as he wishes. By having only one assistant working with him in the dispensary under his direction he can ascertain without any difficulty whether he received a prescription from that person and that the same person took the prescription that was made up and handed it to the customer. That assistant could then make sure that the directions on the prescription had been followed by the pharmacist.

It would be very difficult for a pharmacist working in a dispensary preparing prescriptions to keep his eye on two unqualified assistants during the whole time he was engaged in this work. The Pharmaceutical Council has advised me that with the drugs that are available today great care needs to be taken with the many and varied pharmaceutical products. A chemist has to be sure he is correct in everything he does, and if he has under his direct supervision more than one assistant there is a grave risk that something could go amiss. For example, there is the risk of drugs being taken by one person, and if a pharmacist had two untrained assistants working under him at any one time he would not be sure who took the drugs and he could blame the wrong person, thus placing him in a very difficult situation. In short, in the dispensing area itself, there shall be only one assistant at any one time working with a pharmacist.

The Hon. R. Thompson: Have chemists ever employed more than one assistant? This is what I want to find out.

The Hon. N. E. BAXTER: According to the Pharmaceutical Council there may be some cases but I do not know where they are.

The Hon. R. Thompson: I asked you this question a week ago.

The Hon. N. E. BAXTER: I must have overlooked it, but I do not think it affects the case. The amendment seeks a complete safeguard in regard to the dispensing of medicines. It is logical to have in the Act a safeguard for those people who desire to have prescriptions filled by a pharmacist. It is the people we are concerned about and not the assistants. If a pharmacist has been employing more than two assistants, this amendment is a safeguard to ensure it will not happen in the future.

The Hon. R. THOMPSON: These matters have been referred to by the Minister in his second reading speech but when we get down to discussing the individual clauses it is a different matter. I was testing the Minister to ascertain how much he knew about the Bill.

The Hon. N. E. Baxter: You are coming at the same old stunt again!

The Hon. R. THOMPSON: For the information of members of the Committee I will read what the Minister said about clause 21 in his second reading speech. He said—

> Clause 21 re-enacts section 39 in somewhat shortened form. It incorporates one most important change. Hitherto each qualified pharmacist has been entitled to employ two unqualified assistants.

This is what I criticised during the speech I made on the second reading. I pointed out that the Minister had made an allusion that something was wrong in the industry, but of course there is nothing wrong in the industry. Under the old arrangement two assistants could be employed. Surely the Pharmaceutical Council or the person who prepared the Minister's notes has not advised him incorrectly, because the Minister himself has

said that hitherto each qualified pharmacist has been entitled to employ two unqualified assistants.

The Hon. N. E. Baxter: What is wrong with that?

The Hon. R. THOMPSON: I asked the Minister a week ago whether a pharmacist was permitted to employ two unqualified assistants.

The Hon. N. E. Baxter: What if he did?

The Hon. R. THOMPSON: My inquiries have revealed that no chemist ever has.

The Hon. N. E. Baxter: Have you been to every chemist shop in Western Australia?

The Hon. R. THOMPSON: I have been to the right quarter to find out. To tangle this up with 400 different types of drugs is a reflection on the profession of pharmacists. I asked the Minister whether there had been any instances of abuse. Has anyone been given wrong drugs as a result of this practice? We have received no answer.

The Hon. N. E. Baxter: You did receive the answer. I told you in my second reading speech that I did not know of anyone who had been given a wrong drug.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 40A added—

The Hon. GRACE VAUGHAN: The pharmacists in this State have some misgivings concerning where they stand in connection with goods and services of the kind described in the Bill. Could the Minister tell us and the public where the pharmacy ends and the store starts? In the Act we have a definition of a pharmacy which refers to a shop or other premises or a part of a shop or other premises.

A pharmacy in a big department store may be physically separated from the remainder of the store. It could have its own entrance or it could have a partition. In any of the suburban pharmacies there is a partition which keeps the dispensing section of the store separate from the remainder in which the patent medicines and other goods are sold. If some clarification is not made concerning the difference between the pharmacy and the store, the department stores could have a great advantage over the ordinary pharmacist who is compelled to call his whole store a pharmacy.

When the Minister was answering the Leader of the Opposition, he referred quite often to the dispensary, but in the Act there is no such thing. There is a definition of dispensing, but the dispensary could well be called the pharmacy. I would like to hear the Minister's comments.

The Hon. N. E. BAXTER: I can see what the honourable member is referring to. The ordinary pharmacist with his own shop which includes the dispensing section and a section where he sells other commodities is in a different category. The whole of his shop is referred to as the pharmacy. However, the big department stores like Boans and Myer pose a difficult problem because the pharmacy section is only a small portion of the whole shop. However, it is not envisaged that there will be any difficulty in applying this particular provision to the department stores because no other goods are sold in the areas partitioned off for the pharmacy section. The difficulty has not been overcome completely. Rather this Bill is a guideline for the Pharmaceutical Council. It is not perfect, but perhaps we should try it out to see if it can cover the situation. We do not want pharmacies to become drug stores as is the case in America.

The Leader of the Opposition referred to coffee shops and said that I had given misleading information. However, he is barking up the wrong tree because the friendly societies shop to which I was referring originally intended to use an area of its building as a coffee shop. However, when it applied for a license, although the council did not have any legal right not to issue a license, it jibbed at the idea and the friendly society decided, for one reason or another, that it would not use the area as originally planned for a business proposition. I understand that now it is used for staff purposes. I saw the original plans and they did include a big area for this purpose, but neither I nor the council felt that it should be permitted. There was no intention to mislead.

The Hon. C. R. ABBEY: During my speech at the second reading stage I referred to the problem concerning goods and services being sold and provided at the 1st July, 1975. It seems an unfair provision because many chemists have seasonal business, as the Minister would know. Chemists in areas adjoining beaches sell items required by swimmers. However, if the provision is to apply as from the 1st July some of these people will be disadvantaged because at that time they would not have such items in stock and therefore they would be precluded from including them in their future normal business. I do not think that was intended by the Minister and I would ask him to consider altering the date to a later one to cover the situation, because these chemists need to sell these items to boost their income.

The Hon. N. E. BAXTER: It is a retrospective date. Regarding the seasonal lines, no problem is involved because all the pharmacist would have to do is produce an invoice to indicate he previously sold those goods even if it were in the previous year. The Pharmaceutical Council would accept that evidence. The council is not setting out to make it tough for pharmacists, but merely to prevent these shops developing into the drug stores which

exist in America with jukeboxes, coffee shops, and so on. We do not want them selling items from white mice to elephants and battle ships. We want people to be able to go in to have their prescriptions filled and to buy soap and powder in peace and quiet without a lot of young people around playing a jukebox or doing a jig. The Pharmaceutical Council is a reasonable body and is prepared to help the pharmacists when the viability of their businesses is involved.

One chemist shop in Denmark sells fishing lines and so on. The pharmacist concerned spoke to me early in the piece, but he had been assured that those were part and parcel of his business. The items have been sold in the past and we are not trying to stop him selling them in the future. He also runs the post office and has a bank agency. That man can continue to carry on that business and if later on it is felt his business is not viable, he can apply to the council for permission to sell additional lines and the council will be very reasonable. We are merely trying to guard against anything occurring here similar to that which exists in America.

The Hon. R. THOMPSON: I will be helpful to the Minister. On page 25 of his notes he refers to a chemist selling electrical goods, furniture, and clothing. It has been said that someone up north sells electrical goods, but I do not know of anyone who does.

The Hon. N. E. Baxter: The chemist at Karratha sells hi-fi sets. He told me so himself. He will not be stopped.

The Hon. R. THOMPSON: I do not know of any chemist shop which sells furniture and clothing. I will be helpful. In the fourth line on page 26 of the Minister's notes he said that pharmacists will be able to supply any goods and services which were supplied through pharmacies in the State before that date. I think that answers Mr Abbey's query completely. This means that if the chemist at Karratha is selling hi-fi sets then every chemist in Australia will be able to sell them; that is, if we take the words of the Minister as being a true meaning of the legislation.

If this is the case then items like dog food, which are not chemist lines, may also be sold, and this would eventually lead to pharmacists building themselves up virtually into department stores. At the commencement of the Minister's speech we were told that this legislation was to confine the activities of these pharmacists; but, it does not do so. It opens up a whole new field. I do not think the Pharmaceutical Council will have any control if what we have been told is true, and I do not doubt the Minister's truthfulness at all.

I have a Queen's Counsel's opinion to the effect that the Pharmaceutical Council would be on a sticky wicket if it tried to prevent a pharmacist from expanding his business in keeping with lines sold by other pharmacists.

Seeing I am in a helpful mood I will refer the Minister to paragraph (b) of proposed new section 40A (1) of the Bill on page 19 in which he will find the words "goods or services that may be sold, traded in, supplied" etc. From the information I have received the words "traded in" could open up a completely new field and I suggest the Minister ask the Parliamentary Draftsman to provide better words than those.

The Hon. N. E. BAXTER: I would like to refer to a matter concerning a deputation I received from Target Chemists who raised the question of a situation in which a new product could come onto the market—one which pharmacists might wish to sell in conjunction with their normal business. The question raised was how long it would take to obtain permission from the Pharmaceutical Council to trade in these particular goods, bearing in mind particularly the fact that the first impact of the sale of certain goods gets the best results. It was pointed out that chain stores might hop in and derive whatever benefit there might be from first impact sales whereas the pharmacists might miss out by having to get permission from the Pharmaceutical Council.

I took this matter up with Mr Walsh—the Registrar of the Council—who discussed it with members of the committee of the council and he has written me a letter which perhaps I should read to members, because it indicates that quick action will be taken by the council in connection with the sale of such goods. Mr Walsh's letter reads as follows—

> Dear Mr. Baxter,
>
> I am writing in regard to the administration of the proposed Section 40A of the Pharmacy Act following our conversation this morning
>
> The problem stems from the possibility of some completely new line of goods or service being offered to pharmacy as the principal outlet. Too great a delay in obtaining the Council's sanction might lead to the promotor of the line withdrawing his offer and making it elsewhere. A recent prominent example of this would be the offer by the Australian Government to pharmacy to be agents for Medibank.
>
> The situation is that Council already has a standing committee known as the Legal and Administrative Committee and it would be the function of that committee to examine an application from an individual pharmacist to open a pet department, for example, in his pharmacy. The committee would then make a recommendation

to Council. However Council sometimes permits that committee to make decisions on behalf of Council and this could readily be done in a case of urgency such as you have described.

The committee meets on the third Monday of each month and the Council meets on the second Tuesday. It follows that in normal circumstances, by which I mean the whole year except around Christmas/New Year, the maximum time lag between meetings would be some 14 days at the most. This would seem to be sufficiently frequent to permit decisions to be made rapidly in even the most urgent case. It is true that a special meeting might need to be held during the Christmas season but I feel that it would be most unlikely that any new line would be introduced in the period immediately preceding or following Christmas.

I should stress that in order to obtain a decision from the Committee instead of from the Council the applicant would have to demonstrate that the public interest would benefit from having goods or services in question available in a particular pharmacy or generally in pharmacies. Secondly he would need to show that the provision of the goods or service would contribute to the economic viability of that pharmacy or pharmacies in general.

I hope that this letter will adequately cover the point that was raised with you.

After some discussion the deputation went away completely satisfied with the particular amendment. I have seen one or two of them since and they are of the opinion that this represents a reasonable safeguard.

The Hon. R. Thompson: Did you say they wanted to open a pet shop?

The Hon. N. E. BAXTER: That was only an example; it did not say it would be granted.

The Hon. R. Thompson: Would the Minister comment on the matter to which I referred which is contained in paragraph (b) of proposed new section 40A (1) on page 19 and which concerns the words "traded in"?

The Hon. N. E. BAXTER: I have not a Crown Law ruling on the words "traded in" but on reflection I think the use of these particular words is involved with the definition of "sale". I do not know whether the Leader of the Opposition received any other information on the words "traded in" but I would refer him to the definition of the word "sale" in the principal Act which, I think, would cover the words "traded in".

The Hon. R. Thompson: "Traded" would be a better word, but if you are quite happy with "traded in" it is all right with me.

The Hon. N. E. BAXTER: I do not think the words would pose any difficulty.

The Hon. R. F. CLAUGHTON: The Minister has given an assurance that goods sold in one pharmacy may be sold by any other chemist anywhere in the State in the future. He used the example of a gentleman in Denmark who was assured he could sell fishing gear and could further expand the items he sold to include such items as hi-fi sets, to which reference was made in relation to the gentleman from Karratha.

As we will be dealing with this legislation in the future I am glad the position has been clarified and we know how it will be interpreted; because very often when legislation is introduced here it is said to have one meaning, but when it is considered in court it often takes on another meaning.

While I do not disbelieve the Minister I would point out that during the second reading debate I asked whether the Pharmaceutical Council had the right to delete items that were in fact now being sold—that is, to withdraw approval; and the Minister at that time said the word "approved" was not in the Bill. We note, however, that the word "approved" appears in the first line of paragraph (b) of proposed new section 40A (1) on page 19, to which I would draw the Minister's attention.

I raised the example of a proprietary line which for good and sound medical reasons it had been decided should no longer be sold. If the Pharmaceutical Council or the Minister for Health did not have the power to say, "That line can no longer be sold", the situation would be ridiculous. But if we are to believe what the Minister has said, there will be no power provided to the council to prevent the sale of those things which are at present being sold. What would be the position if a chemist continued to sell a drug like librium—which has been strongly criticised—and then it was decided it should no longer be sold? The chemists would be in a position to continue to sell the drug in question because this legislation would give them the right to do so.

There is no doubt there will be a very strong continuing demand. I would like the Minister's opinion on that particular aspect.

The Hon. N. E. BAXTER: I believe the honourable member is referring to a certain drug or component which is on the prohibited list and for sale by pharmacies. This action is taken through the Commissioner of Public Health. I understand the member is not referring to normal goods sold in a pharmacy, such as china and glassware, but he is referring to pharmaceutical goods. Am I right?

The Hon. R. F. Claughton: Yes.

The Hon. N. E. BAXTER: A pharmaceutical product is prohibited for sale under regulation, and notice of this is inserted in the *Government Gazette*. The action of declaring a prohibited item is

binding by law and does not come within the ambit of a decision by the Pharmaceutical Council in any way. I think that is what the honourable member is inquiring about.

The Hon. R. F. Claughton: Yes.

The Hon. N. E. BAXTER: This decision is made by the Commissioner of Public Health in conjunction with the Minister if necessary. Presently the sale of these goods is prohibited by a nation-wide set-up.

The Hon. R. F. CLAUGHTON: The Minister is saying that this legislation is subordinate to some other Act?

The Hon. N. E. Baxter: It is subordinate to the food and drug legislation.

The Hon. R. F. CLAUGHTON: This needs to be clarified because the Minister has insisted that all things sold in a pharmacy as at the 1st July can continue to be sold. It is important that some other legislation should control this sort of thing.

Let us examine the provisions of the Bill a little further. When I was referring to drugs I said that if the council has the power to approve, it also has the power not to approve. The Minister said that was not so. I indicated that the chemist to whom I had spoken understood pharmacists would be able to sell categories of goods and not individual items. Obviously if we believe the Minister, his information must have been wrong.

Paragraph (b) of subsection (1) of proposed new section 40A states that the pharmacist must have his goods approved by the council from time to time. Then new subsection (2) states that any approval is limited to a specific time, place, or circumstance. Now what do these things mean? The Minister referred to a chemist at Denmark who includes fishing lines in his list of goods for sale. Will the council approve of that because it is in a specified place, and I suppose it could be a specified circumstance? However, this chemist would not be permitted to trade in hi-fi sets for instance. If that is not the intention, perhaps the Minister will offer some information about what is intended.

The Hon. N. E. BAXTER: The intention is that where an application is made to the Pharmaceutical Council to sell goods additional to those which were sold in any pharmacy in Western Australia prior to the 1st July, 1975, the council may approve of the sale of those goods by that pharmacy, but it could specify a time, a place, and the circumstances under which they could be sold.

The council could have some discretionary power in regard to a developing area. Perhaps a pharmacist may wish to establish a business in a new, sparsely settled suburb of Perth. He may wish to sell goods which were not sold in a pharmacy in Western Australia up to the 1st July. Let us say that for a period he wishes to sell beach buggies as he believes this will make his business viable. The council could say, "We will give you permission to sell beach buggies but only for a specified time, in that particular place, and subject to the fact that when the area is more developed and you have a viable enterprise, you will no longer sell them." I am just using that as an example, and I hope it is clear enough for the honourable member to understand.

The Hon. R. F. CLAUGHTON: I thank the Minister for that explanation. I am sure that is the sort of discussion which was held with Target Chemists.

The Hon. N. E. Baxter: No, they did not bring that one up.

The Hon. R. F. CLAUGHTON: I wonder whether they understood that. It could happen that a chemist purchasing through them could be located in such a place and would not be able to enjoy the buying advantage that would apply. This is the method by which it is intended to control any expansion in the range of goods sold. It will allow the council to make provision for chemists who wish to establish in remote places such as holiday resorts where there is a demand for special lines of goods or perhaps goods related to the needs of a particular industry.

Proposed new subsection (3) states that a person aggrieved by a determination or refusal of the council to approve may appeal in writing to the Minister. Then in proposed subsection (4) we see that subject to the provisions of subsection (3) any question as to whether goods or services are or are not goods or services, the sale, trading in, supply or providing of which would contravene the provisions of subsection (1) shall be determined by the council.

I believe those two matters are related. In one instance the pharmacist is given an avenue through which to express a grievance but I am again astounded that this is the only avenue of appeal. This could be a matter affecting the livelihood of a chemist and he is not allowed an appeal to a court. In fact, an appeal may deal with interpretations of the Act in relation to any of the matters we have discussed so far. How will it be proved that certain goods were or were not sold prior to the 1st July?

The Hon. N. E. Baxter: It is very easy.

The Hon. R. F. CLAUGHTON: If we look at proposed subsection (4) it will be approved by the council, whose determination will be final. The pharmacist will have no appeal from that decision. As time progresses it will be more and more difficult for individual chemists to show that certain goods were sold by some other chemist before the 1st July. The ordinary suburban chemist will just have to make a guess about whether or not something has been sold. When he is challenged about something on his shelves

he will be in a very difficult position to prove that the item in question has been sold in pharmacies in the past, and he will be faced with the position of the determination being made by the council.

That is very clearly expressed in subsection (4) which, in part, states—

> any question as to whether goods or services are or are not goods or services the sale, trading in, supply or providing of which would contravene the provisions of subsection (1) of this section shall be determined by the Council.

There is no redress from that, at all. Perhaps the Minister would like to comment on these matters.

The Hon. N. E. BAXTER: Firstly, it has been decided to allow an appeal to the Minister rather than to a court—which could take up to six months—to simplify the procedure. A pharmacist might go broke waiting for his case to come before a court, and it is much simpler for the Minister to hear an appeal relating to simple business matters such as these. No reasonable Minister would reject an appeal put before him if the supporting evidence were conclusive; the Minister may call for additional information if he felt it necessary, but if the pharmacist could prove by invoice that the goods had been sold before the 1st July, he would succeed in his appeal.

I might add that the council has a very comprehensive list of goods sold before the 1st July as a result of a questionnaire sent to pharmacies in Western Australia. Naturally, the council does not have a list of each and every item, because not every pharmacy returned the questionnaire. However, it would not be very difficult to check on whether a particular line of goods were eligible to be sold in pharmacies.

Mr Claughton also raised the question of the council determining whether goods were eligible to be sold. As I have said before, it would not be difficult to support an appeal, because invoices would be available. If the pharmacist's case were rejected by the council, he could appeal to the Minister and if he could provide supporting evidence, no reasonable Minister would reject his appeal.

The Hon. GRACE VAUGHAN: I was not satisfied with the Minister's reply to an earlier query. The Minister indicated that this legislation would begin on a trial basis to see how it operated. It worries me that it may create anomalies favouring certain people to the disadvantage of others. Could the Minister give the Committee a definition of "pharmacy"? When is a pharmacy not a pharmacy, but a department store?

Many of the pharmacies I know—they are not Friendly Societies pharmacies—occupy 5 000, 6 000 or even 7 000 square feet of floor space, and it would be possible for the pharmaceutical chemist running the business to partition off the dispensing area and say, "This is where my pharmacy ends and this is where my department store begins." In this way, he would be entitled to sell whatever he wished in the department store section of his floor space.

This would mean that pharmacies of this nature would be able to sell literally anything from white mice to 24 ft. launches, as do other department stores. Will the council accept such a situation or will it say, "We are going to restrict what you stock in your store because the floor space encompasses a pharmacy, and you could not be properly described as a department store"? I am certain that relevant legislation would lay down how a dispensary should be partitioned off from other parts of a department store, and it would seem to me that unless this legislation contains a very clear definition in this respect, it will create a lot of confusion and misunderstanding.

I repeat that a schedule should have been attached to this legislation so that the pharmacists would know exactly where they stood.

The Hon. N. E. Baxter: We have to look at this problem.

The Hon. GRACE VAUGHAN: I realise it would need to be a monumental sort of document, but this area will be open to a subjective determination which may create problems and perpetrate injustices against many people.

The Hon. R. F. CLAUGHTON: What happens if the Pharmaceutical Council tells a chemist that he cannot sell a certain item, and the chemist says, "Yes, I can; I sold it previously"? What happens when the two courses converge? Will there be a collision, and will the council then demand that the chemist produce his records? If the chemist refuses to produce his records what will happen then? To what extent will the pharmacist be required to demonstrate that the particular item in question had been sold before the 1st July?

The Hon. N. E. BAXTER: I refer firstly to Mr Claughton's query. There should not be any worry in this respect. The members of the Pharmaceutical Council are reasonable people and if a chemist produced invoices supporting his claim he would be permitted to sell the goods. Similarly, if the matter came to an appeal, the Minister would accept such evidence.

In answer to the Hon. Grace Vaughan, the principal Act defines a pharmacy as follows—

> . . . a shop or other premises, or the part of a shop or other premises, in which the business of a pharmaceutical chemist is, or is intended to be, carried on;

The Pharmaceutical Council itself suggested this definition and I believe it gives a very fair indication of what is a pharmacy.

The Hon. R. F. CLAUGHTON: The Minister assumes that both parties are reasonable; but let us assume both are unreasonable. What procedure would follow the point of disagreement?

The Hon. N. E. BAXTER: If both parties were unreasonable it would be the subject of appeal to the Minister. If the Pharmaceutical Council did not accept the evidence of invoices, or if a chemist refused to produce the invoices, the matter could go to the Minister. As I say, the Minister would accept any evidence which indicated the goods had been sold before the 1st July. The legislation caters for a situation where both parties are unreasonable.

The Hon. R. F. CLAUGHTON: The point is that a pharmacist may refuse to produce the documents. He knows that he sold the goods before the 1st July and sees no need to produce invoices to support his claim. What would happen in that situation?

The Hon. N. E. BAXTER: If a pharmacist is not prepared to supply invoices to support his contention that he is permitted to sell certain goods, the Pharmaceutical Council may take action against him. If he is the sort of person who is so ridiculously unreasonable as not to produce documentary evidence to support his claim, he deserves all he gets.

Clause put and passed.

Clauses 24 to 27 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (5): RECEIPT AND FIRST READING

1. Motor Vehicle Dealers Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

2. Beef Industry Committee Act Amendment Bill (No. 2).

3. Main Roads Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. N. McNeill (Minister for Justice), read a first time.

4. Road Traffic Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

5. Local Government Act Amendment Bill (No. 3).

   Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

House adjourned at 5.49 p.m.

Legislative Assembly

Thursday, the 16th October, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

SENATE

Blocking of Supply, and Issue of Election Writ: Urgency Motion

THE SPEAKER (Mr Hutchinson): I have received a letter from the Leader of the Opposition regarding the need, as he sees it, to move an urgency motion. I propose to read his letter to the House. It is as follows—

> Standing Order 48 makes provision for the moving of a motion for adjournment to debate a matter of urgency and Standing Order 49 requires that a Member wishing to move such a motion shall first submit to the Speaker a written statement of the subject proposed to be discussed.
>
> Accordingly I hereby acquaint you of my wish to move an adjournment motion for the purpose of discussing, (1) the action of the Opposition Members in the Senate which is directed at blocking supply and the resultant crisis which will be created and which will cause serious disruption in the community and (2) the obligation on the Western Australian Government to issue a writ for a half Senate Election if and when called upon to do so.

I advise that I have agreed to the request of the Leader of the Opposition, subject to the arrangement that the maximum number of speakers from each side will be three and that, under the Standing Orders, the length of each speech will be 20 minutes; and provided that, as is traditional practice, the motion will be formally withdrawn.

Are there seven members who support the motion?

Seven members having risen in their places.

MR J. T. TONKIN (Melville—Leader of the Opposition) [2.20 p.m.]: I move—

> That the House do now adjourn.

My purpose in moving the motion is to enable me to discuss the matters referred to in my letter to you, Mr Speaker, which