

Mr. MENSAROS: The Committee will be delighted to hear that this is my final amendment. Subclause (2) deals with reversing the onus of proof, a matter which, unfortunately, we have had before us so often lately. Whilst I will not argue the concept of this trend, I register my opposition to it because I do not think it is ever a good thing in principle.

However, I do argue against the subclause because it says that in any proceedings for an offence against this legislation the fact that no notice had been given in relation to any matter shall be deemed to be proved until proof is given to the contrary. How can one prove to the contrary that no notice has been given? It is an accepted fact that one cannot prove something that is negative. One can prove something that has happened but not something that has not happened, except in exceptional circumstances. I think it is too harsh to place the onus of proof upon the defendant. Therefore, I move an amendment—

Page 35, line 33—Delete the passage “notice had been given, or”.

Mr. DAVIES: I am afraid I have to be difficult on the final amendment. I believe the authority can easily give evidence that no notice has been given, and it would be the prosecuting body. Throughout the Bill provision is made for dealing with procedures in this respect, and it is wound up in this subclause. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 55 to 63 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [11.41 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. tomorrow (Friday).

Question put and passed.

House adjourned at 11.42 p.m.

Legislative Council

Friday, the 14th December, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th December.

THE HON. V. J. FERRY (South-West) [11.06 a.m.]: This legislation comes to us as no surprise because the reorganisation of passenger transport services in the metropolitan region has been talked about and examined for quite a few years. As a matter of fact, this type of reorganisation has been actively researched and discussed for perhaps the last 20 years. Indeed, it was mentioned in the policy speech of the previous Premier (Sir David Brand) and that of the present Premier (Mr. J. T. Tonkin). More recently the proposals were outlined in the annual report of the Director-General of Transport for the year ended the 30th June, 1973.

Those of us who have for quite a time thought about the transport problems of the Perth region realise that a number of expert studies have been made about this very question.

The Bill proposes to co-ordinate the suburban passenger services; that is, the services of the W.A.G.R. and those of the Metropolitan (Perth) Passenger Transport Trust, known as the M.T.T. At the present time these services operate in their separate capacities. This system has served the region of Perth for a long time but obviously improvements can be effected to many of its different facets. It appears to be a logical step that we should legislate to move towards a unification and a rationalisation of transport services.

When introducing this measure, the Leader of the House was good enough to supply the Chamber with a great deal of background information, including some schedules setting out the responsibilities of the various Ministers of the Crown in relation to the permanent heads of the departments. Quite obviously there is a proliferation of authorities at the present time. Therefore it is appropriate that the system should be streamlined to make it more workable and practical. The idea is that one directing body—involving trains, buses, and ferries—should control transport within the Perth region. I will not attempt to define the Perth region; I will use the term in a fairly loose sense because as time goes by the region will grow. I do not intend to waste time by attempting to define particular boundaries.

The various problems in relation to the transportation of passengers in the Perth region have been the subject of various studies. In 1955 a study was undertaken by Stephenson and Hepburn. DeLuw Cather and Company reported on public transport and planning for Perth in 1964. Mr. Wayne, a former Commissioner of

Railways, reviewed suburban transport in 1966, after which we had the Nielsen report in 1970. Of course, other studies have been made as well.

Obviously all these reports have been prepared along the lines that the proposal in the Bill will permit more efficiency and economy in the Perth passenger transport services and will effect a sensible rationalisation of the services, and I agree with the general findings of those reports. With such rationalisation we will not have the M.T.T. and the W.A.G.R. conflicting with each other and competing for the transport of passengers in certain areas.

Included in the information the Minister was good enough to furnish to us is a document prepared by Mr. C. B. MacLennan, Perth Regional Transport Study, and Mr. W. T. Tobin, Office of the Director-General of Transport. This document is titled *The Organisational Framework of Transport in the Perth Metropolitan Region*. In respect of the co-ordination of bus and rail services, in clause 92 of this document they state—

Firstly, operation of the suburban rail services involves technical expertise which is rather different to that presently required by the MTT. This expertise is similar in character, however, to that required for the operation of the remaining rail services. To separate the suburban rail services from the WAGR and bring them under the management of the MTT would thus involve the duplication of some specialised functions.

In clause 93 they go on to say—

Secondly, the operation of these services requires the use of facilities such as track, signalling and maintenance facilities which are also used by other rail services. If the suburban services were to be separated from the WAGR, agreement would have to be reached between the WAGR and the MTT upon the allocation of the responsibility for maintaining these shared assets and upon the establishment of the operating procedures under which they would be used. Such an arrangement would certainly be complicated and possibly quite unmanageable.

So whereas we are endeavouring to bring these two services to work in unison, some technical difficulties will still remain, because one is a road transport operation and the other is mainly a rail transport operation, but an improvement in the overall position must be effected.

Another feature which undoubtedly commands a great deal of further research and planning is the problem of parking in the metropolitan region. At present parking comes under diversified authorities. I am sure this aspect will be ex-

amined to further streamline passenger transport in the metropolitan area. Indeed I believe that when this authority comes into being after the passing of this legislation it will tackle this very issue.

Another feature which cannot be divorced from passenger transportation is that of road safety. The people charged with the responsibility to be assumed under this legislation will have a major say in road safety. Obviously they will have a part to play and I have no doubt they will play it, because this is a matter that is of great concern to the public.

I also hope that the new constituted authority will pay a great deal of attention to promoting and marketing public transport. Passenger transport is an area quite similar to any other commercial operation where the promotion and marketing of the product to be sold is all-important, because those in charge of the operation are conducting it for profit, if they can possibly do so, while ensuring efficiency at the same time. One of the most important features in respect of marketing the product of passenger transport is to encourage people to use passenger transport services. In so doing those in an administrative position will have regard for this important feature. The idea of attracting people to public transport services is not a new one; it is being fostered in practically all progressive countries of the world.

I say advisedly that we are in a unique situation, because Perth has a unique problem, and in respect of passenger transport problems one cannot compare one city with another. Some cities have natural difficulties apart from those created by man. Therefore the idea of encouraging people to use public transport to a greater extent than they are now emphasises the need for rapid transport. I believe that people in this modern age come to expect speedy transport. We are used to travelling in comfortable cars, trains, and aeroplanes and therefore people naturally expect the same facilities to be offered with suburban passenger transport services.

This brings me to the point of mentioning freeways, busways and the provision of good roads, but I have no doubt that attention will be given to this in due course. In speaking of the marketing of the product of passenger transport services, among the promotional ideas will be the thought, I am sure, of providing single tickets for any one journey which may involve the passenger in the use of rail services in the first instance and then changing to a bus, a second bus, or even a ferry. The principle of issuing a single ticket for whatever journey a person wishes to make will effect great economies in the system, and I am sure that the introduction of such a scheme will certainly please patrons.

In respect of the authority itself I have no doubt that once it gets into gear it will come out with policy statements on its aims and aspirations and what it believes will be the ideal for the Perth region, and will undoubtedly lay down guidelines for the improvement of transport facilities within these regions. The authority should prepare and publish a plan setting out proposals for the development and improvement of the Perth passenger transport system so that the public at large can examine them, and no doubt criticism will be made of them. I hope in all instances it will be constructive criticism, because the public have a vested interest in this system and it will be incumbent upon them to put forward constructive ideas to the authority to make the system work more efficiently.

Further than that, in the long term—and I say that advisedly because I am sure that to a great extent this will undoubtedly depend on finance—the question of an underground railway for the region must enter into the calculations of the authority. However, as a layman, I believe that before the underground railway passenger system can be established in the metropolitan region, firstly, we must get our guidelines soundly based on the surface of the earth. Surely if our surface transport activities are not directed towards a sensible operation for the transportation of people, the provision of an underground system will be a waste of time and prove to be quite inefficient.

Firstly, we must get our surface passenger transport system working as efficiently as possible, and then stemming from that I am sure plans will be formulated to provide the most practical underground railway system we can possibly devise for the Perth metropolitan region with our sights set on the requirements for the future.

Undoubtedly this city will continue to grow as have other cities. We will certainly not be any exception and planning is all-important. Speaking of planning, I come to the vexed problem of freeways. In Perth we have a freeway system which is already operating for all to see. We are aware, of course, that further stages are to be completed as time goes by, but I am in full support of the overall concept because, as I said earlier, I believe that we have a unique situation in Perth because of the physical disability associated with the division of Perth by the Swan River. I am not criticising the river because we all love it. It is a beautiful stretch of water, but it is certainly an impediment in respect of transportation. In other ways it is certainly a great benefit and we should use that natural beauty spot to our advantage.

Road construction of any kind, but particularly the construction of freeways, involves a great deal of money, and this is a source of concern to many people. The fear is that we may not have sufficient

funds to carry out the freeway construction we desire and deserve for our environment in Perth.

In this respect I wish to refer to the present Commonwealth Government policy as expressed by the Minister for Transport (Mr. Jones) who said that he does not favour freeway development in Australian cities. I recognise that freeways do not suit some cities, but I say again that a freeway system in Perth is absolutely essential and vital to the well-being of the people and the development of the area as a beautiful and functional city. I support the present Government in its endeavours to bring home to the central Government in Canberra the fact that we should have funds for this kind of development.

When the Minister for Works, who is responsible for main roads, recently spoke at the official opening of the interchange, he expressed concern about this problem. I am sure we must state our case very clearly to indicate that we must have sufficient funds to develop our freeway system for the benefit of the region as a whole, and we should never let up on this plan of action. Our freeway system is operating and is successful, as can be seen by everyone, but it must be expanded to serve the region even better.

Speaking of bus transportation, people are entitled to enjoy a degree of comfort. One of these small comforts which must be provided is a bus shelter and I am pleased that the M.T.T. is continuing its progressive programme to provide bus shelters in those areas for which it is responsible. I would like to pay a tribute to the design of a number of these bus shelters. I believe they are quite handsome, functional edifices which will encourage people to use public services. In order that more custom might be attracted to public transport, serviceable shelters must be provided to adequately protect people from the rigours of the weather, no matter what the season, when they are waiting for or alighting from a bus.

With regard to financial difficulties, I think it is appropriate that we should record the actual situation. My understanding is that the financial resources available for road construction and maintenance is derived mainly from Commonwealth Government grants and State Government taxes. In 1971-72 Western Australia received the following Commonwealth grants and raised the following State taxes for road purposes—

Commonwealth grants—	\$
Commonwealth Aid Roads Act, 1969	39,250,000
State grants—	
(Beef Cattle Roads) Act, 1968	1,485,000
	\$40,735,000

State taxes were raised as follows—

	\$
Vehicle licenses, drivers' licenses, etc.—under the Traffic Act and other Acts	14,465,000
Road Maintenance (Contribution) Act	3,700,000
	<u>\$18,165,000</u>

The funds derived from both Commonwealth and State sources totalled \$58,900,000. Looking a little further at the financial situation for that year, we find that from those funds approximately \$19,918,000, including a proportion for overhead expenditure, was utilised in the metropolitan region as follows—

	\$
Main roads and controlled access roads	11,733,000
Local authority roads	2,484,000
Statutory grants to local authorities	5,701,000
Total Expenditure	<u>\$19,918,000</u>

It is worth mentioning that of the total Western Australian road funds spent in that year about 34 per cent. was utilised in the metropolitan region. Under this legislation we are referring particularly to the metropolitan region, and of all the funds available in that particular year, approximately one-third was spent in the metropolitan region and the remainder was spent in other directions. More accurately perhaps I could say that in respect of the metropolitan funds, of that 34 per cent., 59 per cent. of the one-third was spent on main and controlled access roads, and the remainder—roughly 41 per cent.—was either distributed to local authorities as statutory grants under the Main Roads Act for them to spend on road works or spent by the Commissioner of Main Roads on local authority roads.

I mention those figures in passing because I believe they are appropriate to the measure before the House. As I have said, road works and passenger services do involve funds, and it is important that we understand from where those funds are derived.

With regard to the legislation, I would like to compliment the Government on this occasion for its having presented such well-documented evidence in support of the Bill.

The research is set out in the document called *The Organisational Framework of Transport in the Perth Metropolitan Region* to which I earlier referred. I have perused this document and I came to realise that in arriving at all the information supplied in it, the people compiling the document drew from their thoughts and knowledge and information in this way: they drew it from 31 individuals holding

positions of responsibility in the community; from 16 Western Australian Acts of Parliament; from 14 Western Australian and local government reports; from 17 other Government and local government reports; and from 35 miscellaneous documents and reports. That is the wealth of material from which the people compiling the background information for this publication have drawn their information.

This is the way it should be. I mentioned earlier that this has been examined by a number of people and experts for a number of years, more particularly over the last 20 years. Consequently, this information is available and it is to the credit of all concerned that it has been made available.

Accordingly, I cannot do other than to support the concept of this proposed legislation. In passing I wish to refer and to reflect for a moment on the lack of information which the House recently had available to it on another transport issue when debating the Commonwealth Powers (Air Transport) Bill, 1973. It was brought into the House with the idea of possibly allowing TAA to operate intrastate air services in Western Australia in competition with MMA. TAA would have carried not only passengers, of course, but other general cargo. When debating that issue members on this side of the House were absolutely staggered that the Government failed to supply this sort of background information or even a case to support the legislation.

On this occasion I compliment the Government for what it has done. This is the way it should be. I have no argument with the legislation and I wish it well.

The Hon. D. K. Dans: It is just as well Sir Reginald Ansett does not run the railways.

The Hon. S. J. Dellar: What do aeroplanes have to do with railways?

The Hon. V. J. FERRY: I am trying to make my speech. I think I have a contribution to make. If other members wish to speak they will be able to do so.

The Hon. S. J. Dellar: What do aeroplanes have to do with railways?

The Hon. V. J. FERRY: "What do aeroplanes have to do with railways?"! The legislation before the House is one dealing with passenger transportation and, therefore, I believe it is quite proper for me to draw conclusions relating to that legislation. I drew the analogy and I believe I was justified in so doing.

I do not propose to debate the pros and cons of the other legislation except to refer to the lack of information when we were debating that Bill in comparison with the good information which has been presented on this issue. With those remarks I have pleasure in supporting the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.33 a.m.]: I thank Mr. Ferry for his remarks. I think it may be as well if we were to have a look at what the situation is elsewhere so that we may realise that although we have problems ours are small by comparison. Similarly, by comparison, what we have done redounds to the credit of all associated with transport in the metropolitan area. I would like to refer to an extract from *The Australian* of Wednesday last, headed "State's train, tram losses doubled". The article reads as follows—

Victoria's trains and trams are losing twice as much money as they lost a year ago.

The State's railways ran at a loss of \$17 million in the three months to the end of September.

This is more than double its deficit for the first quarter of the last financial year.

The Victorian Tramways Board ran at a deficit of \$5,156,776 in 1972-73, compared with a loss of \$2,281,286 the year before.

These figures were revealed in reports tabled in State Parliament yesterday.

It is expected in Victoria that the losses on the railways for this financial year will considerably exceed the losses of last year; that is, they will be far beyond the figure of \$40,000,000.

If we think we have worries, we want to look at other reports and take heart. Victorian transport authorities have come up with the following proposals, and it can be seen how they will be lined up with the proposals the Government has instituted to cope with our traffic. The report goes on—

The Government must consider giving trams a separate right of way on roadways, to speed up the service. This could be done whenever main roads were widened or improved.

In other streets, the flaring of intersections, provision of safety zones and priority for public transport at controlled intersections would allow trams to provide a more effective service, despite increasing traffic.

More clearance lines along tram tracks, to warn motorists to keep off the tracks, would also help.

The board said it had been able to avoid fare increases because the State Government met the cost of pensioner, scholars' concessions, and other social services it provides.

It can be seen that Victoria has its problems. There are one or two remarks I would like to make to supplement those made by Mr. Ferry. First of all, as mem-

bers would know, for some time a feasibility study has been conducted to examine the possibilities of undergrounding and electrifying our railways. That study has still to be completed and when it is it will provide, as Mr. Ferry said, guidelines for our future traffic development.

I have no excuses whatsoever to make in this House over the way our various transport facilities have operated during my term of office. I would like to pay a tribute to the work which has been done by the Director-General of Transport, the Commissioner of Railways, the Chairman of the M.T.T., their staffs, and all those who are associated with ferries which are the only form of transport which actually makes a profit.

The Hon. V. J. Ferry: The Ferrys are good!

The Hon. J. DOLAN: It is a good example of the co-operation we are seeking to achieve between the railways and the buses. A person can park his car in South Perth, catch a ferry, and go by bus to Wellington Street. The ticket which is bought for the ferry covers the bus journey in the city. This is an excellent means of transport and one which I recommend.

All the officers associated with the department are doing a marvellous job. Our modern thinking in connection with rolling stock is far ahead of anything anywhere else in the Commonwealth.

The clipper bus is something else which I must mention; because, in all probability this will be introduced right throughout Australia. South Australia is following our lead. Many refer to the clipper bus as a free bus. It is not at all. It is a supplementary bus. Buses come into the city from the northern areas and from other parts of the metropolitan area. The clipper bus transports people from the terminal to, say, St. George's Terrace. If a person is coming from the north of the city and wants to travel to Fremantle, he can avail himself of the clipper service. Without this service, people would have to walk from the terminal to St. George's Terrace. Of course, this service has proved to be tremendously popular.

Let us consider only one aspect of our railways. We have the fastest train in the Commonwealth. I am referring to the *Prospector*. If any member has not yet travelled on it, I recommend that he should do so.

The W.A.G.R., in open competition with the rest of Australia, has just received a contract from the New South Wales Railways Department to manufacture 100 supply wagons. I understand 60 will be delivered next year. The value of the contract was \$1,300,000.

We have been successful in winning a contract from the Shell Oil Company to build big tankers and we are building 13

of these for Shell. Our tenders were in open competition with those from other organisations in Australia and were such that we were awarded the contract. The railways is well abreast of the times.

I want to make a public acknowledgement of the work that our officers in all fields of transport are doing. They are ahead with their thinking. I have two railway officers going next year to America and Britain to examine modern developments. Only recently the chief engineer of the M.T.T. and his executive officer went overseas to Germany to examine the latest buses there with a view to putting on our roads buses which would not emit fuels and gases which might be likely to cause considerable pollution.

I will not make a short story long. Support for the Bill has been expressed and I certainly will not talk it out. I again thank Mr. Ferry for his kind remarks about the manner in which the measure has been presented.

I will not enter into an argument about the other matter raised because we could be here for a couple of hours. I will content myself by telling Mr. Ferry that he is on the wrong foot.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Cloughton) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to long title—

The Hon. V. J. FERRY: I did intend to mention the ferry service during my remarks. I will take this opportunity to say that the ferry service is very efficient; and I do not mean that facetiously! Obviously the report of the M.T.T. shows the ferries are operating at a profit; and I hope more use will be made of our waterways in the future.

The Hon. J. Dolan: I thought for a moment you were going to say that the ferry service was yours!

Clause put and passed.

Clauses 4 to 15 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th December.

THE HON. J. HEITMAN (Upper West) [11.45 a.m.]: This Bill is really a flow-on from the previous measure, and I do not intend to waste the time of the House by talking on it to any great extent.

The purpose of the Bill is more or less to have the Commissioner of Railways on the transport trust committee which is to be appointed to look after all transport throughout the metropolitan area.

There is one point I would like to mention and that refers to a report by Mr. Wayne which suggests that the transport trust should have control of taxis, parking, and everything else in the metropolitan area. I think quite a lot can be said for this suggestion; because if we could co-ordinate taxi services, passenger buses, parking, and so on and have full control I feel sure we would have a great deal more success than we would without such co-ordination.

I think the Bill is well worth while. I would like to compliment Mr. Ferry on his excellent explanation of the previous Bill, as this has made it much easier for me to say what I have in support of the measure before us.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [11.47 a.m.]: I merely rise to thank Mr. Heitman for his remarks and I commend the Bill to 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.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 12th December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [11.49 a.m.]: A lot of the work on this Bill was done in another place. A number of questions were asked and a great deal of dissatisfaction was expressed and, accordingly, the Government has seen fit to alter certain clauses of the Bill to meet the objections.

On our side we have no objections to the measure, but I would like to make one or two brief comments. It is good to see that section 30 of the principal Act is to be repealed due to the intervention of the Parliamentary Commissioner.

I am glad the office of the Parliamentary Commissioner is proving to be of some worth in pointing out certain injustices in the community.

The other matter which is, of course, of grave concern is the overloading of ferries; as the Minister mentioned in his second reading speech.

The Minister's second reading speech illustrated that the largest ferry operators we have are those who operate the Rottneest ferries. I think, Sir, if you have ever been to Rottneest you will know that on some occasions one has cause to wonder whether the ferry will make it to Rottneest; and on the return journey you will have seen the helter-skelter to get on the ferry. I would think this poses certain difficulties for the captains and crews of these vessels.

By tightening up the law and increasing the penalty I think we will oblige the skippers to assume tighter control. However, I mention in passing that perhaps the Rottneest Island Board could assist in the matter by having constructed an appropriate loading facility through which passengers would have to pass and be counted, so that the present problem of people swarming over the ferry from stern to stern immediately it docks would be overcome.

With regard to the manning committee I would point out that a very good friend of mine who is an expert in marine matters told me that if these provisions are not included we could have the ridiculous situation that used to appertain to Commonwealth marine law, where certain ships under the old manning law would be required to have a crew of something like 238. Without further comment, I support the Bill.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [11.52 a.m.]: I thank Mr. Williams for his support of this Bill, and I will draw the attention of the responsible Minister to his remarks in respect of the conditions which apply on the Rottneest Island jetty. Of course, Rottneest Island is a wonderful tourist attraction and will be used more and more. So I think adequate facilities should be provided in order that people may be checked on and off the ferries.

As I said in my second reading speech, the farcical situation arose of a ferry being overloaded by 15 people, but the owner did not appear in court to answer the charge and was fined only \$10; so he came out in front as a result of the extra revenue he obtained from overloading

the ferry. We must be realistic and appreciate that we have some dangerous waters in Gage Roads from time to time, and we do not want to see a disaster like that which occurred in New Zealand a few years ago.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 44 amended—

The Hon. R. THOMPSON: As pointed out by Mr. Williams, my amendment to this clause tidies it up and meets the wishes of all those concerned. I move an amendment—

Page 2, lines 6 to 25—Delete the clause and substitute a new clause as follows—

Section 44 amended.

4. Section 44 of the principal Act is amended, as to subsection (2), by deleting the passage commencing with the word "incur", in line four of that subsection, and ending with the word "dollar", in line five, and substituting a new passage as follows—

"be liable to a penalty—

(a) for a first offence, of not less than two hundred dollars or more than one thousand dollars; and

(b) for a second or subsequent offence, of not less than five hundred dollars or more than one thousand dollars,

and shall incur a further penalty of ten dollars"

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Sections 21C to 21J added—

The Hon. R. THOMPSON: The words "one shall be" in proposed new section 21G (1) (d) are redundant. I move an amendment—

Page 9, line 12—Delete the words "one shall be".

Amendment put and passed.

The Hon. D. K. DANS: My amendment is consequential upon amendments moved in the Assembly. It merely seeks to have the Australian Institute of Marine and Power Engineers represented on manning committees appointed to determine engine

room manning. It is already provided that the Merchant Service Guild and the Seamen's Union be represented. I move an amendment—

Page 9,—Insert after paragraph (d) the following new paragraph to stand as paragraph (e)—

(e) a representative of the Australian Institute of Marine and Power Engineers, selected by the Minister from a panel of names submitted to the Minister by that Institute;

The Hon. R. J. L. WILLIAMS: I have no objection to the amendment. I seek an assurance that the chairman of the manning committee will be a qualified person and not just a person picked from anywhere, as it were.

The Hon. D. K. DANS: I think the Bill already provides for that. The chairman of the committee meeting to decide engine room manning would naturally be a fully qualified marine engineer. Persons acting on behalf of the Merchant Service Guild would be properly qualified ships' masters.

The Hon. R. J. L. Williams: Thank you. Amendment put and passed.

The Hon. R. THOMPSON: I move a further consequential amendment—

Page 9, line 17—Delete the words "one shall be".

Amendment put and passed.

The Hon. D. K. DANS: My next amendments are again consequential. They set out the conditions under which a manning committee will determine matters and provide for only one vote for each representative. In the case of engine room manning, the chairman will be nominated by the department and will hold the required qualifications. The next representative will be from the union, and there will be one from the engineers. Each will have one vote, and the chairman will have a casting vote. I move an amendment—

Page 12, line 1—Delete the word "A" and substitute the passage "Subject to the provisions of section 21K, a".

Amendment put and passed.

The Hon. D. K. DANS: I move an amendment—

Page 12, line 13—Add after section 21J the following new section to stand as section 21K—

Representative's voting powers.

21K. (1) For the purpose of a determination or the review of a determination, the members of the Manning Committee appointed under paragraph (d) and paragraph (e) of subsection (1) of section 21G shall be eligible only to record one vote between them, which shall be exercised in the manner provided by this section.

(2) On any question in relation to engineers, the vote shall be exercised by the representative of the Australian Institute of Marine and Power Engineers, and in relation to any other matter the vote shall be exercised by the representative of the Seamen's Union of Australia.

(3) Where the members referred to in subsection (1) of this section are unable to agree as to which of them has in relation to any matter the right of exercising the representative's vote, that right may be determined by the chairman of the Manning Committee.

This is a further consequential amendment. It simply sets out in chapter and verse the things that need to be done in respect of the manning committee.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Police), and returned to the Assembly with amendments.

RESERVES BILL

Second Reading

Debate resumed from the 13th December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [12.05 p.m.]: From time to time Governments have to take action to excise portions of reserves when the original purposes of the land have long since disappeared, as it were, and people feel the land should be used for other purposes. All Governments, from time to time, bring down a Bill of this nature.

It is quite interesting to note that the Opposition has no objection to the Bill, and that discussions to clarify the situation in certain parts of it took place prior to the introduction of the measure in this House.

I am in possession of a document which is a certificate of title under the Transfer of Land Act establishing the Karrakatta Cemetery Board. On it appears some famous names. They are—

Alexander Forrest
John Veryard
Charles Hart
John Winthrop Hackett
John Joseph Talbot Hobbs
Thomas George Molloy
Joseph Wood Langsford.

As time goes on the purposes of land use change, and this applied to the East Perth Town Hall. The needs of the inhabitants of the State demand that such land should be used for other purposes.

We have no objection to the Bill, and I—as one of the members representing the province in which the land is located—consider the change of purpose in the use of the land in question is warranted. The Bill seeks to excise some sections of the cemetery, and turn the land into a parks and recreation area. This land will come under the aegis of the City of Nedlands; and I need hardly point out that Nedlands is acutely short of parks and recreation areas.

The City of Nedlands has surrendered a considerable amount of land, such as that on which Hollywood High School and the Perth Medical Centre are located. I think the aesthetic qualities of Karrakatta Cemetery will be much improved by this excision; and I am sure the residents in and around this locality will appreciate what is to be done for them in the provision of parks and recreation areas.

A great safety feature has been introduced, and for this I commend the people who are responsible for it. Through this excision of land for parks and recreation purposes the children will be provided with a cycle track. It means they will have safe access on their way to school. In these days with the traffic being so heavy, and with the road toll so high, one should always take into consideration the aspect of safety.

Without further ado I support the measure.

THE HON. J. HEITMAN (Upper West) [12.07 p.m.]: I support the Bill. It contains a provision relating to an area in the Upper West Province at Cervantes where a small portion of some parkland will be excised for the purpose of building a water pipeline and tank to provide water reticulation to Cervantes.

It is unusual to excise land for this purpose. In this case although it appears the water pipeline could be built underground into the town, this area must still be excised from the reserve. I am anxious to see the water pipeline route surveyed, and the construction of it expedited.

With those comments I support the Bill.

THE HON. G. W. BERRY (Lower West) [12.08 p.m.]: I also support the Bill. There is just one clause in the Bill that affects the province I represent, and this relates to an area in the Carnarvon district. I refer to a reserve that was originally granted in 1909. The history of this reserve is that the title was vested in a group of trustees in 1909. In 1958 the shire was granted power to lease the land

to the local tennis club. In 1964 with the expansion of the school at Carnarvon it was desired to include this reserve in the school site to enable extension of the school to take place and to provide a sports ground.

However, trouble was experienced because of the doubt as to where the tennis club would be re-established, and through the instigation of Mr. Norton, the member for Gascoyne, the area was changed into an "A"-class reserve.

It was apparently because of this disagreement with the tennis club and the authorities that in 1967 the area was declared a Class "A" reserve, and now it seems the wheel has made a complete turn for in 1973 the land is to be part of the school after all. With the expansion of the school the playing fields have been absorbed, and it is essential for the reserve to be included in the school grounds.

I am pleased to see that agreement has been reached between the shire, the Public Works Department, and the tennis club. The Public Works Department will meet the cost of the new tennis club and I think that is fair enough because of the money already spent by the tennis club. I have certain feelings of nostalgia associated with the tennis club but I think this is a worth-while move.

THE HON. F. D. WILLMOTT (South-West) [12.11 p.m.]: I will refer to clause 7 of the Bill which will excise a small part of a Class "A" reserve on the Perup River. For a number of years both I, and Mr. Ferry, have made representations on behalf of the adjoining landholder. The landholder experienced considerable difficulty in erecting a fence, and he fenced in a small part of the reserve. He requested that the small portion be excised from the reserve to conform with his fence line. I am very pleased to see that the Government has agreed to the representation and I support the Bill.

THE HON. L. A. LOGAN (Upper West) [12.12 p.m.]: I was absent when Mr. Williams spoke to this measure, but I am concerned that even as late as yesterday the Karrakatta Cemetery Board confirmed its objection to the Government resuming part of the Karrakatta Cemetery area. I hope the Minister can assure me that what is being done will be in the best interests of everybody concerned. I was involved with the board for some time, and I know it has done a particularly good job. I would not like to see a decision taken against the wishes of the board.

THE HON. V. J. FERRY (South-West) [12.14 p.m.]: I support the remarks made by Mr. Willmott in respect of clause 7 which deals with Class "A" Reserve No. 10504 situated on the Perup River east of

Manjimup. The adjoining landowner requested that a small portion of the reserve be granted to him in order to allow a more sensible fence line. The request has been granted.

I know the area very well indeed, and the need for the reserve is not as necessary now as it was during the times when people were droving cattle, and a watering point was necessary where this reserve is located. Mutual agreement has been reached and I am pleased to see the proposal before this House.

THE HON. D. J. WORDSWORTH (South) [12.15 p.m.]: I am very happy to see that through the provisions of this Bill land will be made available for a golf club at Esperance. I hope this will be a more successful process than a previous transaction when it was found that a mistake had occurred. We have been trying to correct that mistake ever since. I am referring to the land made available for a museum, adjoining the superphosphate works. We have been trying to get another site ever since and we hope to get an area of land from the Railways Department. That was an unfortunate occurrence, but I hope the golf course will eventuate and prove to be successful.

THE HON. I. G. MEDCALF (Metropolitan) [12.16 p.m.]: I am prompted to speak by the comments made by Mr. Logan concerning the Karrakatta Cemetery. I am very familiar with this area because I pass through it almost every day, and travel along the adjoining streets.

I have always thought that the war cemetery was a particularly beautiful place, and it does need a parkland to surround it. It would be completely wrong to oppose the proposal to turn the surrounding area into a parkland.

The purpose of this clause is to take that area of land out of the cemetery reserve for cemetery purposes, and make it a reserve for parkland. I can think of nothing better than to have an area of parkland surrounding the war cemetery. I would hate to think that it was to be used for anything but parkland. On that account it is important to give our support to the Bill.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [12.18 p.m.]: I thank all those members who have spoken to the Bill and who have supported it. This is a Bill which comes before Parliament each year, usually towards the end of the session, and its purpose is to tidy up various aspects regarding land throughout the State.

The only objection seems to be in regard to the Karrakatta Cemetery and I would advise Mr. Logan that the area concerned will be used for parks and gardens. For

some reason or other, which I cannot understand, there has been a complete and utter misunderstanding regarding that area of land. It seems that some people believe buildings are envisaged for the area but I can assure the House that is not so. The land will be used as explained by Mr. Medcalf.

We discussed the matter with the Karrakatta Cemetery Board many times. The Government decided to excise this area so that it could be beautified. The Pinjaroo cemetery is in the process of being opened up and will be used in future years. In the meantime, Karrakatta as it is now will be used for a long time for burials and cremations and will probably not be phased out for 50 years. However, we think lands in the centre of Perth should no longer be used for burials. I reassure the House that the objective is to establish parks and gardens and undertake beautification, and nothing else.

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.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

WORKERS' COMPENSATION ACT AMENDMENT BILL (2ND)

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Assembly's Further Message

Message from the Assembly received and read notifying that it no longer disagreed to the amendments made by the Council on which the Council had insisted.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

ANNUAL LEAVE BILL

Second Reading: Defeated

Debate resumed from the 11th December.

THE HON. G. C. MacKINNON (Lower West) [12.25 p.m.]: This Bill is a complete measure which aims to set up a system for settling annual leave in the

private sector of employment and take it completely out of the hands of the Industrial Commission.

I consider this to be the most patently political electioneering Bill we have had this year. It is brought forward for discussion at 25 minutes past noon on supposedly the last sitting day of what has been the most tedious session in my 18 years' experience of Parliament—a session in which we have seen Bills introduced onto the notice paper accompanied by not one but by up to three pages of Government-inspired amendments on the Government's own Bills. With such utter and complete legislative incompetence, we are presented with this Bill at this stage of this session—within four months of an election.

The Bill is designed to remove from the Industrial Commission the power to set holidays. It is a complete measure; it is proposed to be an original Act—the “Annual Leave Act, 1973”. It is designed—without any consideration of economic, productivity, and cost factors, and the like—to set four weeks' annual leave for the private sector. It is proposed that annual leave will no longer be considered as part of a total wage agreement but will become a matter of political auctioneering at elections and in between elections.

The Government is fully aware that those for whom I speak on this occasion will be opposed to this measure, and it has introduced the measure in order to capitalise on it. Of course, a considerable number of workers in the private sector are entitled to be a little cross about the stand which I, at any rate, propose to take.

We have seen the economically unproductive area of the work force—that is, those who work in Government employment—getting four weeks' annual leave. I realise to some extent that is a generalisation. There are departments and sections of departments which earn, but, in general, in our system of government and our economy the Government work force is financed by the taxpayers in the ordinary private and productive sectors of the economy; and the people in the productive sectors—that is, primary industry, secondary industry, and the like—justly feel they are providing the wherewithal to make the country economically viable, and that it is the money they earn and their productivity which make all these benefits possible. And yet, virtually by a stroke of the pen, the Government can give the unproductive elements—hard as they may work, and I am not arguing about that aspect—four weeks' annual leave. Now everyone feels he ought to have it.

As I said, I consider this to be the most blatantly electioneering political Bill we have had this session. I think it was John Hetherington in this morning's “A.M.” or

maybe in the Press—one gets a little confused at the moment because night runs into day—who referred to the horns of a dilemma. On the one hand employers are suddenly faced with the prospect of paying their employees an additional week's wage. On the other hand, the employees—a considerable number of whom vote for us—would like to have this extra week's holiday. Of course it is a dilemma. However, there is only one way to deal with a dilemma and that is to stick to one's principles and beliefs.

It has long been the belief of those who support the philosophy I believe in, that matters such as this should be dealt with by the authority properly constituted under the arbitral system—the commission. In this session of Parliament we have come to believe that it is the aim of the Australian Labor Party to get rid of the system. A number of unions have made this quite clear. Many union leaders have left us in no doubt that it is their aim to change to a system of agreements—contractual arrangements—between a particular work force and a particular employer. I would be happy if this were made even clearer—an open statement of policy to this effect would stop a lot of beating about the bush.

We have on the notice paper legislation to amend the Industrial Arbitration Act. Obviously it is a non-event. It came in with a lot of ballyhoo and flap as members will recall. Great play was made in the Press and spies were appointed to check up on Opposition members. Master liaison officers were appointed by the T.L.C.

The Hon. L. D. Elliott: Who were they?

The Hon. G. C. MacKINNON: I read all about particular members who had liaison officers.

The Hon. Clive Griffiths: I was a big property owner.

The Hon. A. F. Griffith: No, I was.

The Hon. Clive Griffiths: You were the grazing property owner.

The Hon. A. F. Griffith: That is right; I was the one who held all the shares.

The PRESIDENT: Order!

The Hon. Clive Griffiths: I do not even own a house, but I was a big property owner.

The Hon. G. C. MacKINNON: Perhaps Mr. Ron Thompson will sort out Miss Elliott, and my two friends—Mr. Arthur Griffith and Mr. Clive Griffiths—can discuss this later.

The Hon. L. D. Elliott: I do not need sorting out.

The Hon. G. C. MacKINNON: These people were to try to change our attitude. I think the Painters' Union was to look after me. I was a little upset that I was not allocated to a master-mind liaison officer.

The Hon. R. Thompson: You need a bit of touching up!

The Hon. G. C. MacKINNON: That was done the other day, as the Minister knows.

The Hon. Clive Griffiths: One was supposed to find out what I did in my spare time.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: This arbitration legislation has become a non-event. No-one is in the gallery following it—no-one is interested any more. Nearly every night the Bill comes before us at 11.00 p.m. or even 1.00 a.m.

The Hon. R. Thompson: You would not expect workers to take time off.

The Hon. G. C. MacKINNON: I would expect the union people to be interested—they made such a fuss about it. I would expect someone other than a representative of the department to be present in the gallery.

The Hon. R. Thompson: You know I do not like talking to galleries!

The Hon. A. F. Griffith: That statement is a revelation.

The Hon. G. C. MacKINNON: I know it is a time of goodwill, but the comment made by the Minister should be enshrined in the annals. We must ask *Hansard* to print it in bold type. We can quote it when we are relating humorous incidents which occur in the House.

There is no doubt that the policy of the A.L.P. is to dispense with the arbitration system. The only person interested in it is one officer of the department.

The Hon. R. Thompson: Don't you believe that!

The Hon. G. C. MacKINNON: Look around the Chamber.

The Hon. A. F. Griffith: Many sensible right-wing unions have taken no notice of it.

The Hon. G. C. MacKINNON: That is a fair enough statement.

The Hon. R. Thompson: If they are so sensible, it is a good reason for their getting the four weeks' annual leave.

The Hon. G. C. MacKINNON: To be quite honest, I do not know whether or not they should get it.

The Hon. Clive Griffiths: We are not arguing about that.

The Hon. G. C. MacKINNON: I will come to that in a moment. The courts have been traditionally regarded as being free and unbiased. Probably very few of us here are not personally acquainted with one or other of the commissioners. We may be able to make a wild guess at their particular interests, but mostly these people meticulously keep themselves free of

direct association with any political organisation. It is proper that this should be so. Even those who may have had some association with a political organisation in the past dissociate themselves from it because they are free traditionally.

The commissioners examine an issue on the basis of reasonable application. They consider work comparisons between States and between workers, as well as the economic viability of the country as a whole. However, the measure before us would make this issue one of political determination rather than one of careful examination. This is completely undesirable.

When the Government in power is overly sympathetic to the employed people—because this measure includes executives as well as tradesmen and the like—it could grant holidays beyond the reasonable capacity of employers to pay. On the other hand, a Government that is overly sympathetic to the employer section of the community, could, by one device or another, delay the granting of a reasonable increase in holidays for employed people. So it could work to the advantage of one section or the other and that is unreasonable.

Increases in leave should be matters of application before the court which could hear arguments from both sides. The decision has always rested with the courts, and so it should.

In his second reading speech the Minister referred to the I.L.O. convention, so I went to the library to ask for a copy. I have become a little sick of having I.L.O. conventions quoted out of the blue as though copies of these documents were on every desk.

The Hon. R. Thompson: I could have given it to you—I have it here.

The Hon. G. C. MacKINNON: I wish the Minister had told me that, because the library had great difficulty in obtaining it for me. It was not available at the State Library, but the Parliamentary Library staff obtained a copy from the Department of Labour.

The Hon. R. Thompson: You know I am always anxious to co-operate.

The Hon. G. C. MacKINNON: I suggest that when reference is made to documents of this type in future, the Minister concerned could table them.

The Hon. Clive Griffiths: All the members could be circularised.

The Hon. G. C. MacKINNON: Yes, they could circulate copies among members, because the document makes interesting reading.

The Hon. D. K. Dans: As long as you do not make it compulsory reading.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: I checked this copy of the I.L.O. Convention with the Minister's speech, and after doing so I thought to myself, "Fancy the International Labour Office Convention advocating four weeks' annual holidays." However, when I examined some of the pages of this document I could find no reference to four weeks' annual leave, but I did find references such as—

A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

And also this reference—

Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay . . .

I read through the document from which I have just quoted, and it states clearly and without equivocation that the convention opts for three weeks' annual leave, which is what we now have.

The Hon. R. Thompson: Not all.

The Hon. G. C. MacKINNON: Which is what we have.

The Hon. R. Thompson: I tell the honourable member that we have not.

The Hon. A. F. Griffith: There seems to be complete conflict between the Minister's speech notes and the report by the I.L.O. Convention.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: We have to bear in mind that this country has more paid public holidays than any other country. In that I am including the holidays that are granted at Christmas, at Easter, and on other days throughout the year.

The Hon. D. J. Wordsworth: I think we have twice as many paid public holidays as any other country.

The Hon. G. C. MacKINNON: I would like to point out that a Monday public holiday is a very expensive exercise. I can recall, when managing a business, how the staff always literally hated a Monday holiday because they found they had so much to do on the Friday and Saturday prior to the Monday holiday and on the following Tuesday to catch up with the work that had not been done on the holiday. A holiday, of course, is very pleasant while it lasts but it proves to be extremely expensive when operating a business.

I do not intend to trace through the history of the allocation of holidays to workers, because this was covered very well by other speakers, and those members who wish to make a study of it can do so

by referring to the *Hansard* report of a speech made by Mr. O'Neill, the Deputy Leader of the Opposition in another place.

I would now like to make some reference to the kind of instructions I think should be examined before a measure such as this is adopted, and I quote—

Given no change in productivity levels per person employed, to reduce total working time by one week per annum is to reduce productive time by 2% per annum.

That is an important figure to remember. A holiday for one week represents a 2 per cent. loss in productive time. It does not necessarily mean a 2 per cent loss in productivity. I will not refer to that again, because this House has had an expert dissertation on the question presented by Mr. John Williams on two occasions. I continue to quote—

As the long term Australian productivity trend indicates that productivity per person employed increases by about 2½% per annum, almost an entire year's productivity increase would be traded off against leisure.

Sitting suspended from 12.45 to 2.15 p.m.

The Hon. G. C. MacKINNON: Members will recall that before the luncheon suspension I was commenting on the cost factors involved in the general provision of four weeks' annual leave, and I had pointed out that the annual productivity of the Australian worker tended to increase about 2½ per cent. The unfortunate part of this balance is that several things must be checked; inflation for one. Earnings have been increasing at the rate of four to five times the productivity increase and, as I mentioned earlier, inflation is just about at a banana republic stage. The attitude of the unions appears to be reaching the proportion of the New Guinea Cargo Cult, and these demands are more than cutting out the normal increase in productivity.

The only way extra holidays can be afforded is by inflation because extra holidays immediately have a direct inflationary effect. The unfairness comes about when extra holidays are granted to Government employees with no consideration having been given to the productivity in the community.

In 1963 a full and detailed study was made of the holiday situation; and three weeks' annual leave and 10 paid public holidays a year were granted. Some agreements and awards contain provisions for holidays longer than three weeks, but generally speaking these apply to shift workers or people who must, because of the nature of their work, be kept continuously at it day after day for more than the normal five days. Mr. Dans is aware of the situation in the Seamen's Union, the members of which have very different

holiday arrangements because they have an agreement which allows for no week-end or holiday rates. A seaman cannot knock off for the weekend and swim ashore, and so the holidays are allotted on a different basis altogether.

The Minister stated that some workers still had only two weeks' holiday. I am unaware of any in that position. I do know that some awards and agreements still contain such a provision, but it is inoperative. I do not know of anyone whose holiday rates are currently less than three weeks as prescribed in the I.L.O. convention, plus the 10 paid holidays a year.

There are also certain groups of workers who receive more than three weeks' holiday by the simple expedient of trade-off. They trade off five days of their annual 10 days' holiday for an extra week's leave, granted continuously, giving them four weeks. I think this applies to certain of the metal trades workers in the eastern goldfields and perhaps Mr. Leeson would know of this and would know whether my statement is correct. I think it is. It applies, too, to certain people working in the iron ore fields. I can now say that what I said in connection with the eastern goldfields is correct. That seems to be a sensible arrangement for people who are living at distances so removed as these and who want to travel to the coast. It is a sensible arrangement for them to trade off the extra days on their holiday. It is a fair proposition. I said earlier that the intermittent one-day holidays are expensive to industry and not a great deal of use to certain employees. I can see big advantages to both employers and employees in the trade-off arrangement giving four weeks' leave.

The one group with regard to which I feel tremendous sympathy comprises the employees in the private sector. Strangely enough I feel the greatest sympathy for those who, by the nature of their calling, tend to associate with their opposite numbers who are engaged in the public sector of employment; that is, those engaged in Government departments and the like. There can be two accountants who are both on nearly the same amount of money but one works for a private firm while the other works for a Government department. They may be close friends because of their similar work and social interests. Yet, one receives three weeks' holiday and the other receives four.

It is a great shame that these have been allowed to get out of gear. There was a time, of course, when the man in the Government occupation probably received less money in his pay packet than his counterpart in private industry. However, in many cases this no longer applies. Indeed, in many cases the Government has lifted the incomes of its employees—generally starting at the top and filtering down the line—so that we find that not only does the Government employee receive longer holi-

days but he receives at least the same or more money than his counterpart in private industry. This, of course, is grossly unfair.

Nevertheless, I cannot find it within myself to change my attitude but this is a question which should be left to the determination of the commission. I have not dealt with the Bill in detail but I consider it ought to be rejected for this reason. The measure itself appears to be in order. I have not been through the Bill and suggested that it should be amended in any way, because I do not believe it ought to be read a second time. As I said, I believe it ought to be rejected.

Members will not be surprised at my attitude on this. It would be completely out of character with everything I have said on all other industrial Bills if I were to suggest that this one ought to go through, be examined in detail, and be part of the law of this country. I repeat my belief that holidays should remain a matter for determination by the commission which looks at the economic situation of the country at the time.

Let us consider the effects of saying to a work force, which may number a quarter of a million, "Right, you are having an extra week's holiday a year." This means about 3,000,000 man-hours a year will be lost. To put it another way, 50,000 extra employees would be needed to replace those people. I am not absolutely certain on those figures because I am trying to work them out in my head. We would need to find that number of men and women to do the jobs which those on holiday would not be doing. I do not know from whence they would come. It would certainly put an immense strain on the economy of the country for at least a couple of years.

It may well be that the Industrial Commission could believe that the country could stand it at this time or at some other time. I believe it ought to be left to the determination of the commission.

I had planned to deal with one or two other matters. An excellent paper was put out by Kenneth Piesse, dealing in a fairly detailed way with the costs of what have become known as fringe benefits to an industry. I respect the state of the notice paper, the time factor, and the wishes of all members and, for this reason, I will content myself with the statement of my attitude which I hope is shared by all those other members, with the exception of the members of the Government. If that is so, my wish will be fulfilled and the Bill will be defeated at the second reading.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.29 p.m.]: My colleague (Mr. MacKinnon) has very fully covered the situation as my party sees it in relation to

this Bill. However, in case there should be any misunderstanding I think it is right for me to make a few observations in addition to the matters that have already been covered by Mr. MacKinnon.

I do this probably in the light of my approach to the Special Holidays Bill which was before the Parliament a day or so ago. The Government found itself in a certain predicament, and it was necessary that Parliament took some action in order to help the Government—and more particularly the people who may have suffered from the Government's inaction—in the matter. At that time I stated we were prepared to accept an amendment moved by the Government to another Bill. However, I said that I wanted to make it clear that the action of mine on that occasion was not to be taken as a precedent in the future. We must not usurp the commission's authority in regard to leave. The matter of a day's holiday pay provided for in the Special Holidays Bill should have been dealt with by the commission. The Minister at that time—the same Minister in charge of this legislation—agreed with me that the Industrial Commission should be the authority to deal with that matter.

Employees at the moment enjoy three weeks' leave as a result of a consideration made by the Industrial Court in 1963. Of course, that body no longer exists—it is now the Industrial Commission. The decision for three weeks' annual leave resulted in the first instance from a hearing on the question before the Federal Industrial Commission. The avenue for determinations in respect of leave is well established—whether or not Mr. Ron Thompson's statement that not everyone enjoys three weeks' annual leave is correct. I cannot deny it, because, like Mr. MacKinnon, I do not know anything to the contrary. However, whatever the situation is, it was determined by the proper authority. The industrial arbitration legislation provides that the Industrial Commission is the proper authority to determine leave matters, entitlements in respect of wages and awards, overtime, and benefits.

I regret to say that too constantly we find the present Government wants to interfere with the Industrial Commission. It wants Parliament to introduce legislation to take over some functions of the commission, and this measure is a typical example. So in fact was the Long Service Leave Act Amendment Bill which we debated here a short time ago.

It is a regrettable state of affairs that a political organisation such as the Australian Labor Party, which backs the present Government, should seek to make political advantage out of this type of situation when we, on this side of the House, are prepared to stick to our principles.

I will not spend a great deal of time on the matter of the campaign against us, but members know that there was such a campaign. Probably the campaign against this Chamber will continue because of the rejection of legislation of this type. We happened to discover some information which was intended to be held fairly secretly until it came into operation. We were to be the victims of this campaign. If I referred to a document which came into my possession, I would be able to tell members the name of the union which was to keep an eye on me. I would also be able to tell members the member of Parliament who was to liaise with that union in this regard. I did not admire the wording of this directive that the members of Parliament on this side of the Chamber were to be kept under observation. It was a scurrilous and lousy—if I may use that nasty word—way to try to deal with the situation. We saw this paper the *New Deal*—the labor movement spent a great sum of money to circulate it in various quarters.

The Hon. R. Thompson: Not the labor movement.

The Hon. A. F. GRIFFITH: Who authorised and put out the publication?

The Hon. R. Thompson: Nothing to do with the Labor Party at all.

The Hon. R. F. Cloughton: Do you mean the Trades and Labor Council?

The Hon. A. F. GRIFFITH: I asked a simple question. Mr. Cloughton, can you tell me who put out the publication?

The Hon. R. F. Cloughton: When you refer to the labor movement, are you talking about the T.L.C., the A.L.P., or both together?

The Hon. A. F. GRIFFITH: I take it from what the honourable member is saying that they are separate bodies.

The Hon. R. F. Cloughton: You are talking about this publication the *New Deal*. I am asking you to define what you mean by the labor movement.

The Hon. A. F. GRIFFITH: I am asking Mr. Cloughton for his help. Who put out this publication?

The PRESIDENT: Order! The Leader of the Opposition cannot question another member across the Chamber. I ask him to make any inquiries through the Chair.

The Hon. A. F. GRIFFITH: Well, Mr. President, who put out this publication the *New Deal*? Will you tell me?

Withdrawal of Remark

THE PRESIDENT (The Hon. L. C. Diver): Order! I take that comment as objectionable to the Chair, and I ask that it be withdrawn.

The Hon. A. F. GRIFFITH: Of course, Sir, I withdraw it. It was not intended to be objectionable at all. You directed me to make my inquiries to the Chair, so I somewhat facetiously asked you the question. I apologise if you found my remark objectionable. However, I do not mean to ask the question again because I have a copy of the publication in front of me.

Debate Resumed

The Hon. A. F. GRIFFITH: The *New Deal* is the official organ of The Western Australian Trades and Labor Council. So that clears the matter up.

The Hon. J. Dolan: I told you that long ago.

The Hon. A. F. GRIFFITH: Maybe I had forgotten. This is a labor organisation which works in the interests of the Labor Party.

The Hon. J. Dolan: Not necessarily.

The Hon. D. K. Dans: You are so wrong.

The Hon. A. F. GRIFFITH: They must have some great artists in the T.L.C. if they can make me look as I do in this picture.

The Hon. R. T. Leeson: A long time ago!

The Hon. J. Dolan: They must be good.

The Hon. A. F. GRIFFITH: Not so long ago.

The Hon. R. T. Leeson: You have aged in a hurry then.

The Hon. A. F. GRIFFITH: Members should look at my friends, Sir Charles Court and Mr. O'Neill. More to the point, the display makes it appear that I am a puppet of Sir Charles Court. Members of this Chamber know that the Liberal Party members here are not puppets at all. People in glass houses should not throw stones.

The Hon. J. Dolan: Our members were not throwing stones.

The Hon. A. F. GRIFFITH: Some of the Government members knew nothing about it at the time.

The Hon. J. Dolan: I did not see it until you showed it to me.

The Hon. A. F. GRIFFITH: Some of the members who had been allocated jobs to do in regard to this matter—and this is set out in the document that came into my possession—did not know what it was all about.

The member of Parliament who was supposed to look after me was a very nice fellow. He came to this Chamber one day to see the Leader of the House and I said, "My goodness! Has your job started already?", because I thought he was starting to check on me. At the time the situation angered me but on looking at it in retrospect I thought what a great deal of money had been wasted. What is more,

the average decent Australian citizen does not appreciate this sort of filth and I am sure it will react against the people I have mentioned in the long run. In fact, I think that has already occurred because, having issued a second copy of this newspaper I have not seen any further copies.

The Hon. L. A. Logan: The Hospital Employees' Union had something to do with the matter, I think.

The Hon. A. F. GRIFFITH: Perhaps the incident made me feel so sick that that particular union was put on to me—I do not know.

I can heartily concur with the suggestion that has been made to me on the question of leave. Where there is a discrepancy or a difference in annual leave entitlements granted to one section of the community compared with those granted to another section, that discrepancy should be resolved. I use the word "worker" advisedly, because a worker under the Industrial Arbitration Act is so classified, but he is not the only person who works. I am reminded of the story of a man who started work with a firm at 14 years of age. He advanced through many positions in this large firm until eventually he was appointed as its managing director and in occupying that office quite often he worked about 65 or 80 hours a week. One day he asked someone in the firm to tell him when he ceased to become a worker, because he was no longer classified as a worker under the Industrial Arbitration Act. That, in fact, is the situation. Therefore it could well be that the difference that exists between the leave entitlements granted to one section of the community and those granted to another section could be resolved by making the necessary adjustment.

As I said the other evening, I cannot see the reason why one person employed by the Civil Service should enjoy four weeks' annual leave, while another, employed in the private sector performing an identical job, is granted less annual leave. The proper way to resolve this difference is not, little by little, to take away the functions of the Industrial Arbitration Commission by introducing Bills of this nature and to say, in effect, we will achieve our objective by adding a bit here and a bit there. If it is the function of the Industrial Commission to grant annual leave entitlements, that commission should be left to carry out its function. If Parliament decides that some other authority should grant leave entitlements that is a different story, but until the present system is changed—

The Hon. R. Thompson: Can you tell me which section of the Industrial Arbitration Act gives power to the commission to grant extra leave?

The Hon. A. F. GRIFFITH: No, and if the Minister thinks he is posing to me a catch question—

The Hon. R. Thompson: It is not a catch question, because there is no section in the Act under which the commission can grant extra leave.

The Hon. A. F. GRIFFITH: Who granted the three weeks' annual leave that workers now enjoy?

The Hon. R. Thompson: It was granted by Parliament.

The Hon. A. F. GRIFFITH: If that is so I am labouring under a strong misapprehension. Also my memory must be failing me. A few moments ago I was not allowed to ask a question of you, Mr. President, and I am sure your decision will stand. However the Minister may be able to put me right on this point. When did Parliament grant three weeks' annual leave?

The Hon. R. Thompson: 1963, I think.

The Hon. A. F. GRIFFITH: I thought the granting of annual leave entitlements was the function of the Industrial Commission. If it is the function of Parliament I am under a strong misapprehension.

The Hon. G. C. MacKinnon: It was a flow-on from the leave granted to the metal trades union by the Industrial Commission. That was the initial step.

The Hon. R. Thompson: It was something that was adopted. If I am wrong, I apologise, but nowhere in the Industrial Arbitration Act is there a section which allows the commission to grant an extra week's leave.

The Hon. G. C. MacKinnon: It is a condition of employment.

The Hon. A. F. GRIFFITH: As I understand the position it would be a condition of employment. Whenever a position is advertised in the Press, whether it be in the Public Service or in the private sector, the conditions of employment are set out in the advertisement. Most advertisements calling for applications for a position stipulate the amount of salary and the leave entitlements that will be granted. As I understand it, the function of the commission is to deal with conditions of employment, which include leave entitlements. If I am wrong in making that statement I hope the Minister will put me right. However, if I am wrong it is time the whole problem was resolved and we should ascertain where lies the responsibility for granting leave entitlements.

I have been handed some information from my colleague, Mr. MacKinnon, and I understand that in April, 1963, the Industrial Commission announced that the metal trades award would be varied to allow employees who had completed 12 months' continual service by or after the

30th November, 1963, a period of 21 days' consecutive leave. So written into the metal trades award was the provision of three weeks' leave after 12 months' continual service. Apparently that is where that leave was evolved and it flowed on from that source.

In view of that it would seem that the Minister was not correct in the statement he made.

The Hon. R. Thompson: I said that I apologise.

The Hon. A. F. GRIFFITH: I will not hold the Minister to that. The Minister asked me to tell him which section in the Industrial Arbitration Act gave power to the Industrial Commission to grant an extra week's leave, but I was unable to tell him, and I apologise for that. It would now seem that the answer is that Parliament did not grant three weeks' annual leave to the Metal Trades Union. This was done by arrangement and the leave entitlement flowed on to other unions.

I now want to touch on the general question of people who work. Mr. MacKinnon did make some mention of this. In the expression "people who work" I include not only the man who is classified as a worker under the Industrial Arbitration Act but also the executive of any company or commercial enterprise; in fact a man in any walk of life. So I repeat that if there is any difference in the leave entitlement granted to people working in one section of the community compared with that granted to another section, perhaps it is time the Industrial Commission examined that aspect. In speaking of public servants, those officers, of course, are granted privileges under the Public Service Act, including leave entitlements.

Among the other sections of the community one man in particular wrote to me and said he saw an injustice in the fact that he did not enjoy the same conditions as those enjoyed by what he called a chosen section of the community; because that section got longer leave than he did. Accordingly I have a great regard and considerable compassion for these people.

I regret to say, however, that I cannot agree that Parliament should interfere with the commission, as a result of legislation which is brought down every now and then—we should not interfere with the commission whose function it is to carry out this task of granting leave.

If it were to be the function of Parliament—and it has been suggested to me that this should be the total function of Parliament—I think we would have political pressures applied to some Governments as distinct from others and this could place our economic situation in extreme jeopardy; because the demands from one sector are very much greater than they are from the other.

The authority which grants leave must take into consideration the economic ability of a country to stand it; if the authority which is given the right to hear applications for leave considers that, by and large, the workers should get four weeks' annual holiday, that is all right with me; I have no objection to it whatever, because the applicant for leave on the one hand, and the employer on the other, would both be heard by the proper authority which would give the proper decision in that respect. If the decision is as it was in the particular case of the metal trades union—when the Industrial Commission said there should be an increase in leave—I would be prepared to accept that.

So I leave the matter there. I say again that I think it is a pity that the Labor Party—and I am obviously a bit mixed up as to which section of the Labor Party is doing this—

The Hon. J. Dolan: The name probably confuses you; it is the Australian Labor Party.

The Hon. G. C. MacKinnon: There is also the Democratic Labor Party.

The Hon. J. Dolan: Who changed that?

The Hon. A. F. GRIFFITH: It is obviously a pretty sore point with members opposite. However, if I may interject I would like to say in conclusion it is a pity that because a section of this Parliament considers it should stick to the correct principles, that this should give the other side the right—and I know I cannot deny it the right—to campaign in that respect.

Personally, however, I am quite prepared to continue to adopt the view I have held in the past, because I think it is the correct one to adopt. I am quite satisfied to leave it to the people of Western Australia to judge whether or not the action of members in this Chamber is the correct one, should this Bill be turned down.

THE HON. L. A. LOGAN (Upper West) [2.54 p.m.]: I find it hard to understand why the Minister should say that the Industrial Commission has no power to grant this leave.

The Hon. A. F. Griffith: He did not really mean that; he said so afterwards.

The Hon. L. A. LOGAN: My reading of the Industrial Arbitration Act in relation to the powers of the commission indicates that it has the authority to deal with all matters affecting or relating to the work, privileges, rights and duties of employers or workers in any industry. That is contained in the definition of "industrial matters."

The Hon. A. F. Griffith: It is in the interpretation, Mr. Minister.

The Hon. L. A. LOGAN: Section 6 of the Industrial Arbitration Act—which is the interpretation section—indicates quite clearly in paragraph (h) that the Industrial Commission has the authority to say what is fair and right in relation to any industrial matter, having regard for the interests of the persons immediately concerned and of the community as a whole.

In my opinion the definition of "industrial matters" which also contains paragraph (h), gives the commission the right to deal with the subject. If it does not have that power, why should most of the interpretation in the Industrial Arbitration Act be placed in the Bill; because under "construction and application" we have the Industrial Arbitration Act, the Long Service Leave legislation, and so on?

So, in effect, the Government is taking all the powers out of the Industrial Arbitration Act and putting them into this Bill. Surely in those circumstances the commission has the right to deal with this problem!

I have spoken twice this session in regard to long service leave and again the other night on the Special Holidays Bill and I have expressed the opinion that those who pay the piper—that is, the employers—should be given the opportunity to call the tune; they should have the right to be heard, and to put their case and argue it with the other side. That cannot be done under this legislation. The only place it can be done is before the Industrial Commission. I must stick to that principle because I feel that is where the determination should be made.

Unfortunately all Governments—and here I also include the Liberal-Country Party Government—are inclined to treat the Public Service entirely differently from the rest of the community. This creates a great divergence of opinion and stimulates jealousy, because of the set of circumstances which apply to one section of the community while being denied to the other. I know there is considerable jealousy abroad among the high brackets of employees, who ask, "Why cannot we get four weeks' leave seeing that the other section is getting four weeks' leave?" It is difficult to reply to such an argument. It does create considerable jealousy between the two sections of the community. I believe it is up to the people concerned to go back to their union—if they have one—and ask for their case to be presented to the Industrial Commission.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [2.58 p.m.]: If members study my second reading speech on this Bill I think they will find what I said when I quoted the I.L.O. convention. I am sorry Mr. MacKinnon had to go to some trouble, because had

he mentioned the matter to me I would have made the copy available to him. I do not think it is necessary for me to mention the papers I have with me every time I get up to speak. I will quote the relevant portion of the I.L.O. convention which states—

2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.

3. The holiday shall in no case be less than three working weeks for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

At no time did I suggest that the I.L.O. convention stated the holiday period should be four weeks. I mentioned that the I.L.O. convention indicated that if ratified it would be no less than three weeks; and this was spelt out in no uncertain detail. There are workers in Western Australia—and this is where I have the complete answer—who say that this Bill is necessary.

The Industrial Commission cannot deal with people who are not covered by awards or agreements, and there are many people in that group. When dealing with the Long Service Leave Act Amendment Bill only two evenings ago it was mentioned that even the people who clean Parliament House, and who are classified as domestics, are not covered by an award or agreement.

The Hon. G. C. MacKinnon: We understand the situation concerning them; tell us who the others are.

The Hon. R. THOMPSON: The others could include all types of workers. I understand that some people who work in "C"-class hospitals are not covered.

The Hon. G. C. MacKinnon: Yes, they are.

The Hon. R. THOMPSON: What, domestics?

The Hon. G. C. MacKinnon: Yes. Was it not published in the Press the other day that they had received an increase in wages? Mr. Dans was inciting them, was he not?

The Hon. R. THOMPSON: They were the members of the Hospital Employees' Union, a different group of people altogether.

The Hon. D. K. Dans: Whom was I inciting?

The Hon. G. C. MacKinnon: I am having a conversation with the Minister.

The Hon. R. THOMPSON: I am not having a conversation with the honourable member opposite. This Bill sets out to determine that annual leave will be granted to all workers in Western Australia.

The Hon. G. C. MacKinnon: That goes back to an erroneous statement made earlier.

The Hon. R. THOMPSON: About what?

The Hon. G. C. MacKinnon: About people who work in hospitals, and other people who do not work in hospitals.

The Hon. R. THOMPSON: I did not know that I had made an erroneous statement.

The Hon. G. C. MacKinnon: I think it was about No. 4.

The Hon. R. THOMPSON: After I have finished with interjection No. 59 I will come back to No. 4, if the honourable member is not satisfied. Mr. MacKinnon did say that this was blatant political legislation.

The Hon. G. C. MacKinnon: Yes.

The Hon. R. THOMPSON: Blatant political legislation! Let me tell the honourable member what I said at the time.

The Hon. G. C. MacKinnon: The Minister did not tell me.

The Hon. R. THOMPSON: I said, "Let me tell the honourable member what I said at the time." I said—

Direct legislation is also desirable to protect workers who are not covered by awards or industrial agreements. This group is a minority, and some may receive an annual leave benefit due to the operation of the Factories and Shops Act. Nevertheless, no matter how few in number this group of workers may be, they are entitled to the minimum standard of annual leave and their situation should be covered. They should not be ignored.

The Hon. G. C. MacKinnon: That is what I said.

The Hon. R. THOMPSON: But this is not a pickup Bill; it is a total Bill.

The Hon. G. C. MacKinnon: I did not mislead anybody.

The Hon. R. THOMPSON: I did not say that the honourable member had misled anybody. I quite rightly told him the present situation in Western Australia.

The Hon. G. C. MacKinnon: Except that I cannot find anyone on only two weeks' annual leave.

The Hon. R. THOMPSON: Even one of the figures which the honourable member quoted dealing with the productivity structure was .04 out.

The Hon. G. C. MacKinnon: That is not bad mental arithmetic. Pretty good.

The Hon. R. THOMPSON: I also said—

Those who are activated by an unreasoned fear of change or who are interested only in maintaining the *status quo* will argue and expound many factors in opposing this innovation, and the clamour that the time is not right for such a change will no doubt be heard again. However, the quantum of leave already exists for many employers.

The Hon. G. C. MacKinnon: Incidentally, I said that I did not know whether or not the time was ripe.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I then went on to say—

Employees of the Fremantle Port Authority, both salaried and wages staff, and other waterside workers also receive the benefits of the longer annual leave. In the annual leave case before the Commonwealth Conciliation and Arbitration Commission in 1971, the commission commented in respect of equality of treatment for blue collar and white collar workers.

The white collar workers, as far as the Public Service is concerned, receive four weeks' annual leave.

The Hon. G. C. MacKinnon: I said that.

The Hon. R. THOMPSON: The blue collar workers also receive four weeks' annual leave.

The Hon. G. C. MacKinnon: I also said that.

The Hon. R. THOMPSON: As I said, waterside workers receive four weeks' annual leave, some through agreement and some through awards. The members of the Police Force get five weeks' annual leave, and seven weeks' annual leave if they work in a northern zone.

The Hon. G. C. MacKinnon: So do nurses.

The Hon. R. THOMPSON: That is right.

The Hon. G. C. MacKinnon: They are shift workers.

The Hon. R. THOMPSON: That is correct. The idea of this Bill, firstly, is to establish an equal rate throughout Western Australia concerning leave provisions. Secondly, the aim of the Bill is to bring within the ambit of its provisions people previously not covered for annual leave. If we do not include the provision in this Bill those people will have no chance of being covered, and will have no guarantee of receiving three weeks' annual leave.

The Hon. G. C. MacKinnon: The Minister has not proved that there are any such workers.

The Hon. R. THOMPSON: Of course, if the honourable member opposite does not listen, he will not learn. I have already

proved that there are people outside of the present annual leave provisions. It is also intended to grant a percentage of leave to those who work for only two or three days each week.

At the present time we have 358,800 wage and salary earners in Western Australia. That is the total number of people who will be affected with the passing of this Bill. Those workers currently receiving four weeks' annual leave comprise 76,800 males and 37,100 females.

The Hon. G. C. MacKinnon: How many receive an extra week's leave by virtue of a trade-off; five public holidays for one week's annual leave? They are included in those figures.

The Hon. R. THOMPSON: I have mentioned the number of workers in receipt of four weeks' annual leave. That means a total of 113,900 workers receive four weeks' annual leave. With the passage of this Bill an additional 116,000 workers would receive the benefit of an extra week's leave, making a total of 242,000 workers who will qualify for four weeks' annual leave.

The cost structure is not as colossal as most people believe. It has been proved, beyond doubt, that when the extra week's leave was granted in 1963 productivity did not fall, but increased because of the extra leave. It did not fall, and nobody can say it did.

The Bill sets out to put the function of the Industrial Commission into its proper perspective. Mention has been made of the Special Holidays Bill, with which we have just dealt after some hours of debate. I agreed that there would have been no necessity for that Bill had time permitted application to be made to the Industrial Commission. It is rightly and properly within the province of the Industrial Commission to deal with industrial matters, but the commission could not, within two weeks, deal with 660 awards which would need to be filed in relation to the special holidays. I do not know how the commission can deal with the matter proposed in the Bill now before us. It would be necessary to go into every award thoroughly in order to make an adjustment.

The Hon. G. C. MacKinnon: You know better than that.

The Hon. R. THOMPSON: I was thinking of the Bill which was introduced and defeated in 1963. As soon as I spoke I realised I had made a mistake, and I apologised at the time. The Bill to provide three weeks' annual leave was introduced prior to the flow-on from the Metal Trades Award. The Bill we are now discussing is designed to circumvent the long and costly exercise which would have to be undertaken in order that workers could receive this extra benefit, although it has

previously been granted by the Commonwealth and the other States of Australia.

The holiday provisions applying throughout Australia should be on a uniform basis, and this Parliament is the right place in which to make the holiday provisions in Western Australia uniform with those in the other States. The Industrial Commission is not the right body to decide this matter, and I consider it already has sufficient work to do at the present time. This is a simple Bill and there should not be any disagreement between the parties as to the leave conditions applicable to workers in Western Australia, whether they be blue or white collar workers.

The unions—particularly the smaller unions—should not be put to the costly and time-consuming exercise of making application to the Industrial Commission every time they seek an increase in annual leave for the workers. This is the right place for that to be done. I ask, quite sincerely, where in the Industrial Arbitration Act is it stated that the commission can grant annual leave? Only when the commission has an agreement before it, can it determine this matter.

The Hon. G. C. MacKinnon: It can deal with all terms and conditions.

The Hon. R. THOMPSON: But no section of the Act specifically states that the commission shall determine annual leave.

The Hon. A. F. Griffith: How do people get their leave, if that is the case?

The Hon. R. THOMPSON: I have explained that the commission has to go through some 600 awards in order that every union may receive the benefit.

The Hon. G. C. MacKinnon: There can be a flow-on. You know that. That is the way long service leave is handled.

The Hon. R. THOMPSON: There cannot be flow-on for people who are not covered by awards. Therefore, the Industrial Commission cannot make a determination for all workers in industry in Western Australia.

The Hon. G. C. MacKinnon: All right, then, have a pickup Bill.

The Hon. R. THOMPSON: I think I have said enough. Members of the Opposition appear to have made up their minds on this matter. Irrespective of the fate of this Bill, I recommend that they ascertain through the organisations to which they have access—as I will do—the number of people who are disadvantaged because of the inability of the Industrial Commission to grant leave.

Question put and a division taken with the following result—

Ayes—8

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. D. K. Dang

(Teller)

Noes—16

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. V. J. Perry	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heltman	Hon. D. J. Wordsworth
Hon. L. A. Logan	Hon. F. D. Willmott

(Teller)

Question thus negatived.

Bill defeated.

QUESTION ON NOTICE

TRAFFIC

Fatal Accidents: Metropolitan and Country Areas

The Hon. L. A. LOGAN, to the Minister for Police:

In view of the Hon. Premier's statement in the *Daily News* on Wednesday, the 5th December, 1973, wherein he stated that the Liberal-Country Party Government was responsible for the increase in traffic fatalities because they did not accept statewide traffic control by the Police Department, will the Minister advise how many fatal traffic accidents have occurred for each of the periods—

- (1) 1st January to the 30th November, 1970; and
- (2) 1st January to the 30th November, 1973—
 - (a) the metropolitan area;
 - (b) country local authority areas under police control; and
 - (c) country local authority areas not under police control?

The Hon. R. THOMPSON replied:

- (1) (a) 138;
- (b) 3 (with six local authorities under police control);
- (c) 129;
- (2) (a) 157;
- (b) 48 (with 26 local authorities under police control);
- (c) 106.

HEALTH ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.21 p.m.]: I move—

That the Bill be now read a second time.

This legislation deals with a number of matters bearing on the health of the community, and introduces in some cases new, desirable, and far-reaching changes. The matters contained in this measure are many and varied, and I shall therefore explain the clauses.

Clause 4 amends the general definitions section of the principal Act. Firstly, it amends the definition of "Midwife" by changing the reference to "this Act"—meaning the Health Act—to the Nurses Act, 1968.

Prior to 1944, midwifery nurses were registered under the Health Act. From 1944 to 1968 registration was effected under the Nurses Registration Act. That Act was replaced by the Nurses Act in 1968.

The purpose of the amendment is to adjust the reference to conform with current legislation. Similar adjustments are required elsewhere in the Act, and these are dealt with in clauses 24, 25, and 26.

The second amendment relates to the definition of sewage. The amendment is linked with matters dealt with in several other clauses of the Bill, and it will no doubt assist members if I couple all these clauses in my explanation. I will refer to clauses 5 to 16 inclusive.

Members will note that each of these clauses is concerned with refuse or wastes of various kinds. The several terms used to describe these different wastes have been applied in the past to sets of circumstances which, in recent times, have failed to withstand legal challenge. As an example, I point to the now common practice of having the contents of an overflowing septic tank pumped out by a road tanker and taken away for proper disposal at one of the sites set apart for this purpose. It is an offence for any person to deposit nightsoil elsewhere than in a prescribed area.

Argument has been advanced that septic tank wastes so deposited are not nightsoil in a legal sense and subsequent court action has failed where unscrupulous operators have deposited such wastes on public or private land without the knowledge of the controlling authority or owner.

The aim of the amendment is to include such wastes in the definition of sewage and to close the loophole in the law which has enabled certain persons successfully to defend action taken by health authorities.

A further purpose of this group of amendments is to clarify the position of a local authority which conducts a service to collect and dispose of household rubbish. Since 1911 local authorities have relied on the provisions of section 106 of the Act to fix charges based on the removal of rubbish bins on a weekly or other regular basis.

Legal argument has now been advanced that the charges so permitted relate only to pans for the collection of nightsoil, and similar containers. While legal opinion on the correct interpretation of the section tends to conflict, it is of importance that the position should be made abundantly clear.

Local authorities are not permitted to make a profit out of the service which they provide. Charges must be based on estimates of cost, prepared at the beginning of each financial year. No local authority could undertake essential refuse disposal services without a guarantee that the cost would be matched by revenue. The amendment as proposed will clarify the position.

Clause 17 affects the standard of quality and composition of food offered for sale specified in the Health Act and the food and drug regulations.

It was discovered some years ago in the United Kingdom that certain food articles which did not comply with prescribed standards were being given away as prizes or samples. The United Kingdom has since legislated against such practices. More recently it has been revealed that similar practices have been adopted in Western Australia.

It is reasonable to claim that if a food is not fit for sale, it is not fit to be used by businesses engaged in promotional activities, even if no charge is made. The amendment makes this practice illegal.

The proposals embodied in clause 18 are presented following representations made in mid-1972 by the Retail Traders Association. The association considers that the law relating to the sale of food or drugs which are under-standard, reacts unfairly against retailers when the defect is one which is introduced in manufacture by the supplier.

The law holds the retailer responsible even though, in the case of goods in sealed containers, he may have little opportunity to check the contents. There is provision for a retailer to recover the cost of fines from a manufacturer, but this does not compensate him for the damage to his business reputation resulting from publicity arising from court proceedings.

The Retail Traders Association has pointed to a law of the State of Victoria which offers retailers a means of protecting themselves against action where a manufacturer is at fault. The amendment now proposed is based upon that Victorian legislation.

Under the new proposal a retailer will gain the right to demand a warranty from the vendor. The warranty would certify that the quality of the goods purchased was in accordance with the standard required by law. If, subsequently, the retailer is prosecuted for selling goods

which were found to be deficient, he can rely on the warranty to secure discharge from the prosecution. Where this defence is successfully claimed, prosecution can then be initiated against the supplier within 24 days of the first hearing.

In the case of imported food, a warranty would not provide a defence unless the retailer demonstrated that he had good reason to believe that it could be relied on.

Clause 19 affects section 232A of the Health Act which was inserted in 1952. The section sought to clarify a provision that a local authority which detected deficient, adulterated, or improperly labelled food or drugs which were manufactured at a place outside its district, could take proceedings against the manufacturer.

In several court proceedings it has been established that the wording of the section is itself deficient in that there is no active wording which creates an offence. The amendment seeks to make good the defect in the section so that it may be employed effectively in appropriate circumstances.

As honourable members are aware, leprosy is an endemic disease in the northern portion of the State. Modern treatment methods and new drugs have greatly improved the prospects of recovery of persons unfortunate enough to become infected. This has changed the form of controls which are necessary to protect the public generally against the spread of infection.

In past years, in the absence of any certain cure, it was as much as one could do to confine patients behind a barrier which kept them in and prevented others from entering. While these restraints are still required, more flexible controls are called for to deal with patients whose disease has been arrested, but who require surveillance after having been granted leave or discharge.

The present regulatory power is also lacking as it relates only to the safe custody of patients. Power is also needed to control the actions of irresponsible persons who supply alcohol and engage in other forms of interchange with patients. The authority now sought, as set out in clause 20, is considered necessary if concerted measures are to be taken by health authorities to eliminate the risk of this disease in our community.

The law requires that medical practitioners give written notification to the health authorities when they attend patients found or suspected of suffering from a number of serious infectious diseases. The object is to enable sources of infection to be traced and patterns of spread to be studied, and is an important source of information for epidemic control.

Medical practitioners are entitled to be paid a fee, which is currently 50c for each notification given. Venereal diseases

must also be notified, but this is done anonymously unless a patient defaults on treatment. This information has assumed great importance in recent years, during which there has been an upsurge of venereal disease infection throughout the world.

Strangely there is no provision in the law to make any payment for notifications. As venereal disease control is greatly dependent on reliable information, it is felt that a reasonable fee should be paid to medical practitioners for the expense incurred, and clause 21 so provides.

If this is done one would hope that statistics and other information would be more accurate, and therefore of more use in planning measures to control infection in the community.

Clause 22 amends the heading to part XIII of the Health Act which embraces sections 331 to 340. A perusal of these sections will indicate that the current heading "Protection of Life" is hardly descriptive of the range of subjects covered. The proposed new title is "Child Health and Preventive Medicine".

Clause 23 adjusts reference to the Nurses Act, which I mentioned when dealing with clause 4. It also makes provision for a definition of "school dental therapist". This reference will be explained when dealing with following clauses of the Bill.

Clauses 24 to 26 amend references to the Nurses Registration Board and the Midwives Registration Board in sections 332, 334, and 335 of the Health Act as we now refer to the Nurses Board which has jurisdiction in the matter of registering midwives.

Earlier this year the Australian Government put forward a plan to provide free dental treatment to all school children. State representatives attended two meetings where the Commonwealth offer was explained and developed.

The Commonwealth offer, which has been accepted by all States, is to provide finance on the following basis—

- 100 per cent. of the capital cost of school dental clinics;
- 75 per cent. of the operating cost of school dental clinics;
- 100 per cent. of the capital cost of school dental therapy training schools;
- 100 per cent. of the maintenance cost of school dental therapy clinics including subsistence payments to full-time students and living-away-from-home allowances where applicable.

Naturally, the State Government took advantage of this offer, which represents the greatest step towards community dental health ever taken in our history.

A dental therapy school is under construction on land adjacent to Mt. Henry Hospital. This is expected to be open to receive the first intake of students early in 1974. The Commonwealth has attached two conditions to its offer. It insists that the scheme be administered by the State Public Health Department. It also insists that its funds be used only to train therapists for the school dental service.

The latter condition explains why it has been necessary to develop a training scheme outside of the course already operating at the Institute of Technology which trains dental therapists for employment in private practice.

There will be marginal differences in the entrance standards for students and in the curriculum. The Public Health Department will make a special endeavour to train country girls for employment in their home towns after graduation. The school will cater for an intake of 60 students in each of the two years of the course.

Returning to the Bill, and particularly to clause 27, the amendment extends to dental therapists the right to make a dental examination of school children. Dentists employed in the school dental service are already so authorised. The power extends to examination only. There is no suggestion that compulsory treatment is contemplated.

The next succeeding clause—clause 28—provides that the school dental service shall have statutory form. Provision is made for the establishment of the service, training facilities, and the employment of essential staff. School dental therapists will be required to possess prescribed qualifications. Any school established under the new section is deemed to be a school of dental therapists approved by the board, and a school dental therapist entitled to undertake duties and acts of dentistry is specified in section 50A of the Dentists Act. There is provision for regulations to be made to regulate the administration of the new service.

From time to time toys appear on the market which have inbuilt hazards. In some cases these could cause permanent and serious damage to the health and well-being of children who may use the toys.

In one case a kaleidoscope was marketed in a highly dangerous condition. It contained fine particles of glass which could be deposited directly into the eye during normal use of the appliance.

Another example is a percussion gun which generated a noise level which could quite conceivably cause permanent damage to the hearing of a child.

In both cases, officers of the Public Health Department prevailed on the distributors to withdraw stocks from sale. However, this is too serious a matter to leave to the decision of business interests.

Clause 29 proposes that in such cases the Commissioner of Public Health will have power to prohibit the sale, distribution, or possession of toys which are demonstrably hazards to health or life.

Section 339 of the Health Act is an example of past attitudes to our Aboriginal people. Whilst it has not been acted upon in many years, its discriminatory character gives offence to many citizens.

The section gives authority to the Commissioner of Native Welfare—a now defunct office—to authorise the compulsory medical examination of a person of the Aboriginal race. Clause 30 provides for the repeal of the section.

I feel assured that members will consider all the amendments contained in this measure to be important. I commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by The Hon. G. C. MacKinnon.

(Continued on page 6436)

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2 to 6 made by the Council and had agreed to amendment No. 1, subject to a further amendment.

CLOTHES AND FABRICS (LABELLING) BILL

Second Reading

Order of the Day read for the resumption of the debate from the 4th December.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. J. M. THOMSON: I move an amendment—

Page 2—Delete the interpretation “prescribed article” and substitute the following—

“scheduled article” means an article of clothing or a textile or other fabric for the time being included in the Schedule to this Act.

The industry expressed concern about the wording in the Bill and as a result I have moved this amendment. A considerable amount of time elapses between the time materials are ordered and the time

they are available to the wholesalers and retailers and allowance must be made for this. If the present provision remains in the legislation the industry would have insufficient warning particularly as it is based on seasonal production. It is necessary for plans to be made at least six months ahead.

Mr. Wordsworth also pointed out that manufacturers ordered materials from China, I understand, in September of this year but the manufactured articles will not be available for sale until the winter of next year. I am sure that if the amendment is made the fears of the industry will be allayed.

The Hon. D. J. WORDSWORTH: I support the amendment. I am perhaps a little fearful that the Act will have to be amended to allow for rescheduling on many occasions. We hope of course that the provisions of the Act will be extended to other articles of clothing in the very near future. However, I do agree with the difficulties which can arise when provisions are made by regulation. Consequently I support the amendment.

The Hon. R. H. C. STUBBS: The amendment seems quite reasonable to me and there is no need for me to say any more except that I accept it.

The Hon. V. J. FERRY: I agree with the proposal. During the second reading I indicated that I believed the situation should be covered by regulation or in the schedule and I asked the Minister to deal with this aspect when he replied to the debate. Unfortunately he was unable to do that at an earlier stage, but he has indicated that he will accept this amendment.

I have no reservation except to echo the sentiment expressed by Mr. Wordsworth. I, too, believe that the legislation may have to be amended frequently. I believe we have a certain safeguard regarding the time factor because of the six months' breathing space and so I would be happy with regulations, but if the Minister believes that scheduling is the order, I will go along with him.

The Hon. R. H. C. STUBBS: I should have answered Mr. Ferry before this, but I was taken off my guard. I thought someone would speak before the second reading was concluded. The schedule virtually means an amendment to each Act of Parliament. It cannot come back unless we prescribe certain things. I accept that.

I will explain why I want the provision to prescribe to remain in clause 4. Lower down there is an amendment pertaining to the six months. I am quite happy about that.

Amendment put and passed.

Sitting suspended from 3.51 to 4.07 p.m.

The clause was further amended, on motions by The Hon. J. M. Thomson, as follows—

Page 2, line 21—Delete the word "prescribed" and substitute the word "scheduled".

Page 2, line 25—Delete the word "prescribed" and substitute the word "scheduled".

The Hon. D. J. WORDSWORTH: I wish to say that after discussions with the Minister for Local Government, I will not now move the amendment standing in my name on the notice paper. I desired to provide that a manufacturer would have at least six months' notice when an article is prescribed.

The Hon. R. H. C. STUBBS: First of all I would like to thank Mr. Wordsworth for not proceeding with his amendment. I have explained to him why I would rather the Committee accept my proposed amendment. We agree with the principle contained in his amendment, but the Crown Law Department has slightly altered the wording. I move an amendment—

Page 2, line 27—Insert after the word "day", where it first appears, the passage "which shall not be earlier than six months after the day on which the article was scheduled."

Amendment put and passed.

The Hon. J. M. THOMSON: I move an amendment—

Page 2, line 28—Delete the word "prescribed" and substitute the word "scheduled".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Power to prescribe articles—

The Hon. J. M. THOMSON: Am I right in assuming that the Minister does not wish me to proceed with this amendment?

The Hon. R. H. C. STUBBS: I am very happy with the honourable member's proposed amendment to page 2, line 33. I have an alternative amendment to his amendment in respect of page 3, line 8. I will give an explanation before I move that amendment.

The Hon. J. M. THOMSON: I move the following amendments—

Page 2, line 33—Delete the words "shall be a prescribed" and substitute the words "that is a scheduled".

Page 2, line 34—Delete the word "and".

Amendments put and passed.

The Hon. R. H. C. STUBBS: I would like to ask the honourable member not to move his next amendment on the notice

paper. I think he will be quite happy with the amendment I propose to move. I move an amendment—

Page 3, line 8—Delete the words “descriptions of prescribed articles” and substitute the words “classes of scheduled articles”.

If the amendment is not agreed to we will hamstring the department. Mr. Palmer has given me permission to say in this Chamber that he will not schedule any article until he has had talks with the representatives of the Chamber of Manufacturers and the Chamber of Commerce in Western Australia. I can give the Committee that assurance.

Amendment put and passed.

The Hon. J. M. THOMSON: I move an amendment—

Page 3, line 10—Delete the word “prescribed” and substitute the word “scheduled”.

Amendment put and passed.

The Hon. R. H. C. STUBBS: I move an amendment—

Page 3, line 31—Delete the word “prescribed” and substitute the word “scheduled”.

This is merely to tidy up the clause and to make it conform with the other clauses.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Prohibition on selling certain articles—

The Hon. J. M. THOMSON: I move the following amendments—

Page 4, line 2—Delete the word “prescribed” and substitute the word “scheduled”.

Page 4, line 4—Delete the word “prescribed” and substitute the word “scheduled”.

Page 4, line 11—Delete the word “prescribed” and substitute the word “scheduled”.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 6: Powers of inspectors—

The Hon. J. M. THOMSON: I move an amendment—

Page 4, line 19—Delete the word “prescribed” and substitute the word “scheduled”.

Amendment put and passed.

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 4—Delete paragraph (b) and substitute the following—

(b) inspect any completed scheduled article or any related document setting out the fibre content and

or flammable properties of such scheduled article in such premises or place related to the manufacture or selling of such scheduled article.

In moving this amendment I point out that this relates to the rights of inspectors to search the premises of manufacturers. I consider they do not need unlimited rights; they need only those to enable them to inspect the articles to ensure that the tags are sewn on and that the right type of materials is being used. I think that is ample.

Amendment put and passed.

The Hon. R. H. C. STUBBS: I move an amendment—

Page 4, line 29—Delete the word “prescribed” and substitute the word “scheduled”.

This again will bring the clause into line with the others that have been amended.

Amendment put and passed.

The clause was further amended, on motions by The Hon. J. M. Thomson, as follows—

Page 4, lines 32 and 33—Delete the words “prescribed article or document or other thing” and substitute the words “scheduled article”.

Page 5—Delete all words after the word “Any” in line 10 down to and including the word “thing” in line 11 and substitute the words “scheduled article”.

Page 5, line 18—Delete all words after the word “that” to and including the word “thing” and substitute the words “scheduled article”.

Clause, as amended, put and passed.

Clauses 7 to 12 put and passed.

Schedule—

The Hon. J. M. THOMSON: I move—

Page 7—Add after clause 12 the following schedule—

Schedule.

Children's night clothes for children 12 months to 14 years covered by body sizes 0-14 of Australian Standard 1182-1972.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [4.32 p.m.] I move—

That the Bill be now read a third time.

THE HON. V. J. FERRY (South West) [4.33 p.m.]: At this stage I feel I should make some comment on the Bill. It is a relatively small measure and appears to be fairly straightforward in its handling. I notice that during the course of its passage through Parliament the Bill was amended in Committee in another place, and also upon recommitment in another place; it was transferred, in the usual way, to this House for consideration and upon considering the Bill several amendments have been moved and inserted in the measure; these amendments have been moved by three members, including the Minister with the collaboration, co-operation and concurrence of the House.

This is all very well, and it is the manner in which we should operate as a House of Review. Thank goodness we have this House! I would like to point out, however, that I feel this piece of legislation has been mishandled by the Government. In saying that I want it to be known that the Minister handling the measure in this House can in no way be held responsible for the situation.

It is apparent that the Government failed to discuss with industry the provisions it proposed to bring in by way of legislation. By not doing so we have used the time of this House—and I suppose that is why we are here. But it seems to me that the Bill has been almost completely rewritten since it was introduced into Parliament.

This has happened so frequently that I am sure members on both sides are getting a little tired of this type of repetition. Accordingly I wish to register my disappointment at this course of events which seems to have become a habit of this Government. This has been pointed out on a number of occasions on previous Bills when we have suggested that the Government should at least discuss with industry the provisions it proposes to incorporate in its legislation. Unless this is done the Government will, of course, run into trouble. Apart from that a lot of unnecessary work will be caused and a lot of unnecessary words will be used.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

HIRE-PURCHASE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th December.

THE HON. I. G. MEDCALF (Metropolitan) [4.36 p.m.]: This Bill is really a piece of legislation which has been put forward by the State of Western Australia on its own, because uniformity has not been reached in discussions with the other

States. This is a principle which does not please me very greatly, because I believe in matters of commercial law—and we could not get a matter which pertains more to commercial law than does hire purchase—it is desirable, where possible, to have complete uniformity between the States.

We have already seen in the Companies Act that we have virtually got uniformity, as we have in a number of other commercial Statutes. This State, of course, copied the New South Wales hire-purchase legislation in 1959, and there has been a fair degree of uniformity in principle, if not in detail, between the States in the matter of hire purchase. However now it appears there is to be a divergence, and we are to make our own arrangements.

I regret this very much, because it does make trade and commerce more difficult where in the case of what might be called national trade and commerce special consideration must be given to all the different States. Nevertheless I recognise that a great deal of work had been done before the Bill was introduced.

The Minister quoted a number of inquiries made into hire purchase. He referred to the Rogerson report, to the Molomby report, to the work of the Law Council of Australia, and the recommendations it made; and finally, he referred to the work done by the Honorary Royal Commission of the Legislative Assembly in this State.

I know a great deal of consideration has been given to this matter. I have from time to time taken an interest in the various reports, and I am aware that these committees have done a tremendous amount of work in discussions with the trade, with industry, and with consumers.

I understand that a considerable number of the recommendations in this particular Bill have been prompted by the work done by the Honorary Royal Commission in this State. I think they are probably reasonable and I do not quarrel with those.

I am merely saying it is a shame that we have not been able to obtain a degree of uniformity between the States, as I feel this is clearly desirable. However I do not say it is necessarily the fault of Western Australia, because South Australia has clearly indicated it is going off on a tack of its own; it is going to consolidate its laws on this subject; whereas this State has decided to retain the general concept of hire purchase as also has New South Wales, I believe.

So in a way it seemed to be inevitable that there was to be a change and there was not to be uniformity on this subject; because some of the other States, particularly South Australia, are going off, as I say on a tack of their own.

Unfortunately, this situation is upon us. Generally speaking I believe the provisions of the Bill are worthy of support. There has been, I know, a substantial measure of agreement between the consumer protection bureau in this State—representing the consumers—and the Australian Finance Conference; that is, the local branch.

I am pleased to see they have substantially agreed on the amendments they desire to be incorporated in the Bill. A great number of amendments were put into the Bill in the Legislative Assembly, leaving only one or two to be inserted by the Minister here.

The Bill really represents an agreement between the bureau and the finance conference, and in that respect I believe it deserves our support. For those reasons I do not propose to go into any detail, but I regret it is not possible for us to study the Bill in the depth we would like at this stage; but clearly, the measure having arrived in this House only yesterday in the closing hours of the session, it is not possible to study it in detail.

I regret this, but I have noted the Minister's statement and the fact that there has been a substantial agreement on the Bill and, as far as I am concerned, I indicate my support of the measure.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [4.42 p.m.]: I wish to thank Mr. Medcalf for his support of the Bill. I have not grown up with the measure and therefore I do not know much about it. Mr. Medcalf, however, has agreed with what he has seen in the Bill and we all know that he is a most discerning gentleman. Accordingly I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Amendment to section 3—

The Hon. R. H. C. STUBBS: The Minister in another place undertook to look into the matter. The hire purchaser will be required to pay the cost of registration for an agreement. Accordingly I move an amendment—

Page 7—Insert after subparagraph (vi) the following new subparagraph to stand as subparagraph (vii)—

(vii) any amount included in the total amount payable to cover the fees to be paid under the Bills of Sale Act, 1899 for registration of the agreement

(in the agreement to be called "agreement registration fees") .

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 28 put and passed.

Clause 29: Amendment to Schedules—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 34—Insert after the passage "„ Insurance" on the right of the proposed form the passage "„ Agreement Registration Fees".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and returned to the Assembly with amendments.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Second Reading: Defeated

Debate resumed from the 13th December.

THE HON. G. C. MacKINNON (Lower West) [4.50 p.m.]: I am extremely sorry that this Bill should now be before us. During my term in Parliament it has been referred to several times and, indeed, one of the first measures in which I was really actively involved, after my entry into Parliament, was an amendment to the Friendly Societies Act.

On that occasion the friendly societies had managed to establish a couple of shops which were restricted in their trading in that they were supposed to deal only with members of the lodge. That provision caused a considerable amount of trouble because it was not possible to tell whether or not a person was a member of the lodge. After all, one could not brand members on the forehead. So, changes were made to the Act.

It is interesting to note that at the time some very definite promises and assurances were made and I would like to draw the attention of members to what was actually said. One of the people concerned at the time is now the Premier. However, I will start with the Legislative Council and on the occasions to which I am referring Mr. Logan said—

I do not know whether I mentioned, during my second reading speech, the reason for the rules having to be submitted to the Minister. The copies of

my notes have disappeared. However, I believe it has something to do with the fact that we thought, in 1956, that we had the situation tied up in regard to the expansion of friendly societies dispensaries, but we now find this was not so. Whether it was a change in their rules which enabled this to take place, I do not know. But to make sure that the situation would not occur again, it was considered that the rules should be forwarded to the Minister for consideration.

And so they were. Mr. Logan went on and said that he desired these particular matters to remain as they were, and that there would be no further alterations to the number of Friendly Societies Pharmacies. No doubt Mr. Logan will comment because he would be in an excellent position to do so. He had a long association with friendly societies as a member of the lodge.

When this matter was before the House on a previous occasion the present Premier stated, without equivocation, that it was the end of the road so far as he was concerned. He gave an assurance at that time, when he was the Minister for Works, as follows—

I do not think that there can be any objection now to the step which it is proposed to take under this Bill. It is not intended that these dispensaries shall grow in number and become a serious threat to pharmaceutical chemists; it is intended that only those friendly societies already in existence shall be permitted to extend the sphere of their operations.

There was to be no further extension of the friendly societies' operations. We who have examined the situation of pharmacies in this State realise that they are governed by the Pharmacy Act. That is the legislation under which the council was set up, and it covers the whole of the operations of the pharmacies. However, like all Acts, it is not perfect. It has been a good Act and has been successful in the past with one exception. The exception is in the governing and control of the pharmacies operating under the Friendly Societies Act. I will explain that more fully a little later.

The basic concept of the Pharmacy Act is that there should be complete reliance on the chemists' shops whereby they may be rigidly controlled. Also, it is set out that no individual should own more than two shops.

That was the concept which was accepted many years ago in this State. I understand there was the threat of a very large organisation known as Boots—a United Kingdom pharmacy organisation—moving into Western Australia and running pharmacies on a chain store type of operation. With the benefits of increased turnover the price of pharmaceutical goods could have been cut.

It was considered undesirable to allow the United Kingdom firm to come into this State. From my own experience of living in the country for most of my life, in small country towns, I accept that as a good principle. Those of us who have lived in small country towns are aware of the importance placed on the local pharmacist. Frequently in the old days, when no doctor was available or the doctor was away from the town, mothers with young children and other people with minor ailments formed a habit of approaching the local pharmacist to seek medical advice. Many of us in the Chamber do that even to this day. An intelligent pharmacist would often recommend something for a minor ailment, such as sunburn or a cut finger and, if he thought it necessary, he would recommend that the person see his doctor. In the old days pharmacists frequently recommended treatment for minor ailments. Of course, he would recommend patients to see their doctors for serious ailments.

It was important to the small communities throughout the length and breadth of Western Australia that individually-owned pharmacies should be encouraged. It was the individual pharmacist who pioneered chemists' shops, as distinct from the American type drug stores, throughout Western Australia. This also applied throughout the smaller suburbs of the metropolitan area, and in small country towns.

The activities of the friendly societies were notably lacking in this field of pharmacy. It is important that members in this House appreciate the difference. For many years the friendly societies served a very good purpose indeed. As a young man I was a member of the Druids. One paid a certain amount of money in order to receive certain benefits. Also, one shared in the activities of the lodge and the slight excitement of the secrecy, the signs, and so forth which went with the membership.

With the coming of the National Health Service, the social welfare and medical insurance activities of those lodges waned, and the activities were taken over by the voluntary health insurance organisations. In this State one of those organisations is still known as the Friendly Societies Health Service, of which I am a member and to which I contribute for my medical and hospital insurance cover—long may I continue to do so. I find the organisation to be most efficient. Indeed, earlier in this session I made quite a long speech stating why I do not think there should be any change in the health insurance system. Members of the Senate agree with me, and they are intelligent men; so I suppose by association my previous speech was a good one.

The Hon. J. Dolan: It would have been a good one had the House of Representatives agreed with you, too.

The Hon. G. C. MacKINNON: We therefore had the situation of the friendly society lodges operating in the field of medical and hospital insurance, and they also set up pharmacies in a few places. Again, with the introduction of National Health Service prescriptions they started to go downhill, and their membership fell away alarmingly.

I have so much material on this matter that it is quite frightening to consider. I could speak on this matter positively for hours, but I do not intend to do so.

The Hon. L. A. Logan: If you run out, I can give you some more material.

The Hon. G. C. MacKINNON: I am quite sure of that. I am absolutely, completely, and utterly opposed to this legislation, and I could give so many reasons for my opposition to it. If I were able to take members away into a private situation to discuss the matter with them and show them the material I have, I am positive that if they were given a secret vote, I would be able to convince every one of them to vote against the legislation. That is how sure I am that it is wrong in every way.

Endeavours have been made in recent times to increase the membership of the friendly societies in order to prove that those particular so-called friendly societies chemist shops have a sufficiently large membership to warrant an increase in their number. Such expedients as persuading union secretaries to enroll the whole body of their membership as associate members for \$2.60 a year have been used. There is nothing wrong with that. What is wrong is the application of statistics in order to persuade people that such actions should take place.

When he was introducing the legislation I asked the Leader of the House to repeat a particular sentence, which he did. He said the Government was in favour of this legislation. I questioned him about this and he said, "Yes."

The Hon. J. Dolan: You will see that on page 8 of my notes.

The Hon. G. C. MacKINNON: I am particularly interested in this matter and I would dearly love to have a look at the Cabinet file.

The Hon. L. A. Logan: They will never let you see that.

The Hon. G. C. MacKINNON: There is a possibility that in the fullness of time I will do so, but I can assure the House that I will not do to the present Government what the present Government did to me; that is, stand up and read out during a debate the Cabinet minutes of ex-Ministers. I would not stoop so low. I am not averse to making a political point, but I would not stoop so low as that. That was done to me, and the Leader of

the House should not look so dumbfounded. That was done to me on two occasions. Of course, following the example of this Government, Mr. Whitlam has done the same thing a number of times, which is distinctly in contravention of what is known as the Westminster Convention.

The Hon. A. F. Griffith: Do not bring him into this.

The Hon. J. Dolan: It would be the only matter he has not been brought into.

The Hon. G. C. MacKINNON: Mr. Whitlam has done it and the present Government has done it. I would dearly love to get my hands on the Cabinet file, but I do not think it is right that Cabinet minutes should be made common property, so I will not ask for the file. However, I know from my experience as the Minister for Health for six years, from my perusal of the records of the previous Minister for Health, who was also in office for six years, and from my perusal of the recommendations put up by Mr. J. T. Tonkin as Minister for Works and a pre-eminent figure in a previous Labor Government, the attitude of those people to the friendly societies. I therefore have no doubt whatever what I would find on that Cabinet file, and this is one of the few occasions that I find it in my heart not to believe the Leader of the House when he says the Government is entirely in accord on this Bill.

The Hon. J. Dolan: I did not say that at all, as a matter of fact. You can read what I said.

The Hon. A. F. Griffith: That is interesting. The Government is apparently not in accord.

The Hon. G. C. MacKINNON: If the Government is not in accord on this Bill, the Leader of the House can tell us and I will believe him.

The Hon. J. Dolan: I will read what I said: "The Government, after considering all the points, believes that as the community expands so the friendly societies should be given the right to expand."

The Hon. G. C. MacKINNON: The Government therefore claims that it believes in this Bill, but I do not believe it; and it is the only time I have been able to stand in this House and say I find it in my heart not to believe the Leader of the House.

The Hon. J. Dolan: You have said it a dozen times.

The Hon. G. C. MacKINNON: I have never said that before. I have never felt that before.

The Hon. A. F. Griffith: Perhaps the Leader of the House will produce the Cabinet minute to prove you are wrong.

The Hon. R. F. Cloughton: Perhaps you would like to expand on why you do not believe that.

The Hon. G. C. MacKINNON: I will not expand on it, but I hope the time will come when I can prove it to myself; if not, I will ask a friend to look at it for me. Successive Ministers have felt as I do, and no reasonable person could feel any other way about the full information which is contained in those papers.

There is no justification for this Bill on the ground of the increased population, because a number of pharmacies have in fact closed down in the last year. There is no justification for an increase in the number of those pharmacies when no Friendly Societies Pharmacies, even when they were allowed to expand outside the metropolitan area, have gone into any area which could be called a pioneering area. I know of no Friendly Societies Pharmacies which have made application to move into the iron ore area in the Pilbara; yet private pharmacies have gone there, battled, and become established.

I notice on the front of a journal entitled *The Case for the Friendly Societies*, the words, "Submitted by Friendly Societies Chemists, Supported by the Friendly Societies Council of Western Australia". No doubt that is true at this time, but I know what the attitude of the Friendly Societies Council was up until three years ago in regard to what are called the Friendly Societies Pharmacies, because members of the council have been in my office and discussed their attitude with me. I therefore know it better than anyone in this Chamber and, indeed, better than anyone in this Parliament. These Friendly Societies Pharmacies were completely distinct and separate from the Friendly Societies Council and had little or no association with it. It is a complete red herring to suggest otherwise.

I mentioned a moment ago the ethical standards of pharmacies and their government and control. These are rather rigid. Members are aware that most professions—medical, paramedical, the learned profession of law, architects, medicos, and the like—have their statutory boards which exercise extreme disciplinary power. Indeed, most people in these groups are a shade more terrified of being hauled before their respective boards than before the court because their justice is rather summary.

The Pharmaceutical Council keeps a very close eye on pharmacists. It governs the advertising and other activities of all pharmacies except the Friendly Societies Pharmacies, and I think it was only last year that the Friendly Societies Pharmacies advertised contraceptives—at a time before Mr. Cloughton introduced a Bill to change the legislation. Those pharmacies offered a cut price on the pill and they advertised in the newspapers, which is quite contrary to the rules that govern pharmacies in general. The advertisements

were under the name of the general manager—a Mr. McKenzie. A question was asked in this House and that series of advertisements ceased.

No other pharmacist, irrespective of his political affiliations, would put in a newspaper an advertisement such as the one I now hold in my hand, and appeared in the *South Western Times* in 1965. It reads—

Friendly Societies!

Did you know that under Brand Government Friendly Societies Dispensaries cannot move their place of business unless Government approval is given.

Of course they cannot; nor can any other pharmacy. I remember when the W.A. Apothecaries wanted to move during rebuilding of the structure in which they had their premises in Murray Street. They applied to move to a building which was a fair distance from the location they had enjoyed for a number of years. I had a look at the Act and the location of other pharmacies, and I said "No"; and they did not move. That happened three or four times during my term as the Minister, and the legislation applies to all pharmacies. The advertisement goes on—

Yes Your Shop! Cannot even be moved across the street without the present Government's approval.

That is the law which applies to every pharmacy in the State, for very good reasons. The advertisement also uses the words "restrictive, unfair, and definitely undemocratic and un-American".

The Hon. J. Dolan: Surely you cannot criticise people for telling the truth. Probably they do not need to emphasise it, but still they cannot be criticised for it.

The Hon. G. C. MacKINNON: Of course I can. We have in this Chamber a very good member of the legal profession. It would be nothing but the truth if he were to place an advertisement in the Press saying, "Visit me for legal advice; I am the best in the West", or something like that.

The Hon. I. G. Medcalf: Not this week; I am unavailable.

The Hon. G. C. MacKINNON: That would be the truth, but it would be interesting to see how quickly the Law Society would have him on the carpet. Of course, he would not do that because it is completely unethical.

The Hon. J. Dolan: I could tell you a list of other things they may not do because it is unethical; but they do not do these things.

The Hon. G. C. MacKINNON: Do they not? I have the advertisement in my hand.

The Hon. J. Dolan: They are just stating what are facts.

The Hon. G. C. MacKINNON: No, they are not facts. The organisation is implying that this legislation places substantial restrictions on friendly societies, and upon no-one else. It implies that the Government was being nasty to the Friendly Societies Pharmacies; but, of course, that was not the case. The Act covers all pharmacies.

I could deal with many other aspects, but I will not because the debate would become tedious in the extreme. However, I do think it is necessary to highlight the fact that this Bill has been presented contrary to the wishes of those members of the Labor Party who gave their word years ago that the last amendment to this Act would in fact be the last. I refer to people such as Pops Heal, who said during the debate at that time that he thought the secretary of the friendly societies indicated to the Chief Secretary that it was not the intention of the societies to open any more shops in Western Australia, and he doubted whether they ever would.

The Hon. J. Dolan: No, but there is a possibility that they will.

The Hon. G. C. MacKINNON: Mr. Heal said he thought it was grossly unfair if one section of the community was allowed to open as many shops as it desired, but another section was allowed to operate only on a restricted scale.

The Hon. J. Dolan: What is the restriction? Is it two?

The Hon. G. C. MacKINNON: An ordinary pharmacist is permitted to have two shops. I have no doubt someone will stand up and say he has been told that some people have more than two. I might be told that someone has six. But that is not true. There are three brothers—I think they are brothers; at least they are relations of some kind—who are all pharmacists and each of them has two shops. I think there are another two brothers each of whom owns two shops. I have not checked on that; it is hearsay as far as I am concerned; but it is perfectly reasonable and it is within the law. There is nothing actionable about it.

However, the friendly societies want to be in the situation of being able to open a series of shops. The proposal is to amend the Friendly Societies Act and to open another four shops in the country and four in the city, or at least to provide the opportunity for that to be done. One would not mind if shops were opened in areas where pharmacies operate at the break-even point or a little better. However, I will bet those areas are not selected; I will bet shops are opened in places like Geraldton and Albany.

I know it is popularly supposed that every pharmacy in the country is making a lot of money. I remember one instance

of a pharmacist and his wife in a country town who proposed to close down their pharmacy and travel to England. The people of the district approached their local member, who saw me about it. I was able to assist them, and arrangements were made for pharmaceutical goods to be supplied from the local hospital.

The pharmacist closed his shop because he was making only half the income which a locum would require. His profit margin was, from memory, in the vicinity of \$70 a week.

The Hon. J. Dolan: I suppose he had a private income to provide the wherewithal for his trip.

The Hon. G. C. MacKINNON: He saved his money over the years. He was getting on in years, but he still liked to be occupied so he had his small pharmacy.

The Hon. A. F. Griffith: You are not allowed to save money and go on a trip now.

The Hon. G. C. MacKINNON: As a matter of fact one is not allowed to be successful now.

The Hon. Clive Griffiths: Since this Government has been in office one does not get enough money to save any.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: I rather like the sayings one hears these days, such as "happiness is a Violet Crumble bar". However, nowadays I think we could say, "success is to fail" or "success is a crime". This pharmacist was an ordinary sort of chap who was a little advanced in years and did not want a heavy job. We often find that school teachers and farmers retire and perhaps take up a small holding. This gentleman had retired, and he lived in a small country town which he liked. He was able to make enough money to live on and he proposed to spend his savings on a world trip.

The Hon. A. F. Griffith: Even members of Parliament retire, although some don't want to.

The Hon. G. C. MacKINNON: Not every pharmacy makes a fortune, but there are areas in which some pioneering could be done; but none of that will be done under this Bill. The friendly societies seem to be looking for a chain store type of activity, and I object very strenuously to that. The legislation also contains a provision which opens the industry to any registered society. There is some query that any sort of registered society might be able to open a series of pharmacies. I do not think that is so, because "Registered society" is defined in the parent Act as meaning a society or branch registered or deemed to be registered under this Act; and it would have to be accepted by the registrar.

One would not object so much if the friendly societies operated on a completely competitive basis. However, they do not; they receive taxation benefits which were built into the legislation many years ago. The benefits were restricted to those people who were members of societies prior to 1964. This was done by the Federal Government at that time, and it was done fairly and equitably. It seems unreasonable to me that the taxpayers' money should be used to subsidise a competitor who must himself pay taxes, and that is what was happening. Friendly societies also have an advantage in that they have a built-in membership fee which differs from State to State. In some States it is so much a week and in other States it is so much a year. The normal membership fee in Western Australia is \$2.60.

Although I am a member of the Friendly Societies Health Services, I have never regarded myself as being a member of the Friendly Societies Pharmacies, although I was once told I was a member.

I have in my hand a report of the House of Representatives Select Committee which inquired into this matter, to which the friendly societies gave evidence but were not successful in achieving their aims. This was a most painstaking inquiry which took something like 18 months. On page 37 of the report the following recommendation is found—

268. The Committee recommends that in the event of the Commonwealth approving any expansion of the rights of contributors to Friendly Societies Dispensaries to receive rebates for National Health Scheme prescriptions, other organisations should also be approved to provide similar benefits at private pharmacies on payment of a similar contribution.

Then, paragraph 266 states—

266. The Friendly Societies Dispensaries have been able to prosper with the existing remuneration and to give large rebates to members on non National Health Scheme lines. This was shown to be due to several factors:

- (a) subscriptions from members of 5 cents a week;
- (b) a guaranteed clientele of members;
- (c) bulk purchasing and supply through bulk stores in some areas;
- (d) a large throughput of prescriptions allows more efficient organisation of dispensing labour including the use of non-qualified clerical and pharmacy assistants in the dispensary (although a qualified person was said to check each prescription).

That might have been the finding in regard to some other State; I am not prepared to say that that finding of the committee applies to this State. However, it applied to Australia as a whole. In brief the committee gave short shrift to the Friendly Societies Pharmacies, probably much to their consternation. Obviously these pharmacies have a very scanty association with the organisations controlled by the Friendly Societies Councils in the different States.

A particular matter to which I would like to draw attention is that here is an organisation endeavouring to set itself up in opposition to ordinary pharmacies; yet it has written to the ordinary pharmacists in respect of the Federal Government's national health proposal, asking them to distribute a booklet entitled "A Message to Women on National Health" in which it opposes the very Government it has persuaded to assist it. I do not know whether it is being a little two-handed, or whether this State Government is being extremely fair. Perhaps we should say that the Government is being extremely fair.

I was interested to note in reading the Minister's introductory speech in the other House that he apologised for introducing controversial legislation at this time. I think that was fair enough. However I think it is reasonable to query why, in respect of pharmacies, we should be amending the Friendly Societies Act and not the Pharmacy Act. It is argued that Friendly Societies Dispensaries are non-profit concerns, and yet the societies have admitted accumulated funds in excess of \$1,000,000. I have already mentioned the tax concessions granted to friendly societies, which allow of the very economies they claim to be able to achieve on behalf of their customers.

I have already referred to the fact that the council has ineffective control over the Friendly Societies Pharmacies, and I think I should explain why that is so. A pharmacy which is privately owned—and the bulk of single pharmacies are privately owned—is owned and run by the qualified pharmacist in attendance in the shop.

The private pharmacist has to be in attendance. If there is any dispensing to be done he has to check the prescriptions. If he goes on holidays a locum has to be engaged. If he transgresses and is de-registered the business closes with him.

That is not the case with the friendly society pharmacist. If he transgresses then the pharmacy can engage another pharmacist and the business continues to operate. That limits the control tremendously, and gives the Friendly Societies Pharmacies a considerable advantage.

The major reason for the establishment of the Pharmaceutical Council is to protect the public at all times, but this is missing in the case of the Friendly Societies Pharmacies.

In 1956 the friendly societies were granted the right to open trading. Before then they were restricted to trading with their own members. At the time they assured the Chief Secretary that there would be no further extension sought, but now they have changed their minds on that. I mentioned that Mr. Heal, Mr. Logan, and Mr. J. T. Tonkin had become convinced by the friendly societies that no further expansion would be required. Certainly the present move into what is tantamount to a chain store operation was not considered at the time.

Some 12 independent, privately-owned pharmacies found it necessary for economic reasons to close down this year. There is so much information one could use that one could keep the House for many hours in speaking to it. I could quote the telegrams that I have received from country areas far and wide. Of course, members are aware of the petition which was presented in another place by the member for Cottesloe (Mr. Hutchinson).

I believe that the reasons I have given are adequate to oppose the Bill. I sincerely hope that neither the Pharmacy Guild nor the friendly societies will feel that I have been cavalier in my treatment of this measure by not spending hours on the debate. I believe I have said enough to convince reasonable people that reason should prevail, that the given word of the friendly societies should be accepted and adhered to, and that no further extension of their trading rights should be granted by this Parliament.

The friendly societies convinced honourable men that that was their honourable intention. We should ensure that they remain honourable by refusing the Bill a second reading.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.34 p.m.]: I have been approached by the two opposite parties concerned with the measure. I am not a member of a friendly societies pharmacy, and my attitude has been one of examining the position as impartially as I can.

At the time when I was considering changes to the Contraceptives Act I met and talked with the President of the Pharmacy Guild. I found him to be a very likeable person and easy to talk to. He is a person for whom I have great respect.

In the study I have made of this question I eventually came to support the case of the Friendly Societies Pharmacies. That arose largely because the arguments presented against their expansion were not, in my view, very substantial. I would like to spend a little time in speaking on that aspect.

I was most disturbed on a number of occasions when people said to me that disparaging remarks had been made concerning the manager of the Friendly Societies Pharmacies.

The Hon. G. C. MacKinnon: Where were they made? Here?

The Hon. R. F. CLAUGHTON: I said that in the course of my studies of this matter and my contact with some people I learned they had been made. I did not say they were made here. I admit the honourable member made no such claim, and I appreciate he is unlikely to do so. That was a matter in respect of which I attempted to find some reliable information. No matter whom I asked or what I read in the newspapers, I could find nothing to substantiate the charges that had been made against the manager. I am afraid that prejudiced my opinion in some way. I came to the conclusion that the case against the friendly societies was inordinately weak if we had to rely on this sort of statement.

I was hoping that somebody would come forward and give me privately some substantive evidence to indicate that the things being said about him were not true; but that has not happened. Just as I found Mr. Wilson very likeable and trustworthy, in the same way in my discussions with Mr. McKenzie I reached the same conclusion about him.

From that we should turn to an examination of the claims made by the two sides. It is here that I find a marked difference between the style of the cases that have been presented. I find that among the various papers and submissions put forward by the pharmacies there were wrong statements and misrepresentations, and there was what appeared to be a deliberate attempt to mislead.

The private pharmacists claim, for instance, that the Friendly Societies Pharmacies are not subject to the same sort of control as they are; but that is not correct. Mr. MacKinnon has mentioned one instance where a pharmacy advertised contraceptives, and subsequently that was discontinued. I imagine that as a result of questions raised the matter went before the Minister and he used his powers to prevent the Friendly Societies Pharmacies from continuing with such advertisements.

The Hon. G. C. MacKinnon: I was told that that was exactly what happened.

The Hon. R. F. CLAUGHTON: That is quite right, because under the Friendly Societies Act they are subject to the control of the Minister. I assume the Minister would apply to them the same standards as he would apply to the private chemists.

The Hon. G. C. MacKinnon: He cannot, because they are different bodies.

The Hon. R. F. CLAUGHTON: When it comes to ethical standards in the conduct of the Friendly Societies Pharmacies the Minister would obviously use the same

standards that are laid down for the private pharmacists. If anything different from that can be demonstrated I would like to hear it.

I would be extremely surprised if the standards applying to the Friendly Societies Pharmacies were less than the standards applied to private chemists. It would not surprise me if the standards applied to the Friendly Societies Pharmacies were more rigid.

The qualified pharmacist that must be employed by a friendly societies pharmacy is subject to control, in the same way as all other qualified pharmacists are controlled by the Pharmaceutical Council. He must maintain the same ethical standards as the private pharmacists do.

In addition to that the Friendly Societies Pharmacies are covered by the Pharmacy Act, and they are subject to examinations and deregistration, as was indicated in an answer to a question which I asked. There is a greater degree of control over the Friendly Societies Pharmacies than there is over the private pharmacists.

Qualified pharmacists employed by the Friendly Societies Pharmacies are subject to the control of the council; and they are covered by the Pharmacy Act. In general they are subject to the control of the council, and under the Friendly Societies Act they are subject to the control of the Minister. To me that looks like a great degree of control, rather than a small degree of control. This contradicts completely the statements made by the Pharmacy Guild of Australia.

In a letter circulated by the guild to its members it stated it was raising a campaign fund to fight this legislation, and was urging its members to subscribe to the fund. In the bulletin of the Pharmacy Guild dated the 19th May, 1972, the following appears—

That the Guild has engaged experts in taxation, law, public relations, and advertising to ensure that our case is properly prepared and documented.

At that time the private chemists had raised \$4,000 for the fund. I believe a levy of \$25 per member was imposed. I mention that because the guild had sought expert advice in order to prepare its case and get the message across to the public. If the guild's case was justified and as it had expert advice available to it, it had no necessity to resort to misrepresentation and misleading statements in order to convince people. It does the guild no credit to have acted in this way. One of its leaflets, entitled, "Is it Fair?" states that the accumulated funds of the friendly societies exceed \$1,000,000 despite the fact that the Friendly Societies Pharmacies is a nonprofit organisation. Surely, if the chemists employed specialists to examine the situation, it would have been elementary for those experts to advise

that the funds of the Friendly Societies Pharmacies are not accumulated funds or liquid assets, but represent the figure put on the capital investment of the Friendly Societies Pharmacies—the land, buildings, and so on. The Friendly Societies Pharmacies do not have readily available liquid funds of that magnitude.

If the Friendly Societies Pharmacies had that amount of money I would have expected the Minister to demand to know the reason. Mr. MacKinnon mentioned this matter, but he did not indicate that when he was Minister they had excessive profits, because he knows full well they do not have that type of money. I must say that I regret that our own Minister has not clarified this position. As far as I know he did not cover it in his second reading speech, but I hope the Minister in charge of the Bill in this House will; so that the matter is no longer in dispute and the exact nature of the fund is made known to all members and the lie is not perpetuated.

I say again that if the guild has available to it these experts, they should have advised the guild about the true position. I spoke to a member of Mr. McKenzie's staff—he has been in Parliament House in the last couple of days as he is naturally interested in the Bill—and I asked him what liquid funds the Friendly Societies Pharmacies had at this time and he indicated that it is just over \$100,000. Taking into consideration the needs of the pharmacies, that amount could not be judged to be too high.

Reference has been made to tax exemptions for membership fees, etc. In their submission the friendly societies indicated that this is a fallacious statement. They point out that on the surpluses of their operations they pay a great deal more tax than do the private pharmacies. In fact, they estimate that it could be as much as 50 per cent. of their surpluses. In their submission the Guild chemists made up some figures. They did not quote the actual figures, but compiled some tables and tried to use them to prove that the friendly societies were being favourably treated with respect to tax. That was a dishonest action and was not necessary. They should have used the actual figures, but of course they would not have substantiated their claims.

The chemists submit that a chain store operation is conducted by the Friendly Societies Pharmacies. If we define a chain store operation as one under which a number of stores is operated by a single management, I suppose we could accept that description. However, Mr. MacKinnon mentioned some brothers who had six shops between them.

The Hon. G. C. MacKinnon: I mentioned three brothers who had two shops each. I could introduce you to 10 chemists

who probably have 15 shops between them. Several have two, and the others have one. What is the difference?

The Hon. R. F. CLAUGHTON: They could operate as a group. There is nothing to prevent that.

The Hon. G. C. MacKinnon: They are not owned by the one organisation.

The Hon. R. F. CLAUGHTON: No; but they are able to obtain the benefits which accrue as a result of a joint operation—the advantages of bulk buying, and so on.

The Hon. G. C. MacKinnon: No they don't.

The Hon. R. F. CLAUGHTON: They could effect savings in that way.

The Hon. G. C. MacKinnon: You cannot do that. I did not say that at all. You could get 10 people together, but they must run their shops separately. Very few have two shops. Mostly they have only one.

The Hon. R. F. CLAUGHTON: They can do that. In fact, something like 105 chemists are involved in the Target group. I assume that the actual outlets are owned as single shops, or perhaps one person will own two shops, but because of the group organisation which purchases for 105 outlets great benefits are possible. If such advantages were not possible the system would not continue.

The Hon. J. Heitman: Why do you want eight or nine shops to be under the one company when the law stipulates that no more than two shops can be owned by the one chemist? With the Friendly Societies Pharmacies you do not mind if they have eight or 10 shops, or even more.

The Hon. R. F. CLAUGHTON: The honourable member is talking about a private company. I am not criticising the Target group, or any others.

The Hon. G. C. MacKinnon: All they do is buy.

The Hon. R. F. CLAUGHTON: That is right.

The Hon. G. C. MacKinnon: That is the only operation with them, but, with the Friendly Societies Pharmacies, total management is involved.

The Hon. R. F. CLAUGHTON: It is of benefit to them, and, I hope, to the people who patronise their shops.

The Hon. A. F. Griffith: If you do not want to buy from one shop you need not.

The Hon. R. F. CLAUGHTON: That is quite true.

The Hon. A. F. Griffith: Then what are you talking about?

The Hon. R. F. CLAUGHTON: I am not sure what the Leader of the Opposition is talking about.

The Hon. A. F. Griffith: That is obvious. I was desperately trying to follow you.

The Hon. R. F. CLAUGHTON: The difficulties associated with the limitation on the number of shops it is possible for a person to own are overcome by the group-purchasing arrangement which I think is a good idea. It is a co-operative effort, which I fully support and which I am sure other members in the Chamber fully support. In that instance the provisions of the Act are circumvented so that individual chemists can gain purchasing advantages by bulk buying and they can thus sell at a cheaper rate and attract more customers.

Members opposite approve of that type of procedure, but they condemn the 10 outlets available to the Friendly Societies Pharmacies. How on earth can 10 outlets affect a group which has 105 outlets?

I say that strict accuracy has not been maintained in the presentation of the arguments on this matter. The operations of the chemists themselves are diversified. I maintain that the competition faced by individual ethical chemists operating one shop is far greater from the Guild chemists than from the Friendly Societies Pharmacies.

Mr. MacKinnon claimed that the Act stipulates that a chemist cannot shift his premises. I could not find any such provision, but perhaps he can inform me in what section it is to be found. As far as I am aware there is nothing to prevent a chemist opening a shop wherever he chooses, as long as it conforms to the regulations concerning equipment and health. A chemist can open up a shop alongside an existing chemist shop or across the road from one. I do not know how many chemists there are in Bunbury, but I imagine there are more than two. In Midland there are eight or more. This substantiates my claim that the risk of competition is far greater in connection with private chemists than it is with Friendly Societies Pharmacies which are limited in their operations under the existing and the proposed legislation.

Friendly Societies Pharmacies cannot establish wherever they like. In fact they would have difficulty in moving from their existing sites. They certainly cannot expand indefinitely because Parliament places a limitation on them. However, a market-oriented chemist can enter a district without restriction and by his better managing methods can soak up the trade of existing chemists and drive them out of business.

Mr. MacKinnon spoke of the number of shops which have closed. I do not know where these shops are located. I know that there was a rural recession during which a number of shops—including, possibly, chemist shops—closed in country areas. I would like to know where the 12

shops were situated. In my electorate shops have opened up and I certainly do not know of any that have closed down. I would be surprised to hear of one that has closed down.

The Hon. Clive Griffiths: One did in South Perth.

The Hon. R. F. CLAUGHTON: I do not know who was responsible for preparing all the claims made by the Pharmacy Guild. I think the right word to use would be "unethical" to describe the way it has presented its case. Its submissions have not been exact and precise, and the case has not been stated fairly.

The measure proposes that the number of Friendly Societies Pharmacies should be increased by eight—four in the city and four in the country areas.

I would like to indicate the situation in my own electorate where there are no Friendly Societies Pharmacies at this time. As far as I know, there never have been. I will talk about the City of Stirling, which is not quite the same thing as my electorate, but it is an area for which we have population figures and can therefore draw comparisons. The City of Stirling extends from the ocean to the Swan River at Maylands. It now has a population of between 180,000 and 200,000 people. This is a sizeable portion of the total population of Perth—perhaps it is one-sixth of the total population of the State.

In 1947 it had a population of 35,000 and in 1961 the population had increased to 96,500. The population now is as I indicated a moment ago.

Let us look at Bunbury, where a friendly societies pharmacy is established. I am not quite sure of my dates but in either 1947 or 1960 the population was 15,000. It was certainly fewer than 20,000 in 1960 or 1961. As I have said there is one pharmacy located there. In the City of Stirling there were 35,000 people in 1947 and there are nearly 200,000 people now. This area does not have a friendly society pharmacy.

The Hon. G. C. MacKinnon: How many pharmacies did you say were at Bunbury?

The Hon. R. F. CLAUGHTON: There is one friendly society pharmacy at Bunbury.

The Hon. G. C. MacKinnon: How many other chemist shops are there?

The Hon. R. F. CLAUGHTON: Perhaps Mr. MacKinnon could tell me.

The Hon. G. C. MacKinnon: There are approximately 10.

The Hon. R. F. CLAUGHTON: That statement would, I think, support the case for the extension of the pharmacies rather than the reverse.

The Hon. G. C. MacKinnon: Why did they not go into your electorate when they were given the right to expand last time?

The Hon. R. F. CLAUGHTON: I think it is unfortunate that they did not. They went to Willagee, Subiaco, Claremont, and some other place.

The Hon. G. C. MacKinnon: You have not done research on the siting of these shops.

The Hon. R. F. CLAUGHTON: I do not keep it all in my head. Perhaps Mr. MacKinnon can tell me the place I have missed.

Mr. MacKinnon says that there are 10 privately-owned chemist shops in Bunbury and one friendly society pharmacy. Obviously the presence of the friendly society pharmacy has not stopped the other chemists from entering into business in that town which has a small population in comparison with, say, the City of Stirling.

The Hon. G. C. MacKinnon: They were established before the friendly society pharmacy was established. One or two have gone since then.

The Hon. R. F. CLAUGHTON: Have they changed hands or closed down?

The Hon. G. C. MacKinnon: They have closed down.

The Hon. R. F. CLAUGHTON: There would have been 12 pharmacies before?

The Hon. G. C. MacKinnon: Bunbury is very well supplied with pharmacies. A couple have gone since the friendly society pharmacy moved in.

The Hon. Clive Griffiths: I cannot see the point of Mr. Cloughton's argument.

The Hon. R. F. CLAUGHTON: I would hate to keep Mr. Clive Griffiths in suspense. The point of my argument is that Bunbury, which has a population of between 15,000 and 20,000 people, supports 10 private pharmacies and one friendly society pharmacy. The City of Stirling has a population of nearly 200,000 people. Surely if two of the proposed pharmacies were to be established in the City of Stirling they would not seriously affect the business of the people who are already operating. This is especially so when we consider that there is nothing to stop other private pharmacies from starting up business in the same area. When we consider this the case against allowing the entry of friendly societies into the area is even less strong.

Sitting suspended from 6.08 to 7.30 p.m.

The Hon. R. F. CLAUGHTON: At the tea suspension I was quoting the population figures for the City of Stirling. I should have indicated the source of my information. It was from page 3 of a book entitled, *Stirling City*, by Leonard A. Easton—the Town Clerk of the City of Stirling. It is an excellent book and full of

very interesting information, not only about this locality but about local government generally.

It may be wise to quote the accurate population figures for Bunbury. They are—

1966	15,467
1971	17,779

These figures are from the *Western Australian Year Book*, 1973.

I have been putting forward the case for an extension in the number of Friendly Societies Pharmacies, and the figures I have quoted demonstrate the ample scope for the location of a pharmacy within the City of Stirling. The threat to private chemists does not exist from the Friendly Societies Pharmacies, but from competition by other private pharmacists. The book I quoted earlier about the City of Stirling states that the anticipated population for that city in 1980 is 300,000. If the present pharmacists are affected at all, the projected population will more than compensate in the future.

Like Mr. MacKinnon I could probably talk for a long time on this matter. I would like to have been able to correct some of the wrong information which has been given. However, I believe I have sufficiently demonstrated that the increased number of Friendly Societies Pharmacies will have no harmful effects.

I have covered a number of points raised by Mr. MacKinnon. He claimed that the friendly societies pharmacists are not controlled to the same extent as are the private pharmacists. I have completely contradicted that claim. Mr. MacKinnon also referred to the Senate Committee and quoted some of its statements. Other statements in the report indicate support for Friendly Societies Pharmacies. It is easy to build a case one way or the other, and members will know this.

I would like to spend a few moments discussing the claim that private pharmacists give better personal attention to their customers. I patronise a private pharmacist and I have always received service of a good standard; he is always polite and friendly. I think he owns the chemist shop, and he is extremely helpful. Other private pharmacists I have patronised have always given good attention. I have nothing at all against private pharmacists. In the shop I go to the intermediary between the pharmacist and the public is an extremely well-groomed woman. I believe this is part of their business arrangements. Such a lady makes a favourable impression on the customers, but she is unqualified. She takes the prescription and hands it to the qualified pharmacist. Generally the filled prescription comes back to the customer via this lady.

If a pharmacist owns more than one shop, it is impossible for him to be in both at the same time. Personal re-

sponsibility will extend only to the shop in which the proprietor is in residence. In the second shop, the proprietor employs a salaried pharmacist. He is in the same position as a salaried pharmacist employed in a Friendly Societies Pharmacy. I have no complaints about the quality of service provided by either Friendly Societies Pharmacies or private pharmacies.

The Hon. G. C. MacKinnon: Who said anything about complaints?

The Hon. R. F. CLAUGHTON: The Pharmacy Guild claimed that the Friendly Societies Pharmacies do not give the same standard of service because the pharmacist is not the owner. They cannot have it both ways. If they wish us to accept this argument, then the salaried pharmacist in a privately-owned pharmacy must be said to provide an inferior service to that of the pharmacist working in his own shop.

I believe the petition is misleading. I would like to read a copy of the petition which was tabled in another place. It reads—

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support independent Pharmacists in our locality in their opposition to proposed changes in the System of Pharmacy operation.

We do so in appreciation of the Professional advice and personal care and interest they can and do give under the existing system.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

That contains a misleading statement. The phrase "proposed changes in the System" is not a statement of what the legislation will do. The Bill proposes to increase the number of Friendly Societies Pharmacies from 10 to 18. That does not change the system. A qualified pharmacist cannot own more than two shops—that has not been changed.

One wonders how much explanation was given to the customers who were asked to sign this petition. I doubt very much whether the purpose of the Bill was explained to them. For instance, my elder daughter, who is 17 years of age, was approached by a pharmacist and asked whether she was satisfied—

Point of Order

The Hon. R. J. L. WILLIAMS: On a point of order, Mr. President, is the honourable member in order to refer to a petition tabled in another place?

The PRESIDENT: The honourable member has now left that subject. The point of order should have been taken at the time.

Debate Resumed

The Hon. R. F. CLAUGHTON: Thank you, Mr. President. The petition is a public document and it was readily available to anyone who entered a shop where the owner was seeking signatures.

To continue with my remarks, my daughter was asked whether she was satisfied with the service she was given. That is a different question from what was actually contained in the wording of the petition. My daughter would have told the chemist that she was satisfied with the service provided. However, that is not the point at issue. Probably many regular customers in chemists' pharmacies readily signed their name to the petition but I suggest that they were misled. The situation was not properly explained to them. So we should take no account of the 24,000 signatures to the petition.

They cannot be regarded as being an objection to the proposals put before Parliament, because I believe those who signed it were not made aware of all the proposals.

The Hon. S. J. Dellar: This was a State-wide petition, was it not?

The Hon. R. F. CLAUGHTON: Yes, so I believe. I recognised the signature on the top sheet as being that of a person employed by the guild. I do not believe that the petition provides a reason for objection being taken against the proposals contained in this Bill. On the 15th November this year an article was published in *The West Australian* under the heading of, "Pharmacy Guild gives a warning". One of the paragraphs of that article reads as follows—

At present pharmacies had to be owned by qualified pharmacists. However, businesses owned by unqualified people before the Pharmacy Act came into operation more than 30 years ago had been allowed to continue.

When I asked questions about these pharmacies in this House I was told that none of such premises was still in operation. This throws doubt on the whole of the case put forward by the guild.

A charge has also been made that the Friendly Societies Pharmacies do not pioneer a district. That is an unreasonable charge to make, because the Friendly Societies Pharmacies do not set out to serve a whole community; they set out only to serve the members of friendly societies; they are the only ones who are able to benefit and then only after the payment of a membership fee. This is another feature to which objection has been taken. If a person does not pay the necessary fee he cannot enjoy

any benefits offered by the Friendly Societies Pharmacies. The same conditions apply in all kinds of organisations. For example, one cannot obtain any benefit from a credit union unless one becomes a member of that union and pays the necessary fee.

The PRESIDENT: Order! Will members please discontinue their private conversations in the Chamber? At least seven private conversations were going on while the honourable member was on his feet.

The Hon. R. F. CLAUGHTON: Thank you, Mr. President. You have probably indicated I have spoken too long, so I will not take much longer.

The Hon. J. Heltman: You're telling us!

The Hon. R. F. CLAUGHTON: One could say that such organisations compete with those operating in the private sector, but we do not say to them, in trying to cut them out of business, "We do not think you have a place in our society." Therefore we should adopt the same attitude towards the friendly societies and say, "If a person pays the prescribed fee, there is no reason why he should not become a member of the Friendly Societies Pharmacies." The Act provides that any person can become a member.

It should be recognised that the City of Perth has grown tremendously in the last few years, and this is exemplified in that the Friendly Societies Pharmacies have been permitted to extend their operations. The same principle should be applied to country areas. For instance, Bunbury has increased greatly in size and the people there should be given an opportunity to become members of the Friendly Societies Pharmacies.

I have approached this question in an unbiased way. Those who first made submissions to me were the people who support private pharmacies, and it was only recently that I received submissions from those on the other side. I have examined all the submissions put to me and I have taken no notice of any threats made against me or bribes offered to me. Someone in my electorate did threaten me because he thought I might not support the Bill relating to homosexuals, but I do not take any notice of such threats or bribes.

The Hon. D. J. Wordsworth: Did you say someone threatened you?

The Hon. S. J. Dellar: Yes, he has just told you that.

The PRESIDENT: Order! The honourable member can discuss the measure dealing with homosexuals when we come to it.

The Hon. R. F. CLAUGHTON: Thank you, Mr. President. I was simply drawing an analogy in regard to the threats that have been made against me and to point

out that they do not cloud my judgment. The members of this House know that when I have spoken to other measures brought before this House I have tried to be completely unbiased in giving consideration to them.

The Hon. A. F. Griffith: All members have had threats made against them over the years.

The Hon. G. C. MacKinnon: Has any member cast any aspersions against you?

The Hon. A. F. Griffith: Mr. Cloughton was talking about the people in his electorate.

The Hon. R. F. CLAUGHTON: I would like to make my own speech, Mr. President. The honourable member would like to distract me in order to detract from the force of the argument I am making, because it is a complete contradiction of what he said. I can only hope that he has made as close an examination of the subject as I have. Perhaps he did make a closer examination, but if he has he did not draw out the facts sufficiently to convince any member that he should oppose this legislation.

I repeat that I take no notice of any threats or bribes, and there is an implied threat, one could say, in the Pharmaceutical Guild starting a campaign fund to finance opposition to this measure. The judgment I have made on the Bill has been as objective as possible. I have been unable to find any reasoned arguments that have been put forward to convince me that I should oppose the very limited extension of the operation of the Friendly Societies Pharmacies. On the other hand, I find so many discrepancies in the case put forward by the Pharmaceutical Guild and so many misleading statements that they throw a grave doubt on the whole case put forward by the guild.

I think those members who have listened to me will pay due regard to what I have said before making a decision on the Bill. I have reason to believe that it is not likely to pass, but I hope those who are perhaps uncertain about the Bill as yet will think a little longer and eventually support the measure.

THE HON. L. A. LOGAN (Upper West) [7.55 p.m.]: Like Mr. MacKinnon I regret that this measure is before the House. A little over 49 years ago I was initiated into the John Shipton Lodge of the Manchester Unity Order of Oddfellows. I became a fully financial member of that friendly society and thus became entitled to enjoy its benefits. I went through all the Chairs and I became the Noble Grand of the lodge. I then became the district Grand Master of the area and a director on the board and I was asked to stand, and was elected, as the Grand Master in Western

Australia in 1952-53. So perhaps I can speak with some authority on friendly societies.

It sorely grieves me to think that some person, persons, organisation, or organisations are endeavouring to use the good name of friendly societies to fulfil an ambition to extend the operations of the Friendly Societies Pharmacies. I also feel concerned when I trace back through the history of Friendly Societies Pharmacies and what Parliament decided to do about them. In 1956, the Labor Government then in office placed a restriction on any extension of the operations of Friendly Societies Pharmacies. The Government of which I was a member in 1964—and I introduced both measures in this House—introduced legislation because of the unlawful operations of four other pharmacies. The Government at that time introduced the legislation to permit them to continue in operation only on the assurance that no further Friendly Societies Pharmacies would be opened.

Because a loophole had been found in the legislation somewhere along the line, by 1964 four additional Friendly Societies Pharmacies were operating. As a Government we said, "Well, they are there and we had better do the right thing and legalise them." So we legalised these other four Friendly Societies Pharmacies on the guarantee from the friendly societies that they would never ask for any further extension of their pharmacies. Mr. MacKinnon has given the House the names of those members who spoke to that legislation in this House in 1964, and the name of one member that was mentioned was that of Mr. Dolan.

If members look at vol. 4 of the 1964 *Hansard* they will find at page 2260 Mr. Dolan is reported as having made this statement—

The preventing of the establishment of further friendly society dispensaries is wise and has my support.

The Hon. J. Dolan: That was in 1963—10 years ago.

The Hon. L. A. LOGAN: I wish to correct that statement. The report of the Minister's remarks appears on page 2260 of vol. 3 of the 1964 *Hansard*.

The Hon. J. Dolan: Well, that was nine years ago.

The Hon. L. A. LOGAN: There is only one part of Mr. Dolan's speech with which I agree. He said that because of the extension of friendly societies they should be permitted to extend the operations of their pharmacies. Unfortunately, however, the numerical strength or the true membership of friendly societies—that is, those members who are initiated—has declined considerably. Those who have joined friendly societies in order to obtain the

benefits offered by the Friendly Societies Pharmacies in my opinion are not true friendly society members.

If we decide the issue on the basis of expansion of friendly societies, we should be reducing, not increasing, the number of Friendly Societies Pharmacies.

The Hon. G. C. MacKinnon: Hear, hear!

The Hon. L. A. LOGAN: I have here the membership numbers of my own lodge and unfortunately they indicate a reduction. This is a tragedy. If boys of 16 to 18 were to join a lodge today they would learn a little about life, particularly if they learned the principles associated with the lodge.

It grieves me to know that people are using friendly societies on this basis because they are not members at all. I can remember the day I joined. I was given a little book in which was written the name of the doctor who was under contract to the lodge. If I had occasion to visit a doctor I went to this particular one. If I had occasion to go to a chemist, I went, not to a Friendly Societies Pharmacies' shop, but to an ordinary chemist who had a contract with the lodge for this purpose, and he dispensed services at a reduced rate. There was nothing wrong with that; it was a contract of service.

Then social services were introduced and the real value of friendly societies unfortunately began to fade. Following this the Federal Government introduced its health service scheme and so the friendly societies did the only thing they could do at that time; they banded together to form the Friendly Societies Health Services. In this way they provided a service to the people which would otherwise have been denied them.

To say members of the friendly societies and these other honorary members are true members is to make a farce of friendly societies and I will not have a bar of it.

I repeat what has been said already in this House; that is, that the friendly societies themselves guaranteed in no uncertain terms that they would not open any more shops. They said they did not want to do so.

Mr. Cloughton referred to 200,000 people in his area. Can he tell me how many of that number are members of a friendly society? Of course he cannot. There certainly would not be a sufficient number to warrant the opening of a Friendly Societies Pharmacies' outlet.

There are three varieties of membership. There is the financial member initiated into a lodge, the honorary member, and the registered honorary member, but still part and parcel of the Friendly Societies Health Services; and the person who pays his \$2.60 to a dispensary which enables

him to classify himself as a member of the friendly societies. What a farcical situation.

The Hon. G. C. MacKinnon: You know they do it in bulk now.

The Hon. L. A. LOGAN: Yes. I know of three unions which are taking \$2.60 out of the pay of every worker and placing it into a fund. What happened last year was that those involved decided to build up this reputation and make their procedure more legal. So they decided that they would pay \$1 of the \$2.60 into a pool at the friendly societies and decide how much and what numbers would go to the various organisations. This is how those people became a member of a friendly society.

The Hon. J. Heitman: Just skullduggery!

The Hon. L. A. LOGAN: Let us be honest with ourselves. Would Mr. Dolan agree that such people were really members of a friendly society?

The Hon. J. Dolan: Why ask me?

The Hon. G. C. MacKinnon: Because you are an honest man.

The Hon. L. A. LOGAN: Because the Minister ought to be able to tell me.

The Hon. R. F. Cloughton: You are a member; you tell us.

The Hon. L. A. LOGAN: That is what the situation is. It would not be so bad if people were honest about this matter. I saw a circular letter the other day issued by a Labor candidate to those he wants to support him. In that letter he indicated that the Liberal and Country Parties were responsible for the restriction on the expansion of Friendly Societies Pharmacies. That is a lie.

The Hon. G. C. MacKinnon: An outright lie.

The Hon. L. A. LOGAN: Mr. Dolan knows it is a lie. That is the kind of information that is being circulated when in fact it was the Labor Government in 1956 which restricted the expansion of Friendly Societies Pharmacies while, in 1964, a Liberal-Country Party Government recognised the fact that they were there and made them legal.

The Hon. G. C. MacKinnon: Quite right.

The Hon. L. A. LOGAN: This was done on the promise and guarantee that no further pharmacies would be established in Western Australia. Last year when this measure was mooted I received many letters from constituents because the Labor candidate in my area had started to push the barrow in regard to the establishment of a Friendly Societies Pharmacies' shop in Geraldton.

I will tell members what I did. I replied to each letter personally and asked the writer to indicate to me the name of the

friendly society of which he or she was a member. Not one of the people replied because they all knew very well that not one of them was a member, yet they wanted to jump on the band wagon and gain the benefits of a Friendly Societies Pharmacies' shop. They did not do the right thing by joining a friendly society. I also received a letter from the Guild of Undergraduates, and I asked it the same question. I asked the writer to inform me how many on the campus were members of a friendly society. Not one was. I received an urgent telegram today signed by the guild at the university and the guild at W.A.I.T. and it reads—

The decision today of yourself and colleagues ensures pharmaceutical facilities for 18000 students or no facilities whatsoever stop may we hope to be confident of the favourable outcome of your decision

If the guilds believed that sufficient numbers of students were interested in the establishment of a pharmacy on the campuses, they could always establish one themselves. After all with a combined number of 18,000 prospective customers it would be quite feasible. This is the action which should be taken, and not the writing of a letter requesting the establishment of a Friendly Societies Pharmacies' shop.

The Hon. G. C. MacKinnon: That is what I told them when they rang me this morning.

The Hon. L. A. LOGAN: I did not know that Mr. MacKinnon had told them that. I am merely indicating my reaction. In Bunbury 10 or 12 private chemists and a friendly society chemist are in operation, all making a profit.

The Hon. G. C. MacKinnon: The number was 10, but I think it is now eight.

The Hon. L. A. LOGAN: Surely if it is good enough for private enterprise to operate in that way in Bunbury, private enterprise could equally become established when there are 18,000 prospective customers—10,000 at the university and 8,000 at W.A.I.T. The students could each contribute a few dollars and establish a shop themselves instead of asking for a friendly societies' shop. I do not think I need say much more.

The Hon. G. C. MacKinnon: Very good speech.

The Hon. L. A. LOGAN: For 49 years I have been a fully financial member of a friendly society, but I am asked now to support the expansion of these pharmacies when I know very well that those it will serve are not members of a friendly society. I do not have to rely on information supplied to me by Mr. Claughton, any guild, or the Friendly Societies Pharmacies. As far as I am concerned I am relying on plain common sense. If the

friendly societies genuinely increased their membership to such an extent that the establishment of further pharmacies was warranted, I would support such a move. But, as I have indicated, the membership of the friendly societies is unfortunately decreasing. How can the Government, in all honesty, suggest that we should accept the Bill and thus permit an extension of these pharmacies? I have plenty of information on the subject, but this is neither the time nor the place to use it. The Minister indicated that because the number of members of friendly societies had increased, an extension to the chemist shops should be made. However, I know that the membership has decreased and therefore the number of chemist shops should be decreased. I cannot work on a better principle than that. Therefore I oppose the measure.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [8.11 p.m.]: Quite a lot that has no relationship whatever to the Bill has been mentioned during this debate. Even Mr. Whitlam was mentioned. Somehow or other, no matter what the subject under discussion, either the Federal Labor Government or Mr. Whitlam gets a mention.

Mr. Logan and I have one thing in common. For a long time he was a member of a friendly society, and so was I.

The Hon. L. A. Logan: I still am.

The Hon. J. DOLAN: Probably the only difference is that when Mr. Logan obtained a prescription from a doctor he did not have it filled at a Friendly Societies Pharmacies' shop whereas I did because there was one in the district in which I was living.

In all the years I was a member of that friendly society and in all the years I had my prescriptions made up at one of the Friendly Societies Pharmacies' shops, I did not hear anything said against them. I have not heard anyone during this debate or at any other time in Parliament say anything against the pharmacies. I have complete trust in the pharmacist no matter who he might be. I do not care where I have a prescription made up.

Some of these shops have been established for many years. They were operating when I was a child. My father belonged to a friendly society and there was one of the pharmacies in Kalgoorlie. In all those years I have not heard of one complaint against the pharmacies.

Many departmental stores have a chemist operating in them, and he makes up prescriptions, too. This applies in all capital cities, including Perth. I can see no legitimate reason for denying this expansion if it is necessary. The decision will still rest with the Minister as to how many shops

will be allowed. Although the Bill provides for eight shops, there is a possibility that the number might be no more than three.

Here we go again! We get the undercurrent of whispers when something is said. Members believe that the number will be more than eight.

Point of Order

The Hon. A. F. GRIFFITH: My colleague and I were not discussing the Bill before the House at all. Something occurred which he wanted to convey to me and he was doing so in a whisper. Our conversation had no reference whatever to the comments of the Minister. He should not try to read into conversations things which have not been said.

The Hon. J. DOLAN: Might I say I was not referring to either of the members on the front bench? It was a different member altogether.

The Hon. A. F. Griffith: Then why not say so, and mention the name of the member?

The Hon. V. J. Ferry: Why not name the member concerned?

The Hon. J. DOLAN: As a matter of fact, it was Mr. Ferry.

The Hon. V. J. Ferry: Well, I am entitled to comment to my colleague.

The Hon. G. C. MacKinnon: The Minister does the same thing himself; he talks to his colleagues.

The PRESIDENT: Order! Will the Minister please address the Chair and complete the debate?

The Hon. J. DOLAN: Thank you, Mr. President, I will be delighted to do so.

The Hon. G. C. MacKinnon: Keep cool; it is getting late.

Debate Resumed

The Hon. J. DOLAN: It seems that because someone becomes an honorary member he is challenged. Why should he not make use of facilities if he is an honorary member? I have received honorary membership myself.

The Hon. G. C. MacKinnon: So have I, but we have not made up the majority of the members.

The Hon. J. DOLAN: But there is a large number of these organisations where honorary members attend all the time. I have a particular organisation in mind.

The Hon. A. F. Griffith: I have reason to be thankful for the courtesy of that organisation.

The Hon. J. DOLAN: That is right. I have found that when members visit other States the first thing they are given is a group of two or three tickets making them honorary members of various organisations.

They are then able to make use of the facilities which are available, and I think members are entitled to that.

I want to refer to my colleague (Mr. Cloughton) and compliment him on the excellent exposition he gave. I think he devoted a great deal of his time to studying this matter and I compliment him on the way he presented his case. This should be the situation irrespective of what side of the House one is on. Mr. Cloughton requested me to make a statement to the House regarding the funds of these societies but I regret I could not do that. I referred his request to the Minister for Health and the Minister, who is in no way critical, gave me a note to say that he had satisfied himself that the Friendly Societies Pharmacies do not hold funds substantially for wide expansion. This was mentioned in the second reading speech made by the Minister. The Minister said that he had been asked to disclose details of such funds but he believed that information to be confidential and of a private nature, impinging on the day-to-day business operations of private concerns. We have repeatedly said that the Friendly Societies Pharmacies are private businesses.

The Hon. G. C. MacKinnon: Which of us asked for that information?

The Hon. J. DOLAN: Mr. Cloughton.

The Hon. G. C. MacKinnon: Okay.

The Hon. J. DOLAN: If the honourable member listened to the debate he would know.

The Hon. G. C. MacKinnon: I want to make it clear that we did not ask for the information.

The Hon. J. DOLAN: That is all right. The Minister said that the information impinged on the day-to-day operations of private concerns, and he doubted the ethics of making this information public in the manner requested. He said it was not the prerogative of the Government even if the information was available, but it is not.

The Hon. G. C. MacKinnon: I agree; Mr. Cloughton had no right to ask for that information.

The Hon. J. DOLAN: Mr. Cloughton has not had the same experience that I have had.

The Hon. G. C. MacKinnon: You tell him, and he will learn.

The Hon. J. DOLAN: He will; he is pretty bright. Many members here do not learn. We have a great deal of confidence in each other and when I tell him something he takes notice of it.

The Hon. G. C. MacKinnon: And he has just been told.

The Hon. J. DOLAN: It does no harm to have a laugh about these things now and then.

The Hon. A. F. Griffith: The Minister will be handing out how-to-vote cards for him next.

The Hon. J. DOLAN: I would, too, and be delighted to do so. I believe his constituents will approve of the effort he has made in his area to have a Friendly Societies Pharmacies' outlet established in order to provide a service to the people there.

The Hon. A. F. Griffith: Cut it out; he is blushing.

The Hon. J. DOLAN: There are many young married people with children in his area who require this type of service. I believe the Friendly Societies Pharmacies are able to offer their products at prices which are more moderate than those charged at ordinary chemists. I might be on a wrong premise.

The Hon. G. C. MacKinnon: You might be, too.

The Hon. J. DOLAN: I have read some of the circulars which have been distributed and I consider that the pharmacies have a definite case. It seems that they have a certain purchasing power and they are able to offer many goods at lower prices.

Mr. MacKinnon referred to the fact that a pharmacy could not be shifted to another location.

The Hon. G. C. MacKinnon: I must admit I was incorrect in saying that it applied to all pharmacies; it applies to a certain category. I am sorry if I misled the Minister.

The Hon. J. DOLAN: I will not proceed on that point. I know that in my area there is a chemist shop where I do all my business. As a matter of fact, the chemist is known to everyone in the area. Another chemist shop opened on the corner, diagonally across the road from him, and of course, the first chemist was not too happy. He had some comments to make and I suppose he was quite entitled to do that because it is his business.

However, that sort of thing occurs in all businesses and it is quite legitimate for Friendly Societies Pharmacies to endeavour to expand.

Under the provisions of this Bill the Minister will have the power to restrict the number of shops to eight—four in the metropolitan area and four throughout the rest of the State. None of them will be able to operate without the consent of the Minister, and if the Minister feels he should not grant permission it will be quite within his right to refuse it.

I understand that similar restrictions were lifted in South Australia and instead of there being a proliferation of shops the situation was almost unchanged. Only an odd shop opened here and there and they were probably in districts where chemists' shops were required.

There has also been reference to the Guild of Undergraduates. It seems that

the undergraduates were asked whether they belonged to a friendly society, and if they did not belong to one it was claimed they should have no right to make application for a Friendly Societies Pharmacies' shop to be established on the campus. Of course, they have a legitimate right. These people are doing a very good job so why should they not establish themselves at the campus?

The Hon. L. A. Logan: That will make a farce of the friendly societies.

The Hon. G. W. Berry: I have been a member of a friendly society for many years.

The Hon. J. DOLAN: I suppose Mr. Berry has used the services of Friendly Societies Pharmacies whenever possible. I am not criticising because I belonged to one for many years. The day came when I found that it was no advantage to me. I did not go through the chairs at the lodge, or anything like that. I went to a meeting every month to pay my fees and as a result of that my name was placed on the list at the pharmacy and I was able to purchase my requirements there.

The position has been very well canvassed. On a number of occasions I have spoken for hours and canvassed certain positions but it does not seem to have got me anywhere. I have had experiences which have not made me very happy, but that seems to be the way we operate.

I do not like referring back to earlier *Hansards*—and here I cast no reflection, because I know it is part of politics. I have more to do than go back to 1815 and read where Wellington said, "Up boys and at 'em" and then quote what Wellington said at that time. If in 1963 I said it was not wise to expand the operations of Friendly Societies Pharmacies, that was an honest expression of opinion. The position has now changed and my mind is resilient enough to change with it. Those who still think in terms of what happened in the 1930s or the 1920s have, I feel, reached the stage where they might just as well sit under the trees and talk to themselves.

I consider that the Friendly Societies Pharmacies should be given an opportunity to expand with the express permission of the Minister. Knowing the Minister as I do I am sure he would consider the facts fairly and squarely, and he would need to know that the operation of a pharmacy of this nature was fully justified before he would grant permission for its operation. I support the Bill and commend the second reading.

Question put and a division taken with the following result—

Ayes—9

Hon. R. F. Cloughton	Hon. T. O. Perry
Hon. S. J. Deilar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. D. K. Dans
Hon. R. T. Leeson	(Teller)

Noes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. Heitman	Hon. D. J. Wordsworth
Hon. L. A. Logan	Hon. R. J. L. Williams

(Teller)

Question thus negatived.

Bill defeated.

RIVERS AND ESTUARIES (CONSERVATION AND MANAGEMENT) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [8.31 p.m.]: I move—

That the Bill be now read a second time.

As the Government has previously announced, it considers that the time has come to review and update the 1958 Act which established the Swan River Conservation Board, and which addressed itself to conservation and management of the Swan waterways.

There has been considerable discussion in another place as to whether adequate attention is being given to provision for the public to review this Bill. I can assure members that this is indeed being done. For example, the Minister in charge of the Bill in another place has received submissions from local government organisations and the Chamber of Manufactures, and thereupon has agreed to amendments to the Bill with regard to representation on the estuarine conservation and management authority.

Expressions of appreciation have also been given in another place to the fine work that has been carried forward by the Swan River Conservation Board. However, the Government considers that with the increasing population of the State and with the increased mobility of the population, it has become apparent that the type of management so effectively conducted in the Swan River should be extended to the regions of the Peel and Leschenault estuaries. Therefore the Government proposes to repeal the Swan River Conservation Act, replace the Swan River Conservation Board with an estuarine conservation and management authority which will have statutory control over these three waterways, and also formally establish three local committees for the areas in question.

In establishing this new authority to be known as the E.C.M.A., the Government proposes to draw heavily upon the ex-

perience of the Swan River Conservation Board; but it also proposes to enlist the aid of the senior level technical advisory committee known as the Estuarine and Marine Advisory Committee established by the Environmental Protection Authority for advice on a State-wide basis. This top level technical advisory committee, E.M.A.C., has been established through the continued co-operation of various ministerial colleagues who recognise the importance of its work. Its advice will be on hand to assist this proposed new authority as the need arises and as the E.P.A. or the Minister so directs.

Because of the overall statutory responsibility of the Environmental Protection Authority, it is proposed that the new estuarine conservation and management authority should be directed on matters of policy by the E.P.A. but it is also proposed in the legislation before the House that it will operate essentially autonomously for day-to-day management matters. E.C.M.A. will also have the opportunity to report not only to the E.P.A. but also to the Minister for Environmental Protection direct.

No doubt some members will have differing opinions upon the membership of the proposed new authority, just as there will be differing opinions about the membership of the local advisory committees. There have, for example, been substantive arguments put forward for heavy representation from local authorities. Amendments have been carried in another place that local government representation should be increased from one to two, and that, furthermore, a representative of the Chamber of Manufactures should be appointed to the proposed new authority. I see no objection to these amendments.

One point of major importance is that this Perth-centred authority will draw upon the advice and expertise of local personnel and local authorities to assist it in the day-to-day management of the Swan River, the Peel Inlet, and the Leschenault Estuary. The Government is well aware of the need for local advice in the management of such important waterways.

Let me now speak to several points within the Bill which will be of interest, generally, to members. First of all, one of the most important features of the Bill is the fact that it extends to the proposed authority a manner of control over the banks and verges of the waterways. The Swan River Conservation Board has found on many occasions that it was hampered in the efficiency of its operations by lack of such control in the Swan River environs. Fortunately, so co-operative are local government authorities, private individuals, and other authorities, that the Swan River Conservation Board has

generally been consulted on developments along the foreshore, and note has been taken of its opinion.

One would like to think that this same sphere of co-operation will continue with the new authority. But it would be unrealistic to ignore the fact that pressures due to increasing population pressure and the increase in leisure time of the population may on occasions threaten the foreshores. For this reason we have provided in clause 14 of the Bill that one of the duties of the Authority will be—

To preserve or enhance the quality of the environment and amenities of those waters and of the land associated therewith.

A very important part of the legislation is that indicated in clause 34 wherein the Governor may make regulations for certain purposes associated with the conservation and management of waters and the foreshore, banks, or verges of those waters. Following on from that, of course, it is important that any person planning a development in the area shall seek the permission of the authority. It might be thought that this would lead to an unwarranted bureaucratic interference with any development whatsoever in the Swan, Peel, and Leschenault environs. That is not the case.

The legislation is written in such a way that the authority makes such regulations only over what it regards as the most critical areas, and it shall so define them on a map accompanying the regulations. It is only in these critical areas that the authority's permission must be granted for any development. The authority will have no wish to be burdened with an excessive number of applications, and no doubt will give close attention to ensuring that those areas it deems critical are really very important areas requiring conservation and management.

There is another important feature of the Bill which is relatively unique in Western Australian legislation, if not in Australian legislation. This is again in clause 34, whereby the authority may make regulations to ensure that there is no degradation of public rights of access by virtue of the selfish actions of an individual or a few individuals. The waters, banks, and foreshores, generally, with of course some exceptions, belong to the public. It is an important feature of environmental management in this State that while there is not undue intrusion on the rights of an individual, nevertheless the environment belongs to all of us, and some controls are necessary to retain our birthright.

In drawing up this Bill the considerable experience gained by the Swan River Conservation Board in the operation of the Swan River Conservation Act, 1958, has, of

course, been utilised. The Director of Environmental Protection has had many conversations on matters of detail with the Chairman of the Swan River Conservation Board (Mr. Ron. Courtney) who is also the chairman of the Peel and Leschenault advisory committees. In addition, a series of opinions have been sought from many other relevant bodies too numerous to list here.

One controversial feature of the Bill was undoubtedly the fact that only one member of the nine-member authority was to be a representative of local government. There have been numerous submissions in relation to extension of this representation, and indeed quite recently the Minister received a deputation from the Local Government Association, with which he discussed the matter fully. The fact of the matter is that it is the Government's desire to keep the number of persons on the authority to a workable minimum. Nevertheless, amendments have been put forward in another place to provide that there should be an additional representative concerned with local government, as well as one concerned with the Chamber of Manufactures, and the Minister administering the Bill has been happy to accept those amendments. Only four Government departments are to be represented on the 11-man authority; the seven others are to be nominated by the Minister and appointed by the Governor. We need these Government representatives because of their particular expertise and the professional skill which their departments can bring to assist in conservation and management of the regions.

The present numerical membership of the Swan River Conservation Board is 19, and one could easily see an extension of members of the board to 21. However, I believe that a smaller authority comprising the highest calibre people that one can find is a more efficient way of managing these estuarine areas.

Although the Minister has not made a final decision as to the membership of the local advisory committees, he gave an assurance in another place that in his present plans, and on the advice he had received, local government authorities will have substantive representation well in excess of the proportionate representation on the estuarine conservation and management authority. For example, on the Swan River Conservation Board local government authorities at present have a representation of seven out of 18; on the Peel Inlet Committee they were to have more than three representatives out of nine; and on the Leschenault Estuary Committee they were to have five representatives out of 12. After review of the debate in Parliament on this Bill the Minister will review what the final membership of these advisory committees will be, and he looks forward to constructive comments from other members.

In this whole question of representation on the authority, and indeed in the whole question of organisation and powers of the authority, it is very important that members appreciate the significance of clause 10, relating to disputes, and clause 36, relating to appeals. These clauses will be of interest not only to local authorities but also to industries, private individuals, landowners, and developers.

Under clause 10 any dispute between the authority and a public authority may be finally and conclusively determined by the Governor. Under clause 36 a person who is aggrieved by some action of the authority with respect to a permit or an approval may appeal to the Minister. Furthermore, if that person who is aggrieved dissents from the decision of the Minister, he may appeal to a judge of the Supreme Court.

Surely, therefore, in this legislation which gives more control of the waterways and the foreshores to a responsible authority, adequate precautions are provided to ensure that local government, private individuals, and the like have recourse at law to appeals, should they have substantive cause for disagreement with actions of the authority.

There is no need for a long speech to introduce this Bill. We are talking simply of updating legislation of some 15 years ago which has proved to be generally successful, but which needs to be extended to other areas of the State. We have day-to-day management experience of the Swan River Conservation Board which will be utilised. We have expert technical advice of E.M.A.C. which will be made available. We have provided for local experience and knowledge to advise this authority. We have provided for total environmental protection control, consistent with policies advanced by the E.P.A. We have provided that the State will accept total financial responsibility for managing and conserving the waterways which are so important to our community. We have provided in the Bill the capability of extending that control in the future to other waterways as necessary.

I therefore commend the Bill to the House.

Debate adjourned until a later stage of the sitting, on motion by The Hon. G. C. MacKinnon.

BILLS (3): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills—

1. Death Duty Assessment Bill.
2. Clothes and Fabrics (Labelling) Bill.
3. Hire-Purchase Act Amendment Bill.

BILLS (3): RETURNED

1. Aboriginal Affairs Planning Authority Act Amendment Bill.
2. Indecent Publications Act Amendment Bill.
3. Local Government Act Amendment Bill (No. 4).

Bills returned from the Assembly without amendment.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

In Committee

Resumed from the 11th December. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 49 had been agreed to.

Clause 50: Section 86 repealed—

The Hon. G. C. MacKINNON: I recommend to the Committee that it vote against this clause which repeals section 86 of the Act. That section deals with the right of the commission to vary an award at the request of an employer who is bound by the award, but who has not been served with a copy of the initiating document leading up to the award being made; that is, the union's claim. An employer is bound by the common rule provision, and the Bill contains a flow-on provision.

Clause put and negatived.

Clause 51: Amendment to section 92—

The Hon. G. C. MacKINNON: This clause amends section 92, and removes the right of the commission to prescribe a shorter period of operation for a part of an award, and reserves the right of any party to apply to amend an award at any time, regardless of the term of the award. The commission should have the right to use both powers over the same award, and not just one power. Currently an award or an amendment of an award operates from the date of issue. The power to prescribe an earlier date of operation encourages parties to differ in regard to finalising the claim, and this involves employers in financial outlay. I believe we should defeat the clause because it proposes to give retrospective effect to the whole or any part of an award, as the commission may consider equitable. This is a very important matter.

The Hon. R. Thompson: Very important.

The Hon. G. C. MacKINNON: I draw the attention of members to the fact that the Industrial Arbitration Act contains what are known as common rule and flow-on sections. Frequently an employer could be in a situation of not having received

notification of an increase. I was alarmed to see Mr. O'Sullivan refer in his annual report to the desirability of retrospectivity. I have no doubt it would make his job much easier. However, I do not think it is our job to make his task easier.

What particularly concerns me is the situation of small country businesses. The people who run these businesses are not closely in touch with the Employers Federation, and frequently they do not even know that a case is before the commission. So the business owner carries out work for other people, for which he is paid within a few weeks, and then suddenly he may find that he is stuck with an extra wages bill amounting to \$20 or \$30 a week which is retrospective for 10 or 12 weeks. He must pay his employees, but he cannot charge extra for the work that has already been done.

I have previously referred to the case of a man running a spray painting business. He may paint three or four cars a week, and his customers probably pay for the work as it is done. Suddenly he may find that he must pay his employees a retrospective increase, even though he has already been paid by his customers.

In regard to retrospectivity, it is argued that we have fewer industrial problems in that the workers will not take action because the case is before the court; but this just is not so. Indeed it brings trouble in its wake. Why should the union worry about hurrying if the increase will be granted retrospectively in any case?

The Hon. R. Thompson: That is a complete misconception of fact.

The Hon. G. C. MacKINNON: The Minister may have his say in a moment. I am most concerned about small country businesses, and even small businesses in the city. I strongly recommend that the clause be defeated.

The Hon. R. THOMPSON: I have circulated to all members information obtained today regarding the position in various States in respect of retrospectivity. For the record, I think I should read it out. From Tasmania I received the following advice from Mr. J. Berry, the Assistant Under-Secretary for Labour—

Retrospectivity is fairly common where determinations flow on from Federal parent awards. Applications are usually lodged very quickly following the Federal decision, therefore the periods granted are not very long.

However should there be a delay due, for example, to lack of clarity in the Federal decision, the periods of retrospectivity could be long. Retrospectivity is never granted beyond the date of application.

Where Wages Board decisions are made independent of Federal decisions, retrospectivity is not as com-

mon. If there has been a long delay due to pressure of work, the Wages Board has shown itself to be receptive to arguments for retrospectivity.

It has no general policy and each case is treated according to the circumstances.

The Federal Industrial Registrar (Mr. K. Marshall), advises as follows—

The Commonwealth Industrial Arbitration Act does not provide for retrospectivity unless the parties agree. However, the commissioners, through their general authority, do provide retrospectivity as an incidental part of their order. If the parties agree, and this is not infrequent, a measure of retrospectivity is not unusual.

The question of retrospectivity happens sufficiently often not to be unusual. However, these orders do not run for long periods.

In Victoria the position is as follows—

The Wages Boards in Victoria are not restricted but in the main their wages determinations are brought into line with the commencing date of Commonwealth awards. These periods are of reasonably short duration.

The Industrial Registrar in South Australia (Mr. Chizlett) has supplied the following information—

Retrospectivity is not common and there must be strong and cogent reasons for it to be granted. In South Australia the commission arranged dates of hearing within five days of the application being made and if there is any hold-up by either of the parties it would be most unusual for any retrospectivity to be granted.

Where there has been a real contentious issue, retrospectivity has been granted up to a period of two months. In the case of consent matters, three weeks would be the maximum period.

The South Australian Commission is most conscious of its responsibilities in respect to retrospectivity.

The position in New South Wales, as advised by the Assistant Industrial Registrar (Mr. Morgan) is as follows—

Their Act provides that retrospectivity could date from the day after the application is made and although it does depend on circumstances there have been occasions of retrospectivity up to two months. In most cases it is only weeks.

Retrospectivity is fairly common in New South Wales particularly in respect to awards which have flow-ons from Commonwealth decisions. There is a tendency to retrospectivity to have a common date of application with the Federal award.

Now that the term of awards is tending to shorten to one year, periods of retrospectivity are minimal.

From Queensland the following information was supplied by the Industrial Registrar (Mr. Marshall)—

Retrospectivity is fairly common but it does not apply for lengthy periods. Where there is a nexus between awards and a flow-on principle is involved, the Queensland commission endeavours to give a fairly close operative date. In the main the periods would be two to three weeks. It would be most unusual circumstances to go beyond that time.

Their Statute provides that they cannot go beyond the date of application but usually the date of retrospectivity is the date of hearing.

Western Australia is the only State with industrial arbitration law which restricts retrospectivity. If a union lodges an application to the court for retrospectivity, but the application is not proceeded with for three to nine months it lies there and retrospectivity has no bearing. Restrospectivity is to apply only when a date for the hearing has been set. That is the date when the Industrial Commission has cognisance of it.

If the Industrial Commission hears the case in one day then it may grant retrospectivity for one day; but if it takes three weeks to hear the case then it may grant retrospectivity for three weeks. I stress the wording of clause 51 (b) (aa), which is as follows—

give such retrospective effect to the whole or any part of the award as the Commission may consider equitable but not beyond the date upon which the Commission first took cognizance of the matter in respect of which the award or part of the award was made;

That means retrospectivity will not be granted to take effect as at the date of application, but only as at the date of the hearing of the case. That is the only date to which the Industrial Commission may grant retrospectivity.

If we were to insert a time limit of, say, three months then the Industrial Commission would have to grant retrospectivity for that period of time. In that case it would place an unfair burden on the people Mr. MacKinnon talks about. By allowing the Industrial Commission to make a determination as to when retrospectivity may be granted the position would be fairer.

The Act provides that every 12 months the Industrial Commission shall bring forward outstanding applications and serve notice on the parties thereto to set a date of hearing. It is only when a date for hearing is set that retrospectivity can be allowed. Western Australia is the only State out of line.

Let me refer to the 10th annual report of the Western Australian Industrial Commission for the period from the 1st July, 1972, to the 30th June, 1973. On the first page the following appears—

The restriction upon which I comment is that which prevents the Commission from providing for any order of the Commission to be given retrospective effect. Many instances have been brought to the notice of the Commission when, in my opinion, the benefits of conditions and wage rates expressed in orders would be more justly granted to workers if such orders were capable of being retrospectively applied. Many workers, subject of awards of this Commission, now have their wages rates directly related to rates granted to like workers subject of awards of other Commissions and wage fixing authorities. That those workers should be prejudiced in time in the achievement of benefits in rates of wages appears to be inequitable. If the Act allowed the Commission to make orders to grant retrospectivity in respect of benefits claimed for workers and thus avoid any prejudice which might be sustained through delay in processing of claims, some of the causes for disruption of industry would be overcome. It is pertinent to observe that other wage fixing authorities have the jurisdiction to make orders affording retrospective application of decisions.

They are not my words, or the words of the Trades and Labor Council, or the words of my political party; they are the words of the Chief Industrial Commissioner of Western Australia.

We could debate this clause for hours on end, but I think it would be wrong of us to do so. I think I have demonstrated in no uncertain terms that all States, with the exception of Western Australia, have a retrospectivity provision. I think we should have sufficient faith in the Industrial Commission to exercise this power equitably.

Of late we have heard a great deal said about what the functions of the Industrial Commission should be, that when it does raise objection there is undoubtedly an inequitable situation in existence, and that much industrial unrest could be avoided if this power for the granting of retrospectivity were given to the commission, as is given in all the other States. I hope that a loud and clear voice will say "No" to the proposal of Mr. MacKinnon. The clause should be retained in the Bill to bring the legislation of Western Australia into line with that of the other States.

The Hon. L. A. LOGAN: I appreciate the provision that is contained in the clause, and I appreciate our responsibility as members of Parliament. Since taking an interest in the measure I have given

serious thought to this clause, to the extent that the information that has just been given by the Minister was supplied at my request. I also asked for the details of the legislation of the other States.

After studying this matter, after having been provided with the facts, bearing in mind that three times in this Chamber and as late as this afternoon it was contended that it was not Parliament's job to lay down what the Industrial Commission should do, bearing in mind that the Chief Industrial Commissioner has asked for this provision, and bearing in mind that Western Australia is the only State with legislation that does not contain this provision, I cannot see how I can conscientiously vote against the clause.

I believe the Chief Industrial Commissioner has enough sense of responsibility not to put in a report like this to Parliament if he did not think it was justified. I believe that the Industrial Commission has sufficient responsibility to know that if retrospectivity is to be granted it must be applied in an equitable way. Because of this I have come to the conclusion that I must support the clause.

The Hon. G. C. MacKINNON: I see no logic at all in the argument put up by the Minister, and supported by Mr. Logan. The Industrial Commission is supposed to demonstrate equal justice to two unions; that is, the union of employers and the union of employees.

I find that virtually every action that has been taken—it has been a complaint of mine which extends beyond the political sphere, and one gets the impression that this exists throughout the Government departments not only in Western Australia but in the other States—has tended to be biased to one side.

I am alarmed that the Chief Industrial Commissioner should report in this way: that it would make it easier to resolve disputes by including the retrospectivity provision. It is about time that we thought of making it easier for the person who creates the jobs.

The fact that retrospectivity may be granted in the other States, although it is granted under varying bases, is not enough in itself to justify the inclusion of it in our law. One ought to ask what is the proportion of days lost through wage disputes. Are there more lost man-days in Western Australia through wage disputes than are lost in New South Wales, or are there less?

I am given to understand that in Tasmania retrospectivity is fairly common where determinations flow on from parent awards, and the provision to allow applications is extremely rare; in South Australia it applies only where the case is extremely harsh or an injustice has been done. I am not sure which is right.

The point really is: Are there more working days lost in this State or in the other States? It is said that without retrospectivity injustice is done to the worker. It must surely be able to be said that with retrospectivity injustice is done to the employer. I wonder whether that thought has been taken into consideration in departmental activity. The report does not say no injustice is done to the employer; it says that some of the causes of disruption in industry would be overcome; that is, of course, because the employer has got into the habit of feeling he can do nothing about it, so he does not cause disruption. But is that good reason? I do not think so.

The Hon. R. Thompson: You tell us why it is a good reason that we are the only State out of step.

The Hon. G. C. MacKINNON: There could be many good reasons—perhaps there is more justice here; perhaps we have a number of small businesses.

The Hon. R. Thompson: They also have them in the other States.

The Hon. G. C. MacKINNON: I know, but perhaps we give them more consideration.

The Hon. R. Thompson: You are drawing a red herring across the trail.

The Hon. G. C. MacKINNON: What the Minister gave me was fact.

The Hon. R. Thompson: I gave you fact, but you are trying to distort it.

The Hon. G. C. MacKINNON: A farmer could tell me that he had 30 per cent. black-fleeced sheep. That would be a fact, but it does not prove that they are better or worse than any others. The Minister said blithely that this provision has reduced the number of lost days.

The Hon. R. Thompson: I did not say that; the Chief Industrial Commissioner did.

The Hon. G. C. MacKINNON: Prove it to me.

The Hon. R. Thompson: He says so in the report when he refers to some of the causes of disruption in the industry.

The Hon. G. C. MacKINNON: I have read the report, but it does not say that disruption in industry would be overcome and that no injustice would be caused to the employer; to the wage payer. There is apparently no consideration for that.

The Hon. R. Thompson: What you are saying is a reflection on the Chief Industrial Commissioner. Don't you think he acts fairly when he hears a case?

The Hon. G. C. MacKINNON: Yes. I submit that it is a natural tendency to consider that we could avoid certain problems by doing certain things. The commissioner says without equivocation that

some causes of disruption of industry would be overcome. Of course they would if there had been any delay. Workers get restive and it would save some disruption. The point I make is whether in fact there is still disruption when retrospectivity is written in.

The Hon. R. Thompson: There is no disruption when it is written in; common sense should tell you that.

The Hon. G. C. MacKINNON: I have a feeling that I have read of strikes over wage fixation in Queensland, New South Wales, Victoria, Tasmania, and South Australia.

The Hon. R. Thompson: But not over retrospectivity.

The Hon. G. C. MacKINNON: How could there be when they have it? I am looking for proof of this because there is some injustice on the people who are paying the wages.

The Hon. R. THOMPSON: I have never heard so much garbage in my life. The honourable member draws a red herring across the trail when he says this could happen or that could happen. We are talking about retrospectivity.

As Mr. Logan said, at his request, this information was obtained, and Mr. Logan knows and I know that the usual application does not extend more than one or two weeks after cognisance by the court is taken of it. I have explained that twice.

The Hon. G. C. MacKinnon: Do not explain again; I understand it.

The Hon. R. THOMPSON: The honourable member has not justified why the small shopkeeper or farmer is disadvantaged in Queensland, New South Wales, Victoria, Tasmania, and South Australia. This provision has been operative in those States for years. This is what we are debating, not wage fixation. Of course there will be malcontents over wage fixation.

The Committee would be remiss if it did not take into consideration the factual information gained by the Secretary of the Department of Labour in W.A.—not by me—as it was supplied to Mr. Logan.

I am sure no-one would point a finger at Mr. Jones; nobody would question his honesty when he provided this material. Equally I am sure that no-one would point a finger at Mr. Sullivan. When he writes his report, he does so without trying to suit the political flavour of a particular Government. There is no case to answer. It is a matter of justice or injustice; and whether we allow the commissioner to make this determination. It is still in the hands of the commission.

The Hon. D. K. DANS: The Committee will recall that I said I wished to speak to four points in the Bill generally and

that I wanted to speak to two in particular. These referred to firstly the power of the commission to reinstate where the worker had been unjustly or unlawfully dismissed; and, secondly, to the power of the commission to grant retrospectivity where it deemed it necessary.

The commission exists to prevent and settle disputes. I do not want to labour the point of Mr. O'Sullivan's report. When I spoke on retrospectivity in this Chamber I did not know of the existence of the Chief Industrial Commissioner's report. But that does not make me wise or Mr. O'Sullivan wise, because in the field of human relations this has been recognised for some time in Western Australia. Informed industrial observers felt that this was an impediment in the prevention of disputes by commissions on certain occasions.

Mr. O'Sullivan says, "Give me this power, even with a limited spread, and I may be able to prevent some industrial dispute"; because this has the effect of speeding up the process. One of the stock weapons of parties in a dispute—particularly in the case of some employers—is the tactic of stalling.

The Hon. J. Heltman: Would that not be so in both cases?

The Hon. D. K. DANS: The honourable member would not live five seconds if he were a fish; he would take the bait immediately. This tactic, of course, is also used by the other side. To be effective, arbitral laws must be able to move quickly. In some cases, instead of waiting for the commission to make a determination, the men on the job get frustrated and take the next line of action which is a stoppage; and we know then what takes place. I agree there are many officials of small unions who would be fearful of retrospectivity if it were set for two, three, six, or 12 months, because they would realise that if, for instance, this were inflicted on the clothing industry in Western Australia, it would be crippled.

But nobody is looking at it in that light. The brakes are clearly applied in the new section 51. If one wants to examine the Commonwealth Act one will find that in certain circumstances the Commonwealth Industrial Commission could, if it wished, without any consideration for the public interest order retrospectivity for five years. But it does not do that.

We appoint judges, magistrates, commissioners, and chairmen of compensation boards and, having done so, we should have complete faith in them. We endeavour to get the best possible person and we expect him to do the best possible job, having regard to all the factors involved.

I recall having once said to a judge of an industrial commission that there was no dispute I could not solve, and

he replied, "I know, but you forget to add that you would do so on your terms; that is why I am employed."

From time to time people wax eloquent about the effects of strikes. The fact is that the majority of disputes in this country are solved by agreement through arbitration. I do not think one can read Chief Industrial Commissioner O'Sullivan's report in isolation. One must read the lot.

The Hon. G. C. MacKinnon: That is right.

The Hon. D. K. DANS: We often hear it is not only necessary for justice to be done, it must be seen to be done. Many workers in Western Australia are employed under Federal determinations which contain the added provision of retrospectivity. Workers under State awards do not have this provision, and constant friction results. We must remember that if we accept the clause, retrospective payments will not be made automatically. It would be interesting to find out how many retrospective payment awards are made, and how many of these apply beyond three weeks. I believe it would be a very small percentage, and that is the way it should be. Conciliators, chairmen of wage fixing boards, etc., have regard for all the factors placed before them. They are responsible people in the community. We should at least listen to and heed the advice tendered to this Parliament by the Chief Industrial Commissioner. At no stage has he displayed himself as an irresponsible person. Everyone here would agree.

He has seen this provision in operation in other States, and he has examined the results. He has not asked for anything out of the ordinary. I must say the draftsman of this clause has recognised the problems.

Mr. Ron Thompson very ably explained the circumstances in which this provision will operate. The power will still be in the commissioner's hands. He will decide whether or not to grant retrospectivity, and we must understand that. We are not giving an open cheque to the commissioner.

It is only after all the facts have been examined that the commission will decide whether or not to grant retrospectivity. It will also have regard for the position of the industry concerned. Even if it feels the claim put up by the workers is justified, it may not grant retrospectivity if it believes the industry cannot bear it.

Mr. O'Sullivan is merely asking for another arrow in his quiver to deal with industrial disputes. All industrial disputes do not relate to wages—they may relate to a number of things.

Many of the disputes in this State are solved by consent. The vast majority of the remaining disputes are determined by the Industrial Commission. It has a very

good record. The commissioner has asked for the power, and we should be big enough and wise enough to agree to retrospectivity as outlined in this clause.

The Hon. G. C. MacKINNON: I want to be careful in my explanation, but I must say that bias runs through the whole community. It is quite subconscious, but this bias is slightly towards employed people and away from those making the benefits possible. I will ask a specific question of Mr. Ron Thompson. I will put forward an example, and I will make it as simple as I can. Let us say that I am an employer and I produce an article every day which I sell for cash. At the end of the day I have made a \$10 net profit. At the end of the week I have \$50 profit for the five days' work. I take that \$50 home. I am then told that a retrospective increase has been granted to my staff to date back to the previous week. The \$50 must then come out of my pocket and go to my staff and I will have nothing for the week's work. It is as simple as that. That is an injustice.

The Hon. R. Thompson: Can I answer this question?

The Hon. G. C. MacKINNON: That is my simple example. The only way I could still make a profit is if I had some prior knowledge so that I could put up the price of my products before the increase was granted. How could I do that?

The Hon. R. THOMPSON: Mr. MacKinnon says there is some bias—

The Hon. G. C. MacKinnon: I think we all have it.

The Hon. R. THOMPSON: That is the word the honourable member used.

The Hon. G. C. MacKinnon: I know I did.

The Hon. R. THOMPSON: I do not think that Mr. O'Sullivan is at all biased when dealing with a case. He deals with the facts. Let us clear that one up.

The Hon. G. C. MacKinnon: The fact is, of course, that employers do not strike.

The Hon. R. THOMPSON: This is not concerned with strikes. We are attempting to add something to the Act because it was requested by the Chief Industrial Commissioner. I think Mr. MacKinnon is reflecting on the commission and the commissioner.

The Hon. G. C. MacKinnon: I have known the commissioner longer than anyone in this place.

The Hon. R. THOMPSON: If there is bias, let us scrap the commission; we do not want to do that.

The Hon. J. Heitman: You know as well as we do that that is not the argument.

The Hon. R. THOMPSON: Why use the word "bias"?

I will not dwell on this any longer. The next point is that I believe in compulsory unionism. I also believe that every employer of labour should belong to his union—the Employers Federation. We cannot be blamed if employers do not join their unions—we are not legislating for fools. No matter how many people he employs, an employer should become a member of his union. When employers become party to an award dispute they must be advised of this, and the Employers Federation would be failing in its duty if it did not advise them. Mr. MacKinnon is attempting to justify an argument which cannot be justified. If it could have been, we would not see this provision in the legislation in the other five States.

These are my last words on this matter. Sufficient clear and cogent explanations have been given, not only by myself, but also by the Industrial Commission, and through the information supplied to Mr. Logan and me which has been circulated to members.

The Hon. G. C. MacKINNON: It surprises me that we were accused of dragging in red herrings. We now have a whale intervening.

The Hon. R. Thompson: I have kept to the Bill.

The Hon. G. C. MacKINNON: The Minister has talked of compulsory unionism, and other things. We will not join him on that principle. He tried to make a big thing about bias—and I am using the word in its normal sense. All of us tend to go along that path, because there is no other way to go. We do not say, "If we do such and such it will be easier for the employer." A degree of injustice is involved in this. We will have to find out how members feel.

Clause put and a division taken with the following result—

Ayes—13

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. S. T. J. Thompson
Hon. L. D. Elliott	Hon. J. M. Thomson
Hon. R. T. Leeson	Hon. D. K. Dans
Hon. L. A. Logan	(Teller)

Noes—10

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. G. W. Berry	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. D. J. Wordsworth
Hon. J. Beitman	Hon. R. J. L. Williams
	(Teller)

Pairs

Ayes	Noes
Hon. W. F. Willesee	Hon. Clive Griffiths
Hon. J. L. Hunt	Hon. W. R. Withers

Clause thus passed.

Clause 52 put and passed.

Clause 53: Section 92A repealed—

The Hon. G. C. MacKINNON: I merely wish to indicate that I will be voting against this clause.

Clause put and negatived.

Clause 54: Amendment to section 99—

The Hon. G. C. MacKINNON: I move an amendment—

Page 22—Delete paragraph (a).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 55 put and passed.

Clause 56: Amendment to section 107—

The Hon. G. C. MacKINNON: I move an amendment—

Page 23, lines 11 to 13—Delete paragraphs (b), (c) and (d).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 57: Amendment to section 108B—

The Hon. G. C. MacKINNON: I move an amendment—

Page 23, line 16—Delete paragraph (a).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 58: Amendment to section 108C—

The Hon. G. C. MacKINNON: This clause deals with a matter that should receive some attention. The clause proposes to amend section 108C under which a decision can be given by the commissioner and an appeal made against it. The appeal then goes forward to the Western Australian Industrial Appeal Court. In effect the Appeal Court can refer it back to the original commissioner.

This is an unusual proposition. Section 108C(5) at present reads—

In the exercise of its jurisdiction under this section, the Commission in Court Session—

- (a) shall hear and determine the appeal upon the evidence and matters raised in the proceedings before the Commission; and
- (b) may confirm, reverse, vary, amend, rescind, set aside or quash the decision, order or award the subject of appeal.

So it goes on. That is an extremely unusual way for any case to be heard; that is, to be taken from the senior jurisdiction and then for that senior jurisdiction to refer it back to the original jurisdiction. I would like to hear the Minister give some explanation of the need for this proposal.

The Hon. R. THOMPSON: Probably the most experienced person who could justify this provision would be Mr. Medcalf. What happens in this circumstance is that if a case is heard before the commissioner, the procedure is much the same as that which is followed in the Police Court. If an appeal is made against a decision in the Police Court the case is then taken before the

Supreme Court which can be compared with the Commission in Court Session which is the supreme body of the Industrial Commission. The Court Session can then refer the case back to the original jurisdiction in the same way as the Supreme Court refers a case back to the magistrate presiding over the Police Court for his further examination. That procedure runs parallel to the procedure that will be followed under this clause. Where the court is not satisfied with the commissioner's decision, the Commission in Court Session refers the case back to the commissioner to make his further deliberations. That is what the clause amounts to. I do not want to speak at length on this otherwise I could be here all night. This provision was also the subject of part of a letter I quoted during my speech on the second reading. The letter came from the Industrial Commission which stated that it was in favour of this provision.

Clause put and passed.

Clause 59: Heading Part IVB added—

The Hon. G. C. MacKINNON: This is a new part which is to be added to the Act and it deals with mediation and conciliation. At the instigation of Mr. Logan I will take no action on the amendments that were previously on the notice paper in my name. I notice that Mr. Logan has some amendments on today's notice paper.

The Hon. L. A. LOGAN: The Committee will no doubt appreciate that the amendments I had on the notice paper previously do not appear on today's notice paper because they have been altered. By appointing a mediator this will mean that he will become part and parcel of the arbitration system. Therefore I thought it was wise to delete the words "the Minister" and substitute the words, "a Commissioner". If this is agreed to no matter what happens in the course of mediation the commissioner would want to know what is going on. This has been accepted I believe, and so I move an amendment—

Page 24, line 5—Delete the words "the Minister" and substitute the words "a Commissioner".

Amendment put and passed.

The clause was further amended, on motions by The Hon. L. A. Logan, as follows—

Page 24, line 7—Delete the word "Minister" and substitute the word "Commissioner".

Page 24, line 16—Delete the word "Minister" and substitute the passage "Commissioner by whom he was appointed."

Page 24, line 20—Delete the word "Minister" and substitute the passage "Commissioner by whom he was appointed."

Page 24—Delete subclause (3) and substitute the following—

(3) The Minister shall pay a mediator such fees and expenses as the Commissioner by whom the mediator was appointed, having regard to the circumstances of the case, recommends, and for that purpose the mediator shall, in the prescribed manner, notify that Commissioner of the time spent and of any expenses incurred by him in connection with the settlement of the dispute.

Page 24, line 32—Delete the word "Minister" and substitute the word "Registrar".

Clause, as amended, put and passed.

Clauses 60 and 61 put and passed.

Clause 62: Section 108I added—

The Hon. R. THOMPSON: I move an amendment—

Page 28, line 9—Insert after the word "dispute" the passage " , strike or lockout".

This amendment is consequential to the amendment made to part IVB earlier in the proceedings.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 63 put and passed.

Clause 64: Section 108K added—

The Hon. G. C. MacKINNON: I was wanting to know the reason for the inclusion of the word "difference".

The Hon. R. THOMPSON: Probably the word has very little meaning.

The Hon. G. C. MacKinnon: Let it go. You have been extremely co-operative.

Clause put and passed.

Clause 65: Amendment to section 127A—

The Hon. G. C. MacKINNON: This clause deals with section 127A which gives the power to the commission only to vary the basic wage. The proposal is to delete the provision for annual reviews and provide for quarterly reviews according to the movements in the consumer price index. Those of us who are old enough will recall the days when we had quarterly basic wage adjustments and will remember the constant change which followed. I therefore oppose the clause.

Clause put and negated.

Clauses 66 and 67 put and passed.

Clause 68: Section 132 repealed and re-enacted—

The Hon. G. C. MacKINNON: I hope the Committee will vote against the clause.

Clause put and negated.

Clauses 69 and 70 put and passed.

Clause 71: Amendment to section 141—

The Hon. G. C. MacKINNON: I hope the Committee will also vote against this clause.

Clause put and negatived.

Clause 72: Section 142A repealed—

The Hon. G. C. MacKINNON: Likewise I hope the Committee will agree to the deletion of this clause.

Clause put and negatived.

Clauses 73 to 75 put and passed.

Clause 76: Amendment to section 170—

The CHAIRMAN: I draw attention to the fact that the marginal note is incorrect. I instruct the Clerk to alter it to read section "170" instead of section "70".

The Hon. G. C. MacKINNON: Paragraph (b) repeals paragraph (c) of section 170(1). This is the paragraph which gives the commissioner authorisation to direct the Industrial Registrar or an inspector to institute proceedings for an offence against the Act. The commissioner, as the administrator, should retain the power to supervise observance of the Act.

The Hon. R. Thompson: I am accepting this.

The Hon. G. C. MacKINNON: I thought I should explain the situation. We do not consider it is sufficient to allow officers of the commission or the Department of Labour to make discretionary decisions on matters of such importance. I therefore hope the Committee will vote against the clause.

Clause put and negatived.

Clause 77: Section 171 repealed—

The Hon. R. THOMPSON: Proposed new section 108I will replace section 171, so I suggest that the honourable member should not oppose this clause.

The Hon. G. C. MacKINNON: I accept the Minister's explanation.

Clause put and passed.

Clause 78: Section 173 repealed—

The Hon. R. THOMPSON: I move an amendment—

Page 35, line 24—Delete the word "repealed" and substitute the passage "amended by deleting the words "one hundred and seventy-one" and substituting the passage "one hundred and eight I" ".

This is the amendment to which I referred earlier.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 79 to 81 put and negatived.

Clause 82: Section 180 amended—

The Hon. G. C. MacKINNON: This clause will have to be deleted because it will delete the reference to the recovery

of amounts of money within a period of 12 months from the time when the cause of action arose. I suggest the Committee vote against the clause, and I refer members to subsection (2) of section 180 of the Act. Without the provisions of this clause the Statute of Limitations will apply.

The Hon. L. A. LOGAN: If we do not delete this clause a worker will have a period of six years during which to claim back wages. At the moment there is a limit of 12 months.

Clause put and negatived.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Police), and returned to the Assembly with amendments.

DAYLIGHT SAVING (REFERENDUM) BILL

Second Reading

Debate resumed from the 12th December.

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [10.24 p.m.]: I must say I was delighted to hear the Leader of the Opposition say he was prepared to accept the principle that the people should be given an opportunity to express their opinion at a referendum and I am rather dumbfounded at his request that we have a trial period first followed by a referendum.

During the last three years we have asked for a period of daylight saving so the people could experience it. The first period was to be from the 31st October, 1971, to the 27th February, 1972. In 1972 the period was to be from the 29th October until the 4th March, 1973; and in 1973 the period was to be from the 28th October to the 3rd March, 1974.

The refusal each year left us no alternative but to give the people an opportunity to express their wishes at a referendum. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

Clause 1: Short title—

The Hon. A. F. GRIFFITH: I think I should take an early opportunity to address myself to this clause. I hope I will be forgiven but I found it very difficult

to hear what the Minister had to say. I am quite uncertain as to whether he mentioned the proposal which I contemplated in my second reading speech. Did the Minister make any reference to it?

The Hon. R. H. C. STUBBS: I simply said that I was amazed to learn that the Leader of the Opposition wanted to have a trial period—or was in favour of a referendum—and I went on to make it plain that I did not favour the proposal. I want the provisions of this Bill to be carried out and if the result of the referendum is in favour of daylight saving we will introduce it. I do not go along with the idea of a trial period and then a referendum.

The Hon. A. F. GRIFFITH: I was not mistaken; the Minister made no reference in his reply to the proposal I put forward. He simply said he was surprised that I was now prepared to approach this matter on the basis of a trial period of daylight saving.

I thought I explained very fully the reason for my proposal. We now have before us an entirely different Bill which provides for a referendum as the first action by the Government and a trial period to follow.

If we have a referendum followed by a trial period we will still have to have another referendum to find out whether the people preferred daylight saving. I thought the Minister would have indicated the attitude of the Government towards my proposal.

I propose to proceed with the first of my amendments to clause 2 in order to test the feeling of the Committee on the matter, because to my way of thinking it is better to have a trial period followed by a referendum, than to have a referendum first and a trial period afterwards. I am quite satisfied that following the trial period we will have to give the public the opportunity to express their wishes in respect of the trial.

I repeat what I said the other night, that if the Government had given me any indication after two lots of questioning that it was contemplating a referendum, and had it in fact brought this Bill down earlier in the year, my attitude towards it might have been different.

The Hon. I. G. MEDCALF: I am very perturbed to hear the Minister's attitude on this. I have always understood he and the Government were in favour of daylight saving, as I am. I counsel the Minister to be careful not to toy with this. We have already had three Daylight Saving Bills before the Chamber and on each occasion I have voted with the Government in support of daylight saving. If daylight saving is to be given a fair chance, it is desirable to go along with the proposal of the Leader of the Opposition.

If a referendum is to be held without the people having had a trial—and it is not my fault they have not had the trial already—and the matter is complicated by other factors, there will not be a proper verdict on the real question of whether or not we are to have daylight saving. As I understand the proposals of the Leader of the Opposition, they are that there be a trial period of daylight saving next summer. I see no objection to that and I fail to understand why the Minister has any objection to it. If I am correct, that would be the effect of what the Leader of the Opposition proposes.

The Hon. A. F. Griffith: Absolutely. The amendments on the notice paper provide for that.

The Hon. I. G. MEDCALF: I have attempted to secure a trial period of daylight saving for the last three years, and I do not wish to see this opportunity fade. I can see it fading rapidly unless the Minister adopts the proposition, which will result in a trial period of daylight saving next summer, following which the referendum can be held. It seems to me this is exactly what the Government planned to do on two or three previous occasions. It is now being suggested we have the referendum, and if this proposition is rejected I believe we may not have daylight saving.

The Hon. S. T. J. Thompson: It will be a democratic vote that says we do not have it.

The Hon. I. G. MEDCALF: That may be so, but I am speaking as one who is interested in having daylight saving, and I thought the Government had the same view. In case the Minister does not appreciate what might happen, I counsel him that he might now throw away the chance he has of getting it.

The Hon. C. R. ABBEY: I should make my position clear. Although I have some sympathy for the suggested proposal to have a trial period, I do not intend to vote for it. I indicated in my second reading speech that if a referendum were carried I would be obliged to vote for daylight saving, but I am not in favour of a trial period.

The Hon. L. A. LOGAN: During my second reading speech I said I would consider the amendment proposed by the Leader of the Opposition, and I have done so. If I were to support his amendment after vehemently opposing daylight saving on three occasions, as far as I am concerned I would be going out of this Parliament with a stigma attached to me that I supported daylight saving for one year. I do not intend to have that. I voted against it on three occasions in no uncertain terms, and I will vote against it in no uncertain terms again. I certainly will not support a trial period of daylight saving while I am in Parliament.

The Hon. A. F. GRIFFITH: I have voted against daylight saving on three occasions and I do not think any stigma will be attached to my name because I have changed my mind.

The Hon. L. A. Logan: That was not the right word. I should not have used it.

The Hon. A. F. GRIFFITH: I remind Mr. Logan that this is an entirely different Bill from any we have ever seen before. I repeat that had a Bill in this form been introduced a few months ago, I might have had a different approach to it. So far as the opponents of my proposition are concerned, it is important that I know before we go any further what the position will be in relation to the poll. I say right here and now that I think it would be quite improper to conduct the referendum on polling day. The State general election should not be clouded by a social issue of this nature. I do not know whether or not the Labor Party thinks it will get any benefit out of it. It must think some benefit is likely to arise because the author of the Bill and the draftsman have gone to great pains to provide that the referendum shall take place on polling day if so desired. Could we not approach it from that point of view in the first instance? I want some indication whether or not the Government intends to hold the referendum on polling day.

The Hon. R. H. C. Stubbs: When we reach clause 2 I will tell you.

The Hon. A. F. GRIFFITH: I know, if I lose the amendment to clause 2, the extent to which I am wasting my time. Is it not fair to give me an indication now what will happen on clause 2?

The Hon. R. H. C. STUBBS: The Bill makes provision to hold the referendum on polling day or any other day.

The Hon. A. F. Griffith: I know that perfectly well.

The Hon. R. H. C. STUBBS: The Government has not said it will hold the referendum on polling day.

The Hon. A. F. Griffith: The Government has not said it will not.

The Hon. R. H. C. STUBBS: The Government has not said it will not, and it has not said it will. The Government will make up its mind in due time, but we have provided that it can be on another day if necessary.

The Hon. L. A. LOGAN: I want to make my position clear on this, too. Unless that provision for holding the referendum on polling day is taken out of the Bill, I will vote against the third reading because I do not want a referendum on polling day.

The Hon. A. F. GRIFFITH: I thank the Minister for telling me nothing, and I thank Mr. Logan for telling me where he stands.

Clause put and passed.

Clause 2: Commencement—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 2, line 1—Insert after the word "than" the passage "Division 2 of".

If the Committee is prepared to entertain the proposal I have in mind, it is necessary to make a complete rearrangement of the Bill. With the words which I suggest be inserted, subclause (1) of clause 2 would read—

(1) The provisions of this Act, other than Division 2 of Part III, shall come into operation on the day on which this Act receives the Royal Assent.

This is the beginning of the rearrangement. A new clause would go into the Bill, which would become division 2 of part III.

The Hon. I. G. MEDCALF: I support the amendment. I believe the proposal offers the only possibility of getting daylight saving. I suggest to the members of the Government that if they do not vote for this they will give away daylight saving.

I could not follow what the Minister intends to do and I do not know what the attitude of the Government will be, but I desire daylight saving, as I have indicated on a number of occasions. I propose to support the amendment moved by the Leader of the Opposition because I believe it is the only hope we have of getting the trial period which we have been trying to get for the last three or four years. This will have the effect which I understand the Government wanted.

I am surprised there has been no firm indication by the Government that it wants a trial period of daylight saving next summer. If the Minister believes he has made it clear, it has not been made clear to me. If the Government wants daylight saving, it should support this amendment. It is a simple matter of weighing up the possibilities of the present situation. I sincerely trust the Minister will not oppose this amendment.

The Hon. S. T. J. THOMPSON: On three previous occasions I have voted against the daylight saving legislation because I have been convinced the people I represent do not want daylight saving. If I support the amendment I will forst daylight saving on the very people I have been voting to protect over the past three years. Therefore, I am not prepared to accept the amendment but I am prepared to let the matter go to the vote so that the public may express their wishes.

The Hon. A. F. GRIFFITH: I understand clearly the feelings of members who have voted against daylight saving on previous occasions, but I cannot understand the attitude of the Government when it has the opportunity by accepting the amendments on the notice paper to have an "Open sesame" in respect of the experiment which it has been asking for. I direct my remarks to the Government in a forthright manner: Unless it is willing to accept the amendments I say the Bill is nothing but a sham. We have heard protests against the fact that the Chamber has declined to agree to this before, and now the opportunity is offered to the Government it says that it wants a poll first. If it really wants daylight saving as an experiment, this is the only way to do it; because the poll might result in the opposite decision.

The Hon. R. H. C. Stubbs: I could not care less, as long as the people have a chance to vote.

The Hon. A. F. GRIFFITH: It becomes obvious that the Chief Secretary could not care less.

The Hon. R. H. C. Stubbs: You are denying the people the chance to have a say. You are now doing a bit of footwork. Why don't you face up to this and give the people a chance to say what they want?

The Hon. A. F. GRIFFITH: The Chief Secretary is already becoming a little overheated.

The Hon. R. H. C. Stubbs: The Chief Secretary feels like telling the simple truth.

The Hon. A. F. GRIFFITH: If the Chief Secretary feels that way, I will sit down and give him an opportunity to tell the truth.

The Hon. J. DOLAN: I am afraid the Leader of the Opposition is putting the case his way and not the way that the Government wants it to be put. The Government has presented a Bill on three occasions, and each one has been rejected. We felt the Bill should not have been rejected and that daylight saving should have been given a trial. On this occasion we decided to ascertain what the people want.

If the people say they do not want a trial period, that will be sufficient for the Government. But if they say overwhelmingly that they want a trial period of daylight saving, the Government will take steps to bring another Bill to the Parliament. There is no question of sham about this. The Government is keen to give daylight saving a trial, as other States have done. Queensland was not happy with its trial, and it got rid of daylight saving, but the other three States have retained it.

The Hon. R. H. C. STUBBS: I think Mr. Logan made a very good point. He wanted to know when we will conduct a

referendum. I have an idea of the date, but I will endeavour to get the information for him right from the horse's mouth.

Sitting suspended from 10.50 to 11.53 p.m.

The Hon. A. F. GRIFFITH: Before the suspension the Minister said he would go away and find out what the position was.

The Hon. R. H. C. Stubbs: He said he would attempt to do so.

The Hon. A. F. GRIFFITH: The Minister has now returned so could he tell us whether or not the Government intends to hold the referendum on the same day as the general election next year?

The Hon. R. H. C. STUBBS: In my most co-operative manner I will certainly tell the Leader of the Opposition the Government has no intention of informing him of its election tactics. That is the Government's prerogative and its right. I have no more to say on the question.

The Hon. A. F. GRIFFITH: I do not know what it is that spurred the Chief Secretary on to such a delightful sense of humour. I thank him very much for giving me no information.

The Hon. I. G. MEDCALF: In all this humour I do wish to draw the attention of the Chamber to the fact that we are discussing daylight saving. On three occasions I have attempted to get agreement to a trial period for daylight saving in Western Australia.

I have supported the Government on those three occasions and I am surprised the Government is not supporting me on this occasion. I have always voted in favour of the proposal to have a trial period for daylight saving.

If we study Mr. Arthur Griffith's amendment, as I have done, we will find that if the Committee passes that amendment daylight saving will take place in the summer of 1974-75.

That seems to be a desirable thing. I am not concerned with whether or not election tactics are involved in this matter; in my opinion that is not relevant to the question of daylight saving; so it is not proper to confuse the issue of daylight saving with election tactics.

As far as I am concerned I see an opportunity to have a trial period of daylight saving in 1974-75. I have been aiming at this for some years as I understand has the Government; and I am distressed to see the Government is not taking the opportunity which is now within its grasp, but which will fade if it is not taken.

The Hon. A. F. Griffith: The Government does not want it.

The Hon. I. G. MEDCALF: My opinion on daylight saving differs from those of some of my colleagues. I respect their

opinions. There is a chance of getting a majority in favour of the proposed amendment but that majority may disappear if we do not take this opportunity. If the Government wants daylight saving it should vote for the amendment; if it does not vote for the amendment it does not want daylight saving.

The Hon. R. H. C. STUBBS: On three occasions the Government has sought to obtain the trial period of daylight saving and this was refused in this Chamber. The footwork of the Opposition is better than a lightweight boxing champion; this is stressed by the fact that it is now running for cover.

We want the people to tell us what their desire is in this matter and we are prepared to abide by the will of the people. I will ask the Committee to vote against the amendment.

The Hon. R. J. L. WILLIAMS: I think perhaps a point is being missed. I, too, have been a supporter of daylight saving. If the Minister considers the matter he might see what we are trying to get at. This Bill is a new concept.

In the past similar proposals were rejected, because some members felt they knew what their constituents wanted. At the time I found this hard to believe, but I thought it was what my constituents wanted. It is obvious the referendum the Government proposes would be a sensible way to approach this problem.

Perhaps 50 or 60 per cent. of the electorate are unaware of the implications of daylight saving. The people in this State have never been involved in it. I would say that virtually anyone below 35 years of age would have no idea of daylight saving, because when it was introduced in this State they were very small children.

If we are to conduct an experiment then we should conduct it properly. It is no use asking people who have never tasted caviar whether they like caviar, or to vote on whether they should have caviar! I do not think it is fair to the electors to ask them to pass judgment on daylight saving when they do not know what it is about.

I am not too sure what the Chief Secretary meant by lightweight footwork, running for cover, and his other adjectives, but I would say that scientifically we must sample something to know what we are doing.

This matter is out of the ring of politics altogether. If we ask the 60 per cent. of the people who have never experienced daylight saving to make up their minds on its introduction, it would be ridiculous.

If a trial period had been introduced by the Government in its previous efforts, with a proposal for a referendum attached, the odds are the measure would

have passed. But we cannot ask people to give their opinion on something about which they know nothing.

What the Opposition is suggesting from a scientific point of view is to let the people have a sample of daylight saving, and then to conduct a referendum.

The Hon. R. Thompson: Where does science come into that?

The Hon. R. J. L. WILLIAMS: Science is the measure of a known quantity, but many of these people do not know the measure, and certainly people under 35 years of age have no idea what daylight saving is about.

The Hon. R. Thompson: You underestimate their intelligence.

The Hon. R. J. L. WILLIAMS: We cannot expect a child of two years of age to remember what daylight saving was about I suggest the people who rejected daylight saving in Western Australia when it was tried should be given a sample of it.

The Hon. R. Thompson: Who rejected it?

The Hon. R. J. L. WILLIAMS: Was not daylight saving abolished?

The Hon. R. Thompson: You are completely wrong.

The Hon. R. J. L. WILLIAMS: I stand corrected, but I thought daylight saving was abandoned after a certain period.

The Hon. A. F. Griffith: Daylight saving in this State was introduced as a wartime measure. It was applied to a 30-mile radius of Perth. Subsequently it was not proceeded with. The people did not have a chance to make a determination.

The Hon. R. J. L. WILLIAMS: It is misleading to say that all the electors in the State would know what daylight saving is about. I probably know more about daylight saving in Europe than anyone in this Chamber. We would be misleading at least 33 per cent. of the migrant population if we say that daylight saving in Europe is the same as daylight saving in Western Australia.

I am merely pointing out the fact that if we introduce daylight saving, and then hold a referendum afterwards, the people will know what they are voting for. In this House I have voted in favour of daylight saving on three occasions, because I believe in it; but I have never sampled it in Western Australia.

The Hon. S. T. J. THOMPSON: It astounds me to think that two members of the Opposition who on three previous occasions voted to give daylight saving a trial should now be afraid to let the question be decided by the people by means of a referendum.

The Hon. A. F. GRIFFITH: Apparently I am being accused by the Chief Secretary of some fast footwork.

The Hon. R. H. C. Stubbs: You were running that fast for cover that you would emulate "Pottsie".

The Hon. D. K. Dans: Can he run—

The Hon. A. F. GRIFFITH: What about Mr. Dans getting up and telling us what he thinks about daylight saving?

The CHAIRMAN: The honourable member will please address the Chair.

The Hon. A. F. GRIFFITH: Mr. Dans has been saved by the Chair. He continues to interject in this discussion. I ask the Chief Secretary: Is it fair to accuse a man of displaying fast footwork because he is prepared to change his mind on a certain matter? If he thinks it is fair, I certainly do not. If the vote of this Chamber had gone the same way as it had done previously we would not have gone beyond clause 1. We have progressed this far because people like myself were prepared to change their minds. There is nothing wrong in doing that.

I am prepared to adopt a different approach to this matter in respect of the Bill before us which provides for a referendum first, and daylight saving afterwards. The only difference is whether the referendum should be held before or after the introduction of daylight saving.

Naturally no trial of daylight saving will take place if a referendum is held first and the result is a "No" vote. I have said that people in glass houses should not throw stones. I say to the Chief Secretary that I think the Government is shifting its feet.

The Hon. R. H. C. Stubbs: Don't you think, because you are on foreign ground you think!

The Hon. A. F. GRIFFITH: It depends entirely on what I am thinking about. Now that the Government sees there is an opportunity for daylight saving to be introduced on a temporary basis, it runs away as fast as it can go. It refuses to allow the people to have a trial. Let us have a referendum to see whether the people want a trial.

I do not appreciate being told I am shifting my ground; nor do I appreciate the way I am accused of doing so. Certainly I have changed my mind; if I had not the Government would not be wasting its time with the Bill. It is obvious the Government has said to itself, "The Country Party will not vote for this proposal and we know some Liberal members will vote for it, so putting two and two together to make four, we will argue with the Leader of the Opposition as long as he wants to argue because we know he cannot win." For that reason the Government is not prepared to give this a trial.

As Mr. Medcalf pointed out, this is the acid test. The Government does not want a trial of daylight saving. What it

probably wants is a referendum on polling day in order that the issue might be totally clouded and that it would get a few extra votes to keep the Government in office next year. I promise the Government it will not achieve that with my vote.

The Hon. N. McNEILL: On all previous occasions on which a measure like this was introduced I voted against it and I am still of that mind. Personally I am opposed to daylight saving and I believe that is the view of my province.

Despite what the Chief Secretary has said, that we had three opportunities in this Chamber in the past to provide for a trial period, there is a big difference in this case. In my view we have never been given an opportunity in this Chamber to vote for the holding of a referendum on daylight saving.

It is with hindsight I say that perhaps it can be argued that I would not have grasped this opportunity, had such a circumstance occurred at the time. If the Government had provided an opportunity for the people to decide, through a referendum, I would have favoured the holding of one even though personally I am opposed to daylight saving.

The Chief Secretary has accused the Leader of the Opposition of adept footwork, and so on, and of making his move on some political ground. He held this against the Leader of the Opposition. In replying to the comments of the Chief Secretary the Leader of the Opposition asked the Chief Secretary to give some information, but the Chief Secretary said he was not prepared to give away the election tactics of the Government. That is clearly an admission of the purpose of this exercise. This is an election tactic.

It ill becomes the Chief Secretary to accuse the Leader of the Opposition of displaying adroit footwork when it is clear the introduction of the Bill is a political tactic. If the Government wishes to use this as an election issue in my province I have no fears what the result will be. Having experienced daylight saving on previous occasions, I do not favour it, but I am not prepared to deny the people the opportunity to decide the matter by a referendum.

I support the view of the Leader of the Opposition. Because this is an election tactic, and because it is intended to cloud the issue for the purpose of an election, I oppose it on those grounds. I also oppose it because it is not for a trial period first. I am prepared to change my vote in relation to daylight saving in order that it be given a trial followed by a referendum. That is a change of attitude on my part and if the Chief Secretary is counting heads that should be of some value to him. However, as an election tactic I reject it

completely. I suggest the Committee should accept the amendment moved by the Leader of the Opposition.

The Hon. D. K. DAns: Just to put the thoughts of the Leader of the Opposition at rest, when I interjected I was simply correcting him. He said he thought the sportsman I had referred to was a fighter but I said that he was a runner.

The Leader of the Opposition said he thought I had not spoken on daylight saving previously. I did speak on two occasions but I did not see any point in speaking to the last Bill. The people of Western Australia should have been given the opportunity to decide for themselves after experiencing daylight saving, as was done in the Eastern States.

It is true that to the best of my knowledge the executive of the Trades and Labor Council does not favour daylight saving for a variety of reasons. Perhaps one could foreshadow that after a very hot summer people would not vote in favour of daylight saving.

The Opposition previously had an opportunity to move an amendment to provide for a referendum after a trial period. I do not believe that was necessary because if daylight saving was unpopular a referendum would not be required to convince the Government to discontinue it. A referendum was not required after the war years. I cannot go along with the amendment because I do not think it is genuine. Opportunity has been provided previously on three occasions for such a proposal to be put to us. The opportunity was available for the opponents of daylight saving to amend the three previous Bills.

I still do not know whether or not people favour daylight saving; some sections do and some sections do not. After the introduction of three Bills no move was made by the opponents of daylight saving to amend those Bills. On this occasion the Government desires to give the people an opportunity to cast their votes, and that is fair enough. I leave members with those thoughts.

The Hon. A. F. GRIFFITH: I would not have risen to my feet had it not been for some remarks made by Mr. DAns. He asserted that it was up to any member in this Chamber to move an amendment to the previous Bills to provide for a referendum. However, the Bills arrived in this Chamber with a Message from the Lieutenant-Governor, which meant that they required public expenditure. It is beyond the power of this House to spend public money.

The Hon. D. K. DAns: I stand corrected. I thought you might have mentioned that point during debate.

The Hon. A. F. GRIFFITH: I am glad the honourable member made that point because I did mention it on two separate occasions.

The Hon. D. K. DAns: I cannot recall it having been mentioned.

The Hon. A. F. GRIFFITH: In August, 1972, I asked if the Government intended to conduct a referendum on daylight saving and the answer was, "No". In October, 1972, I asked if any further consideration had been given to the matter and the Chief Secretary told me, "None at all". That was the day I proceeded to debate the Daylight Saving Bill which he had introduced a little earlier. So I had canvassed the matter of a referendum.

The Hon. D. K. DAns: I can recall some talk about it.

The Hon. A. F. GRIFFITH: The honourable member can look at the questions asked on the 2nd October and the 8th October.

The Hon. D. K. DAns: I do not doubt the Leader of the Opposition.

The Hon. A. F. GRIFFITH: But the honourable member did doubt me and said that he had not heard me mentioning the matter during debate.

The Hon. D. K. DAns: You have now assured me that you did.

The Hon. A. F. GRIFFITH: I suggest the honourable member should not make these untruthful statements, or mistaken statements.

The Hon. D. K. DAns: Mistaken statements.

The Hon. A. F. GRIFFITH: The matter has been canvassed. If the Government had introduced this Bill in October of this year I think my approach would have been different. I had been categorically told that the Government did not intend to hold a referendum. I was not able to introduce an amendment because that would have been out of order.

Mr. DAns now thinks this is not a genuine attempt on my part. Allow me to assure him it is a genuine attempt. If the honourable member had been privileged enough to attend the party meeting at which we discussed this matter he would have heard me express the opinion that I did not think we could refuse the Government's intention to have a referendum. But I did think that it was handling the matter the wrong way round. I considered that the people should have the experiment first and then a referendum should be held. That is the truth of the matter and whether or not the honourable member believes what I have said or understands what I have said, I do not care.

The Hon. D. K. DAns: I understand it.

The Hon. A. F. GRIFFITH: My conscience is clear, and it is also clear to me that the Government does not really want a trial.

The Hon. R. F. CLAUGHTON: I believe the people should be allowed to experience daylight saving for themselves instead of a decision being made in this House. I cannot remember any suggestion from the Opposition that the public should be allowed to have the experience first, and then have a referendum to determine the general feeling. I have a recollection of the Minister saying that after the experiment we could find out the feelings of the people.

The Hon. A. F. Griffith: Can the honourable member show me that in *Hansard*?

The Hon. R. F. CLAUGHTON: I could not at this stage because I have not checked it.

The Hon. A. F. Griffith: I bet you have not.

The Hon. R. F. CLAUGHTON: Perhaps the Leader of the Opposition would be good enough to show us where we could find some reference to something of that nature.

The Hon. A. F. Griffith: I cannot recollect anything like that ever having been said.

The Hon. R. F. CLAUGHTON: No, I do not think the Leader of the Opposition can. Perhaps he could show us where he suggested to the Government that there should be a trial period and then a referendum.

The Hon. A. F. Griffith: I never said I had.

The Hon. R. F. CLAUGHTON: That is right, and I cannot remember the Leader of the Opposition saying that.

The Hon. A. F. Griffith: It was never mentioned. The only information made available was in answer to the questions.

The Hon. R. F. CLAUGHTON: We now get to the point that we were not sure why questions were asked at that time.

The Hon. A. F. Griffith: Anybody but you would be sure; to obtain answers.

The Hon. R. F. CLAUGHTON: It appears extremely odd that at this late stage the Opposition should suggest that we have a trial period of daylight saving to be followed by a referendum. The Opposition has never indicated that it was prepared to accept a trial period.

I would think that the Opposition has sampled the feelings of the electorate regarding daylight saving and that is the reason for it changing its tactics. The Opposition has now found that it was wrong and in order to overcome the difficulty it has placed this proposal before the Committee.

The Hon. N. McNeill: I have no doubt about my province.

The Hon. R. F. CLAUGHTON: In that case the honourable member will have no trouble in accepting our proposal.

The Hon. N. McNeill: I have already explained my situation.

The Hon. R. F. CLAUGHTON: The explanations given by the honourable member are always extremely tedious and obtuse.

The Hon. J. Heitman: They are not half as bad as yours.

The Hon. A. F. Griffith: Have you ever had a look in a mirror?

The Hon. R. F. CLAUGHTON: I suggest that the Leader of the Opposition should have a look in a mirror.

The CHAIRMAN: Order! I suggest the honourable member get back to the question before the Chair.

The Hon. R. F. CLAUGHTON: The Government desires to put this proposal before the public.

The Hon. R. H. C. STUBBS: I have made the position clear, but I want to reply to Mr. McNeill who accused us of gaining a political point. I suggest that members of the Liberal Party would not be babes in the wood at gaining political points; they are past masters.

The Hon. J. Heitman: They are learning.

The Hon. N. McNeill: The Minister is not denying my accusation?

The Hon. R. H. C. STUBBS: We have tried to introduce daylight saving on three occasions, for a trial period. However, this Chamber would not give the people of Western Australia the privilege of finding out all about it. We now have to ask the members to agree to a referendum. If the people vote in favour of daylight saving it will apply automatically for one year.

The Hon. A. F. Griffith: What about after that?

The Hon. R. H. C. STUBBS: We will face the problem then. The Leader of the Opposition objected to my talking about footwork. If he were a racehorse, he would be disqualified for life! Three times he has said he will not have daylight saving, and now he says he wants to try it first and then conduct a referendum. We want a referendum to know what the people want. I will be glad to stand by what the people say.

The Hon. A. F. GRIFFITH: I have not altered my opinion about daylight saving. On three occasions I have told the Chief Secretary that I am against it.

The Hon. R. H. C. Stubbs: At least you are consistent.

The Hon. A. F. GRIFFITH: Of course I am. The Chief Secretary now says I am trying to change my mind. If I were not prepared to do that, we would not now be debating the Bill in Committee—it would have been defeated at the second reading stage unless other people had changed their minds also.

During the second reading debate I told the Chief Secretary what I proposed to do. I did not take him by surprise. I spelt out the effect of my proposed amendments. The Chief Secretary now accuses me of being a fast-footed racehorse. He does not understand genuineness when he sees it. I do not give a damn whether or not he accepts my explanation.

The Hon. R. H. C. STUBBS: I do not give a cuss what the Leader of the Opposition thinks. We want to know what the people say. I will leave it at that.

The Hon. I. G. MEDCALF: I again draw the attention of the Committee to the fact that we are supposed to be discussing daylight saving. The amendment seeks to provide for a trial period. I believe we should have a trial period of daylight saving. Mr. Syd Thompson referred to two members on this side, and I presume he was talking of Mr. Williams and me. He said we were afraid of the result of the referendum. I assure him—and I believe I can speak for Mr. Williams on this—we are not in the least afraid of the result. Along with the Chief Secretary and Mr. Arthur Griffith we would be quite happy to abide by the decision of the people.

The Hon. A. F. Griffith: I certainly would.

The Hon. I. G. MEDCALF: The amendment proposed by Mr. Arthur Griffith provides for a referendum after a trial period of daylight saving.

The Hon. S. T. J. Thompson: Which the people may not want.

The Hon. I. G. MEDCALF: I would not be so bold as to say what the people want. Many people were proved wrong in their prediction on last Saturday's referendum. We must abide by the decision of the people, and that is a good thing.

The Hon. A. F. Griffith: In fact, the Bill provides that we will abide by the decision of the people.

The Hon. I. G. MEDCALF: I have no objection whatever to a referendum—I favour it. I am not wise enough to know the result of such a referendum. However, we should hold the referendum after a trial period. The people will then know what it is all about. It is useless for anyone to tell me that I voted against this. I have always been in favour of a trial period, and I am still in favour of it.

In summary form the proposed amendment will permit a trial period of daylight saving in the summer of 1974-75. At the end of that time we will conduct a referendum to see whether we will have daylight saving permanently in the future. Three times we have tried to legislate for a trial period. We now have the opportunity to

have it. No fancy footwork is involved in providing for a trial period before the referendum.

I propose to support the amendment. If necessary, I will seek to divide the House on it.

Amendment put and a division taken with the following result—

Ayes—9

Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. Chve Griffiths	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. N. McNeill	(Teller)

Noes—13

Hon. C. R. Abbey	Hon. L. A. Logan
Hon. R. P. Cloughton	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. B. Thompson
Hon. J. Doan	Hon. S. T. J. Thompson
Hon. L. D. Elliott	Hon. J. M. Thomson
Hon. J. Heltman	Hon. D. K. Dans
Hon. R. T. Leeson	(Teller)

Pairs

Ayes	Noes
Hon. G. W. Berry	Hon. J. L. Hunt
Hon. W. B. Withers	Hon. W. F. Willesee

Amendment thus negatived.

The Hon. A. F. GRIFFITH: A number of further amendments appear on the notice paper in my name. I gather I would be just as unsuccessful with them as I was with this one. It ought to be obvious to the Government that some people are prepared to change their minds. The vote on the amendment was indeed quite interesting. The Government was aided by the Country Party and some of my own colleagues. I have sufficient sense to know it is useless to beat the air with a big stick.

I have circulated in the Chamber some further amendments I propose to move to clause 10. I will say nothing further until that time. However, in regard to this clause I would like to say that if the Bill proceeds as it is, under no circumstances will I vote for clause 10. I will move an amendment to provide that the referendum is not held on a polling day.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Issue of writ for referendum—

The Hon. R. H. C. STUBBS: It has been brought to my attention that the word "same" should be deleted. This will permit the referendum to be held on another day. I move an amendment—

Page 3, line 25—Delete the word "same".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Action by officers to carry writ into effect, etc.—

The Hon. R. H. C. STUBBS: This paragraph was omitted from the original Bill,

and the Parliamentary Draftsman discovered the omission. I move an amendment—

Page 5—Delete paragraph (b) and substitute the following—

(b) where the Chief Electoral Officer is of the opinion that any of the other provisions of the Electoral Act, 1907 and the regulations made thereunder relating to elections can, with reasonable modifications or variations, be applied and observed in relation to the referendum, such provisions shall, with such modifications or variations, be so applied and observed.

The Hon. A. F. GRIFFITH: Will the Chief Secretary please explain the difference between paragraph (b) in the clause and paragraph (b) in his amendment?

The Hon. R. H. C. STUBBS: The information I received as late as yesterday from the Parliamentary Draftsman is that this amendment will tidy up the clause as far as the Electoral Office is concerned. He said the import of the new paragraph is contained in the last three lines. The draftsman omitted this provision, and the omission was not observed in the other place.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Issue of ballot papers generally, and special provisions for postal voting, absent voting, etc.—

The Hon. A. F. GRIFFITH: This is the operative clause which allows the holding of the referendum on the same day that a general election is held. I do not think a general election should cloud an issue of this nature. Therefore, I move an amendment—

Pages 5 and 6—Delete the clause and substitute the following—

10. (1) The votes of the electors on the prescribed question shall not be taken on the day of an election, and not before the first day of July, 1974.

(2) The provisions of the Electoral Act, 1907 relating to postal voting, absent voting and voting pursuant to section 122A of that Act apply with such modifications as are necessary to voting on the prescribed question.

The Hon. R. H. C. STUBBS: I oppose the amendment because I feel the Government should have an option regarding when it holds the election. I think it is the prerogative of the Government of the day to decide when it will hold an election.

The Hon. CLIVE GRIFFITHS: The Chief Secretary spoke as though something in this amendment will affect the

right of the Government to choose the date of the election. I think he has misunderstood the amendment and disregarded the remarks of the Leader of the Opposition a few moments ago. I suggest that the Chief Secretary read the amendment prior to making up his mind.

The Hon. R. H. C. STUBBS: I thank Mr. Clive Griffiths for drawing my attention to the fact that I referred to the date of the election. I meant to say "referendum" instead of "election." I stand corrected. I still oppose the amendment.

The Hon. A. F. GRIFFITH: We can now see the whole picture in its true colour. A short time ago the Chief Secretary said the Government has not asserted that it will hold the referendum on polling day. He also said that the Government has not said it will not hold the referendum on polling day. I intend to make sure it does not.

Amendment put and a division taken with the following result—

Ayes—14

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. P. J. L. Williams
Hon. J. Heitman	Hon. P. D. Willmott
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. G. C. MacKinnon

(Teller)

Noes—8

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. D. K. Duns	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. S. J. Dellar

(Teller)

Pairs

Ayes	Noes
Hon. W. R. Withers	Hon. W. F. Willesee
Hon. G. W. Berry	Hon. J. L. Hunt

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 11 to 18 put and passed.

Schedule—

The Hon. L. A. LOGAN: I appreciate the fact that at the top of form C reference is made to the Daylight Saving (Referendum) Act, 1973. However, many people would not bother to read that; they would simply read the question. Therefore, I move an amendment—

Page 12, form C—Insert after the word "hour" in the penultimate line the words "for the purposes of Daylight Saving".

The Hon. R. H. C. STUBBS: I am quite happy to accept this amendment. The situation will be spelt out so that people know exactly what they are voting for.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and returned to the Assembly with amendments.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [1.03 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to appropriate the sums required for the services of the current financial year as detailed in the Estimates. It also makes provision for the grant of supply to complete requirements for this year.

Supply of \$230,000,000 has already been granted under the Supply Act, 1973, and further supply of \$239,775,000 is provided for in the Bill under consideration.

It is proposed that this sum of \$469,775,000 be appropriated in the manner shown in a schedule to the Bill.

The Bill also makes provision for the grant of further supply of \$35,000,000 from the public account for advances to the Treasurer which is to supplement the sum of \$5,000,000 already granted under the Supply Act.

As well as authorising the provision of funds for the current year, the Bill ratifies the amounts spent during 1972-73 in excess of the Estimates for that year. Details of these excesses are given in the relevant schedule to the Bill.

Under section 41 of the Forests Act, it is necessary for a scheme of expenditure from the Forests Improvement and Reforestation Fund to be submitted annually for the approval of Parliament.

The Bill makes provision for the appropriation of moneys for the current financial year in accordance with the scheme of expenditure already laid on the Table of the House.

I commend the Bill to members.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [1.05 a.m.]: On the 24th November, 1971, I made a speech on a similar Bill that was introduced into the House on that occasion. I said then and I say again that there is still another Bill to be placed before us; that is, the Loan Bill. I also said on that occasion—and I emphasise my remarks more strongly on this occasion—that it is a great pity the Government can-

not arrange for an early discussion on the Estimates in the Legislative Assembly and the passing of the two Appropriation Bills so that we receive them in time for members to address themselves upon any matter they feel they should.

It would not be appreciated, I am sure—at least not by the Government or by any honourable member—if, at 1.05 a.m. on the 15th December, 1973, I gave a long dissertation on this Bill. I could, of course.

The Hon. D. J. Wordsworth: You should.

The Hon. A. F. GRIFFITH: Yes, I probably should, but I doubt whether it would be appreciated. However, I do protest about the late hour this Bill is brought before the House. It is one of the last Bills brought before us and it is through sheer necessity brought to the Legislative Council in the last days of the session.

The Hon. R. Thompson: I cannot recall its being introduced into the Legislative Council on any day other than the last day.

The Hon. A. F. GRIFFITH: I can. I can recall, but it was many years ago, when Parliament was still in session as late in the month of December as this. In fact I had a little bet with the Leader of the House. Although we are not allowed to bet in this place, I had a little bet with the Leader of the House that we did not sit any later than the third week in December during the 12 years we were in Government. On one occasion we were still in session on the 10th December and on another we were still here on the 6th December, but in the other 10 years we did not sit beyond November and on five occasions we finished in the middle of November. On every other occasion we finished in the last days of November.

I think every Government should aim at an early rising. Even now at this late stage we are still uncertain as to what we are going to do. I still do not know what the position is.

The Hon. R. Thompson: That makes two of us.

The Hon. A. F. GRIFFITH: On the contrary, there must be three of us, because the Leader of the House does not know either.

The Hon. S. J. Dellar: I have to catch a train at 12.45 p.m. this afternoon.

The Hon. A. F. GRIFFITH: Well, the honourable member can catch it. I have been asking the Leader of the House persistently when the Government intends to conclude the session.

The Hon. J. Dolan: And on every occasion I have done my best to answer your questions.

The Hon. A. F. GRIFFITH: I have never been in the position in which the Leader of the House now finds himself.

When I used to occupy his position about three weeks before the estimated date of the end of the session we used to discuss the matter in Cabinet and fix, as near as we could, the date when we would finish.

The Hon. J. Dolan: And you had the numbers to do it.

The Hon. G. C. MacKinnon: You have the support of us; 29 members.

The Hon. A. F. GRIFFITH: This is an area in which the Government would have no difficulty whatsoever. We would be happy to finish. I am very tired of this session. It has gone on, and on, and on. Two sessions of Parliament might have been something once but after the two sessions of Parliament in each year of the last two years it just seems that we are never going to finish this one. I know that we are paid to be here and I should not complain about that, but I do complain that we are still in the position that we do not know when we are going to finish this session. The Premier does not tell the Leader of the House his arrangements in regard to the finish of the session. However, he did attend this Chamber a while ago to see how we were getting on.

The Hon. R. H. C. Stubbs: He does take an interest in us.

The Hon. A. F. GRIFFITH: He has to take an interest in us.

The Hon. R. H. C. Stubbs: In us, not you.

The Hon. A. F. GRIFFITH: He takes an interest in me personally.

The Hon. R. H. C. Stubbs: He is a very benevolent gentleman.

The Hon. A. F. GRIFFITH: Judging by some of the remarks he makes about me at times I know he takes an interest in me. I do not worry about that, either. I will not take up the time of the House any longer other than to say that the Chief Secretary told me he was not going to give me any of his Government's election "G.G." If the Chief Secretary does not know what "G.G." means, I would be surprised.

The Hon. R. H. C. Stubbs: It means *Government Gazette*.

The Hon. A. F. GRIFFITH: No, it means "Good guts"; that is an old Service expression.

The Hon. R. H. C. Stubbs: When the Leader of the Opposition was on this side of the House and I was on the other side I always liked the way he told us nothing with a beautiful benevolent smile on his face.

The Hon. A. F. GRIFFITH: That is all right. I would not expect the Government to give me any information regarding the date it has set for the next general election or what it proposes to do, but on this

occasion the Parliament and the people are in possession of the undertaking the Premier gave in relation to the election date. Therefore, to some extent, we can narrow it down. I would just like to say that the Loan Bill to which I referred only a moment ago has just been placed on the Table of the House, so it will not be long before that is read and introduced.

All I want to say at this point of time is to express my great concern for Australia generally. We have seen through the centralist practices.

The Hon. J. Dolan: We are to hear all about that on this Bill, too.

The Hon. A. F. GRIFFITH: Yes, and so far as I am concerned the Government will hear it all the time because this centralist policy is destroying the country.

The Hon. R. F. Claughton: The Commonwealth Government is doing very well. It is doing better than the previous Federal Government was doing, but I do not expect you to agree with me.

The PRESIDENT: Order!

The Hon. R. F. Claughton: In fact I am sure—

The Hon. A. F. GRIFFITH: Did not the honourable member hear the President tell him to shut up?

The Hon. J. Dolan: The President does not use such expressions.

The Hon. A. F. GRIFFITH: The President did not use those words, but he called "Order!" and that means "shut up".

The Hon. S. J. Dellar: Why did you not sit down?

The Hon. A. F. GRIFFITH: Because at this point of time I am permitted to stand up.

The Hon. S. J. Dellar: I thought when the President called "Order!" every member had to resume his seat.

The Hon. A. F. GRIFFITH: That is where the honourable member is wrong; that occurs only when a member is called to order. I was about to say to Mr. Claughton that there are none so blind as those who do not want to see.

The Hon. R. F. Claughton: That is quite true.

The Hon. A. F. GRIFFITH: It is a regrettable state of affairs when the present State Government is powerless to do anything about the onslaught of the Federal Government in pursuing its centralist policy.

My word, the Federal Government came to a pretty sudden full stop on Saturday, the 8th December when the majority of the people voted a strong "No" to both questions put to them. What I will be interested to see is the reaction to the Premier's remarkable statement when he spoke loudly and clearly on prices. He

said he would hand their control over to the Commonwealth. We still have a Prevention of Excessive Prices Bill low down on the notice paper, the position to which it was scuttled a couple of weeks ago.

The Hon. D. J. Wordsworth: We might see it yet.

The Hon. A. F. GRIFFITH: We might, although I have spoken on that Bill so there is not much more I can do about it.

I repeat that it is lamentable to see the present State Government in a position where it must say to the Federal Government that many of its policies are unnecessary and unwise and yet at the same time it must go along with the decisions which bind it.

All I can say is that a State election will be held next year, and if I am any judge of the situation, the people will change the Government and then the State will have a Government which will be prepared to stand up to the Federal Government in the hope that it might be able to retain for Western Australia what is Western Australia's right.

The Hon. R. H. C. Stubbs: You are like the Federal boys. You are living in the past.

The Hon. A. F. GRIFFITH: The Minister is much older than I! We will stand up to the Federal Government and will not endure what we have had to endure in recent times; that is, seeing more and more control going to the Federal Government.

THE HON. G. C. MacKINNON (Lower West) [1.17 a.m.]: It was about this time yesterday morning that I perforce commenced to speak on a Bill which we had been given to understand was an important measure; that is, the Bill containing amendments to the Criminal Code. As has happened a surprising number of times this session, the Government saw fit yesterday morning to adjourn its own measure after I had spoken, despite the fact that two other Opposition members were prepared to speak to the debate. What attitude those members would have taken I do not know because, as everyone is aware, so far as we are concerned that was a nonparty Bill. Of course, we have with us 10 members of the Labor Party—and this number would include Mr. Dolan—who are pledged to vote for the amendments to the Criminal Code.

The Hon. R. H. C. Stubbs: That is nothing new. It has been our policy since 1970.

The Hon. G. C. MacKINNON: I did not say it was new. Why is the Minister so touchy?

The Hon. R. H. C. Stubbs: I am not touchy. I am clearing the air.

The Hon. G. C. MacKINNON: The Minister is surprisingly touchy.

The Hon. R. H. C. Stubbs: You are making a great deal of it. It has been our policy since 1970 and we merely brought it to Parliament.

The Hon. G. C. MacKINNON: Anyone can speak on this Bill. I do not know what has happened to Mr. Stubbs. From being his usual quiet, placid, friendly self, he has become a veritable porcupine, with prickles all over. He bursts into song at every comment that is made. Does he mind if I continue?

The Hon. R. H. C. Stubbs: I suppose we must suffer it.

The Hon. G. C. MacKINNON: The Minister is entitled to walk out.

The Hon. R. H. C. Stubbs: I am too polite to do so.

The Hon. G. C. MacKINNON: That is a surprise. I was saying that again the Government saw fit to adjourn the debate on its own measure. I suppose on instructions from the front bench, Mr. Cloughton shot to his feet like a veritable jack-in-the-box, so our two speakers were unable to proceed. Consequently the newspapers have been left to guess what would have been the fate of the measure, and I have just recently read the result of that guesswork. I mention that in passing.

I have in my hand the Appropriation Bill (Consolidated Revenue Fund) which measure gives us one of the rare opportunities to speak about matters which concern our electorates and I suppose that other members have concern for their electorates equal to that which I have for mine and they, also, would have enjoyed the opportunity to discuss at length the financial application of the Bill and its effect on their electorates.

I would remind members of the comments of Mr. Wise and the late Sir Keith Watson who begged Governments to allow more time for debate on these measures. It is rarely that we are asked to consider, as late as this, a measure which gives us the opportunity to discuss anything.

As I have said, the business of the House this session has been delayed for a considerable amount of time by the most untoward adjournments of Government Bills by Government members that it has ever been my misfortune to witness; and, for the most part these measures have not seen the light of the day.

I want to register my protest about the fact that here again we are being denied a reasonable opportunity to express the views we are entitled to express and would have expressed had the opportunity been made available.

THE HON. D. J. WORDSWORTH (South) [1.22 a.m.]: I feel the debate on this Bill is an opportune time to make an observation. After the last election the Government complained about the state of the coffers. It said that when it took over the till was short. Members will recall that there had been a large pay rise for public servants just before the election and undoubtedly the Budget would have required adjustment to cater for it. Anyone who has ever had any business dealings at all will realise that when handling sums of money like those provided for under the Bill, one must continually adjust the budget.

I make one observation: I wonder how far out the 1973 estimate will be next year and what the state of the coffers will be when the next Government takes office.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [1.23 a.m.]: I must reply to a couple of the comments that were made. The Leader of the Opposition seems to think he has been here for a long time this year. In the last three years of the previous Government's term of office, this House sat on 157 days, and in the three years that we have been in office, up to the time the figures I have were compiled, we have sat for 186 days. So over a period of three years there has been a difference of 29 days.

The Hon. G. C. MacKinnon: It seems longer.

The Hon. J. DOLAN: That is an average of 10 days a year. I would also like to draw attention to the fact that Thursday night this week was the first Thursday night on which members have been asked to remain, so they have been treated fairly well in that respect.

We have had the usual guesses about what will happen at the next election. I have a vivid memory of when Truman became President of the United States, and the Opposition here will be in the same position as his opponent was.

I do not wish to delay members, so I commend the Bill to 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.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

APPROPRIATION BILL (GENERAL LOAN FUND)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [1.30 a.m.]: I move—

That the Bill be now read a second time.

The officers are presently distributing copies of my speech to members so that they may follow it. This is the first time we have implemented this innovation. It is something advocated by a former Labor Government Minister (Mr. Frank Wise).

The main purpose of this measure is to appropriate from the General Loan Fund the sums required to finance certain capital expenditure, details of which are given in the Loan Estimates, and copies of which are available to members in this House.

Moneys paid into the General Loan Fund consist of new borrowings approved by the Australian Loan Council, repayments to the fund of sundry advances made in previous years, and grants from the Commonwealth for general capital purposes.

The amount available for 1973-74 is \$86,315,000 comprising new borrowings of \$54,587,000, loan repayments of \$9,420,000, a grant from the Commonwealth of \$18,858,000, and an unexpected balance in the General Loan Fund at the 30th June, 1973, of \$3,450,000.

New arrangements for financing tertiary education and welfare housing will result in expenditure from the General Loan Fund being less in 1973-74 than the amount of \$95,488,000 expended from that fund during the last financial year.

In 1972-73, the Loan Council approved an aggregate borrowing programme for works and housing out of which an allotment was made for housing in the same way as for other expenditures.

Beginning in 1973-74, the Australian Government will provide advances for welfare housing outside the Loan Council arrangements, and, as a result, this year's borrowing programmes for State works will be \$13,000,000 lower than it would otherwise have been.

At the June, 1973 Premier's Conference, the States accepted the Australian Government's offer to take over full responsibility for financing tertiary education from the 1st January, 1974. However, this will not result in financial benefit to the States as the amounts of expenditures of which they will be relieved are to be deducted from the funds that they would otherwise have received.

The reduction in the 1973-74 State Loan Council programme following the transfer of financial responsibility for tertiary education is \$2,700,000.

The changed arrangements with respect to housing and tertiary education complicate comparisons between 1972-73 and 1973-74.

Perhaps the best way to relate the figures is to deduct from last year's actual general loan expenditure of \$95,488,000, the sum of \$1,822,000 spent on tertiary education institutions, and to compare the resultant figure of \$93,666,000 with proposed expenditure this year of \$86,315,000 plus \$13,000,000 for welfare housing.

This total estimated expenditure on works and housing in 1973-74 of \$99,315,000 is therefore \$5,649,000 higher than the corresponding expenditure in 1972-73 after exclusion of last year's outlay on tertiary education.

An alternative presentation of the figures is to compare last year's expenditure of \$95,488,000 with a total for 1973-74 of \$102,015,000, being proposed expenditure of \$86,315,000 from the General Loan Fund; \$13,000,000 from the Commonwealth advance for welfare housing; and the adjustment for tertiary education of \$2,700,000. On this basis of comparison, the increase in this year's programme is \$6,527,000.

It is to be noted that although the Commonwealth capital grant for 1973-74 is \$25,806,000, only the sum of \$18,858,000 is being taken into the General Loan Fund. The balance of \$6,948,000 is being held in reserve to cover the estimated deficit in 1973-74 on the Consolidated Revenue Fund.

For the information of members, I propose to refer briefly to other funds which will be available in 1973-74 for capital purposes.

In addition to approving the annual works and housing programmes of the States, the Loan Council approves an aggregate annual borrowing programme for the larger State semi-governmental and local authorities.

Larger authorities are now defined as those borrowing more than \$400,000 in a year. Smaller authorities are those borrowing \$400,000 or less.

The borrowing programme approved by the Loan Council for semi-governmental bodies and local authorities whose individual annual raisings exceed \$400,000 is \$33,233,000 for 1973-74, which is \$926,000 less than the amount borrowed last financial year.

This reduction results from the non-recurrence in this year of a special additional allocation in 1972-73 of \$3,000,000, which is partly offset by a general increase of \$2,074,000 in the total borrowing programme for 1973-74.

The distribution of the 1973-74 borrowing programme is shown in an attachment to the Estimates.

The Loan Council also agreed at its June, 1973 meeting that the policy adopted in recent years of not placing any overall limit on the borrowings of smaller authorities would again be continued in 1973-74.

The aggregate loan raisings of these smaller borrowers in 1972-73 was \$20,556,000, and the estimate for 1973-74 is \$21,221,000.

State authorities in this category are expected to raise \$7,120,000 in this financial year to assist the financing of their works programmes. Details are also shown in an attachment to the Estimates.

Specific purpose payments of a capital nature by the Australian Government are not subject to Loan Council approval and I do not propose to deal with them in detail in outlining the Appropriation Bill (General Loan Fund).

Certain of these advances are paid to the State for direct transmission to various authorities such as the Main Roads Department, the Rural Reconstruction Authority, the several tertiary education institutions, and the independent schools; and for this reason they are not included in the detail set out in the printed Estimates.

Other payments to the State form part of the funds available to finance the works programmes detailed in the Estimates and these have been listed under appropriate headings. The total of the sums so listed is \$19,857,000 for 1972-73, and \$40,114,000 for 1973-74.

Included in the payments for this year is the Commonwealth advance for housing of \$13,000,000 to which I referred earlier in this speech.

Other new arrangements commencing this financial year which will attract Commonwealth capital assistance, and the estimated payments to the State in 1973-74 are—

	\$
School dental scheme	650,000
Community health facilities	536,000
Mental health, alcoholism and drug dependency services	590,000
Sewerage works	3,800,000
Upgrading urban public transport	1,688,000

There will also be substantial increases in Commonwealth capital grants for technical training, \$620,000; Government schools, \$3,248,000; and Aboriginal advancement, \$2,676,000.

There are other proposals for the provision of funds by the Commonwealth for programmes which are yet to be finalised and which are subject to the conclusion

of agreements between the Governments as to conditions and procedures to be followed. The programme for land acquisition in urban areas is in this category.

In cases where the total of funds to be made available to the State is not yet firm and details of the programmes are not available, they have not been included in the Estimates.

Internal funds of certain State instrumentalities are also an important source of finance for capital works. Depreciation funds, cash balances, and profits are the main items.

It is expected that expenditure which is to be financed in 1973-74 from these sources will total \$59,292,000 compared with \$38,868,000 in 1972-73. Details are given in the Estimates.

Contributions from mining companies and property developers for the provision of Government services and loans raised by local authorities for specific works, also add to funds available for capital works.

Amounts spent last year from these sources totalled \$11,894,000 and expenditure this year is expected to total \$12,322,000.

With the funds available from the sources I have described, a works programme of \$232,695,000 is to be carried out this year, financed as follows—

	\$
Proceeds of Commonwealth	
Loans	54,587,000
Commonwealth General	
Purpose Capital Grant..	18,858,000
Loan Repayments .. .	9,420,000
Balance in General Loan	
Fund at the 30th June,	
1973	3,450,000
Borrowings by State Au-	
thorities Listed in the	
Estimates	34,652,000
Commonwealth Specific	
Purpose Payments .. .	40,114,000
Internal Funds .. .	59,292,000
Other Funds .. .	12,322,000

Last year, a programme of \$197,768,000 was carried out with finance from similar sources and so planned expenditure in 1973-74 represents an increase of \$34,927,000, which is 17.7 per cent. above the outlay in 1972-73.

Of the total finance required for the planned works programme, an amount of \$86,315,000 is to be supplied from the General Loan Fund for the purposes listed in the Estimates.

In past years, it has been the practice for the Treasurer to speak at some length on the various items contained in the Estimates in order to supply members with more detail of the various undertakings.

On this occasion, members examining the Estimates will see that they are presented in a totally different form which

gives much more detail of the works being carried out and also gives the source of finance for these works.

In the past, the Estimates have dealt only with that part of the State's capital works programme financed from the loan fund and have therefore provided very limited information on works to be undertaken during the year and the way in which they were to be financed. Members have had to rely on the Treasurer's speech and, not infrequently, on questions to obtain details of the works programme.

Mr. J. T. Tonkin has always considered this to be an unsatisfactory situation and I am pleased to note that we have now moved to provide both Houses of Parliament with full details of the State works programme.

Members will find proposed expenditure for the current year set out under appropriate headings and, in most cases, for specific works. In addition, comparable detail of actual expenditure in the previous year is provided.

The funds to be employed to finance the programme set out under each main head of expenditure are also shown and the amount to be provided from the General Loan Fund and which is subject to appropriation, is identified.

In addition to appropriating moneys from the General Loan Fund for the services of the year ending the 30th June, 1974, the Bill provides for the grant of supply to complete requirements for this financial year.

Supply of \$30,000,000, has already been granted under the Supply Act, 1973, and further supply of \$56,315,000 has been allowed for in the Bill now under consideration.

This total of \$86,315,000 is to be appropriated for the purposes and services expressed in a schedule to the Bill.

As well as authorising the provision of funds for the current year, the measure seeks ratification of amounts spent during 1972-73 in excess of the Estimates for that year. Details of these excesses are also given in a schedule to the Bill.

Mr. President, the presentation of the Estimates in the new format which currently comprises 53 pages as compared with 15 pages last year would appear to remedy a long felt disability in this Chamber often drawn to your notice by The Honourable Frank Wise and others over the years.

In the past members of the Legislative Council have had to seek in the Treasurer's speech much of the information now set out in the printed Loan Estimates.

I am sure this new informative presentation will be welcomed by members, particularly in this Chamber where the Estimates are traditionally not presented

by prepared speech and that the documents will now be of greater interest to the Press and the public.

As I have taken the opportunity on this occasion to dwell more fully on the ramifications of loan finances interrelated with the Appropriation Bill (General Loan Fund), I have arranged for sufficient copies of this speech to be made for distribution to individual members.

I commend the Bill to the House.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [1.45 a.m.]: I do not propose to take any time in speaking to the Bill. I simply say that the concluding remarks of the Leader of the House sound fine, but at this stage of the session we have not time to avail ourselves of the opportunities provided. We have had a strenuous week, and there is little time now for us to study these things. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [1.46 a.m.]: I thank the Leader of the Opposition for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

LOAN BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [1.51 a.m.]: I move—

That the Bill be now read a second time.

A measure of this kind is introduced each year to authorise the raising of loans to provide finance for certain works and services detailed in the estimates of expenditure from the General Loan Fund.

The public borrowings of the Australian and State Governments are co-ordinated by the Australian Loan Council which is constituted under the 1927 financial agreement between the Commonwealth and States.

The Loan Council determines the annual Government borrowing programmes together with the terms and conditions under which loans are to be raised.

Subject to the decisions of the Loan Council, the Australian Government arranges new borrowings, conversions, renewals, and redemptions of existing loans as in the past.

Under what is known as the "Gentlemen's Agreement", originally entered into in 1936, the Loan Council also determines the aggregate annual borrowing programme for semi-governmental and local authorities raising more than \$400,000 in a financial year. Individual loans raised by each of the authorities in this sector are subject to Loan Council approval as members are aware.

At present the Loan Council places no overall limit on the borrowing programmes of authorities raising \$400,000 or less in a financial year.

For the financial year 1972-73, the Loan Council approved a borrowing programme of \$733,500,000 for State works and housing projects which was financed from—

\$

Cash loans in Australia	564,700,000
Special bonds in Australia	14,200,000
State domestic raisings	68,400,000
Australian Government's subscription to a special loan	86,200,000

In addition, the Australian Government provided the States with an interest-free capital grant of \$248,500,000 which was financed from—

\$

Cash loans in Australia	184,700,000
Special bonds in Australia	4,400,000
Overseas loans	27,900,000
Treasury notes	26,700,000
Australian Government's subscription to a special loan	4,800,000

At the June, 1973, meeting of the Loan Council, the total States' works programme for 1973-74 was fixed at \$588,700,000.

In addition, the Australian Government agreed to provide \$278,300,000 by way of interest-free capital grants.

The reduced programme for 1973-74 reflects the changed arrangements for advances for welfare housing and financing tertiary education fully covered in the introduction of the Appropriation Bill (General Loan Fund).

Western Australia's share of the borrowing programme is \$54,600,000, and we will receive an amount of \$25,800,000 as an interest-free capital grant of which the sum of \$6,900,000 is being held in reserve to cover the estimated deficit for 1973-74 in the Consolidated Revenue Fund. Details of the allocation of the balance of \$18,900,000 are shown on pages 46 to 51 of the Loan Estimates.

The borrowing programme for semi-governmental and local authorities raising amounts in excess of \$400,000 was fixed

at \$641,900,000, of which Western Australia was allocated \$33,200,000. Details of the allocation of this borrowing authority are set out on page 52 of the Loan Estimates and proposed borrowings by State authorities raising up to \$400,000 in 1973-74 are set out on page 53.

Authority is being sought by the Bill now under consideration to raise loans amounting to \$66,100,000 for the purposes listed in the first schedule to the Bill. I should point out that the new authority does not necessarily coincide with the estimated expenditure for that particular item during the current year.

Unused balances of previous authorisations have been taken into account and in the case of works of a continuing nature sufficient new borrowing authority has been provided to permit works to be carried on for a period of approximately six months after the close of the financial year.

This is the usual practice and it ensures that there is continuity in the progress of works, pending the passing of next year's Loan Bill.

Details of the condition of the various loan authorities are set out on pages 46 to 51 of the Loan Estimates. These pages also detail the appropriation of loan repayments received in 1972-73.

Provision for the payment of interest and sinking fund is another important authorisation in the Bill. It charges these payments to the Consolidated Revenue Fund and no further appropriation is required from Parliament.

Authority is also sought to re-appropriate certain authorisations which are no longer required. The second schedule sets out the amounts to be re-appropriated and the third schedule lists the items to which they are to be applied.

I commend the Bill to 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.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 2 to 6 made by the Council and had agreed to amendment No. 1 subject to a further amendment made by the Assembly now considered.

Assembly's Further Amendment: In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

The CHAIRMAN: The amendment made by the Council is as follows—

No. 1.

Clause 4, page 2, lines 6 to 25—
Delete the clause and substitute a new clause as follows—

Section 44
amended.

4. Section 44 of the principal Act is amended, as to subsection (2), by deleting the passage commencing with the word "incur", in line four of that subsection, and ending with the word "dollar", in line five, and substituting a new passage as follows—

"be liable to a penalty—

(a) for a first offence, of not less than two hundred dollars or more than one thousand dollars; and

(b) for a second or subsequent offence, of not less than five hundred dollars or more than one thousand dollars,

and shall incur a further penalty of ten dollars"

The further amendment made by the Assembly is as follows—

Amendment No. 1 is amended by substituting for the word "two" in line 2 of paragraph (a) under new clause 4, the word "one".

The Hon. R. THOMPSON: I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to Amendment No. 1 made by the Council agreed to.

Report

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

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 13th December.

THE HON. R. F. CLAUGHTON (North Metropolitan) [2.05 a.m.]: I rise to support the Bill. It is a matter in which I have been interested over a number of years, and on occasions over that period I have read some material dealing with this subject. All the material I have read has confirmed the view expressed in the policy of the Labor Party in 1970.

I do not intend to develop any lengthy argument in support of it; at this stage it is too late to make a lengthy speech on the subject. I have received a number of letters from people in my electorate to oppose the Bill. They all seem to have stemmed from the congregation of the Scarborough Baptist Church. In fact, I have received a letter from the governing body of that church.

These letters contain the reasons for their objections. In the main they are based on religious grounds. We know from the speeches which have been made in another place and the speeches made in support of the motion moved by Mr. Gorton, M.H.R., that there is a difference of opinion based on the theological point of view. When we determine the point of view we should take we should not do so on religious grounds.

I have not done that. I believe the social factors involved are most important. The aspects of blackmail and physical attacks suffered by these people make the law unacceptable. In fact, the law serves no good purpose when we make acts between consenting adults illegal. The proposals before us will protect the younger people in our community, and I have no objection to their being included in the legislation.

I believe very strongly in protecting the liberties of the people, but as an adult I am prepared to accept a limitation on any liberties of mine for the sake of protecting my children. A good example of this is the addition of fluoride to our water supplies, which has often been opposed on this sort of ground.

I regard myself as being fortunate in not being personally affected by the legislation before us. However, I do know a number of people who are affected. I have been acquainted with some of them for a good number of years, and I have found them to be no different to myself or other normal individuals.

Briefly those are the reasons I support the Bill. I hope members will do likewise, so that a change in the law may be brought about.

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.09 a.m.]: I am sorry this debate has come on at 2.10 o'clock in the morning; and I am sorry the House does not have time to debate the Bill fully—one which concerns a very delicate subject. It is a social subject and is one which I have studied from time to time.

I am not a homosexual; I cannot feel as a homosexual; but what I can do is to sort out one or two grave errors contained in the Bill. I have every pity and compassion for anyone who is afflicted with any type of illness. I think the way in which people have been so misinformed about homosexuality is one of the greatest tragedies of our time.

Homosexuality goes back to the beginning of time, and certainly if one cares to read the book *Homosexuality in Great Britain* one will find mentioned there the names of very famous people who were homosexuals. They range from royalty down to ordinary persons like ourselves. Four kings of England were homosexuals, and one died because he was a homosexual.

When we talk about homosexuality and homosexuals most people seem to think that this involves only the act of sodomy. Of course, that is not the case. In this respect I would like to quote the following—

Overt homosexual behaviour includes:

- (1) Mutual masturbation by two individuals of the same sex.
- (2) Sodomy—refers to any illegal sex act but most often is used to describe anal intercourse between two males. Pederasty is another term for anal intercourse, usually with minors.
- (3) Cunnilingus—oral stimulation of the female genitals by another female.
- (4) Fellatio—oral stimulation of the penis by another male.
- (5) Mutual cunnilingus (two females).
- (6) Mutual fellatio (two males).

In addition to that, there is also full body pressure, and there are those homosexuals in our society who never think of any sex act whatsoever. Being together is sufficient for them.

If confusion reigns like this, and if we have so much ignorance in the community—and it is the community I am worried about and not the ridiculous nonsense that has been quoted to me in a telegram which asks me whether I would criminalise 37 per cent. of the male population of Western Australia—we should attempt to enlighten the people.

I refuse point blank to accept the ridiculous percentage indicated in the telegram I received. That figure was extracted from the Kinsey report. That report states that between certain age ranges in the United States of America, 37 per cent. of the males had had homosexual experiences. Such homosexual experiences could have included the molestation of a minor by a pervert, but generally speaking the genuine homosexual does not molest minors

unless he be perverted in that particular form. It is usually the heterosexual that molests young children.

I hope I have said enough to convince the House that whilst I have compassion for these people I do not think that at this point of time the law as such should be changed. I notice that certain members who are prepared to support the measure look a little disappointed but they will have to bear with me. I say the law should not be changed until an investigation has been carried out in Western Australia.

I do not want any rubbish quoted to me about the Wolfenden report and I do not want to go into the arguments as to why the law should not be changed, and why the very good campaign put out by the Campaign against Moral Persecution is full of holes. I have six pages of rebuttal of that campaign.

In all seriousness I suggest that we do not want a law against homosexuality; we want a law for homosexuality. There is need for a deeper understanding in the community. After all, there are those of us still in the community who find—as I find—this practice to be repugnant and repulsive. There are homosexuals who find my heterosexuality to be repugnant and repulsive. This goes to show that I am convinced the law should not be changed at this moment without a thorough investigation.

This Bill is a crude Bill; it is a muddling Bill for lawyers. I have been informed by a representative of the Law Society that we in Western Australia—and I am only talking about Western Australia—make the law very difficult to interpret when compared with the law in other parts of the world. In the middle of this we have a little bit about heterosexual sodomy in private.

I am not convinced that sufficient research has been done into the sexual laws of this State. I am not convinced that enough is known. As a consequence, before I sit down I give fair warning to the House that at the completion of the second reading I shall move for the appointment of a Select Committee—a joint Select Committee of both Houses—to investigate this problem in Western Australia.

I do not need to say much more but let me add that if the House rejects my proposal then I shall vote against the repeal of this law. The repeal of this law will be unfair to two parties—the general public in Western Australia and, more particularly, that section of people in Western Australia who suffer from this affliction. It will militate against them as much as the works which now come forth after some 16 years of the Wolfenden report. The report was handed in in 1957 but it did not become law until 1967.

I can say no more: I have made my views on this matter quite clear. I am saying we are ignorant of these matters and we should not change things until we are quite sure that we do know. What is more, the general public needs to know just what this problem is all about.

THE HON. D. K. DANS (South Metropolitan) [2.19 a.m.]: I realise the hour is late but I would be remiss if I did not say a few words in support of this Bill. I support the repeal of the section of the Criminal Code to allow homosexual acts in private between consenting males. I do so because I consider that homosexuals are entitled to the same protection of the law as are heterosexuals.

I neither fear nor favour homosexuals. I worked a great deal with people who were homosexuals when I was a seaman for many years on passenger ships. I have never been attacked, molested, or propositioned by people who are homosexuals. I know that in many passenger ships homosexuals were engaged as bedroom stewards and there were never any attacks on women or small children.

The greatest circumstance which militates against homosexuals is that people do not understand the situation, and because they do not understand it they fear it. Of course, fear is the worst kind of disease to combat in a community.

As far as I am concerned the law should give the same protection from persecution to homosexuals as is afforded to women of a similar nature. Whether or not this Bill passes this Chamber, and whether or not a Select Committee is appointed, it is not for me to try to tell anyone what they should do. However, I want to place on record that I will continue to support the repeal of the relevant sections of the Criminal Code in relation to homosexuality. I commend the Bill, and indicate my support of it.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.21 a.m.]: We are supposed to be well-adjusted people but we are sitting in judgment on this matter at 20 minutes past two in the morning. I doubt if we are sufficiently adjusted to judge other people. Members will be aware that I support the Bill. Its purpose is simply to decriminalise homosexuality.

I do not know anything about the subject and what is more I am not interested in it. I do feel these people should be protected because what they do with their lives is their own business as long as they do it in private and do not offend anyone. The proposed amendment to the Act will allow homosexual acts between consenting adults. I do not even know what these people do but the Anglican Synod of the church supports the legislation, as does

the Methodist Church. A few years ago we called those people wowsers but they see fit to support this measure. It is also supported by the Presbyterian Church, and those people were considered to be wowsers a few years ago. At least those people are becoming more broadminded. The Western Australian Council of Churches also supports this move, and so I could go on naming people and other organisations which support the move. However, I do not intend to produce all the evidence which I have collected because of the lateness of the hour.

One of the greatest Liberals in Australia, John Gorton, was successful in having a measure such as this passed in the Federal Parliament so homosexual acts are lawful in the A.C.T. Perhaps some of those members who support him will take a leaf out of his book and look at this matter in a broadminded way. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Reference to Select Committee

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.24 a.m.]: I move—

That the Bill be referred to a Select Committee.

Question put and a division taken with the following result—

Ayes—15

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. N. E. Baxter	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. A. F. Griffith
Hon. N. McNeill	(Teller)

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. D. K. Dans
	(Teller)

Question thus passed.

Appointment of Select Committee

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.25 a.m.]: I move—

That the Hon. N. E. Baxter, The Hon. S. J. Dellar, and the mover be appointed to serve on the committee.

THE HON. S. J. DELLAR (Lower North) [2.26 a.m.]: Mr. President, I wish to decline from serving on the Select Committee.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.27 a.m.]: Mr. President, the policy of the Australian Labor Party is to support the repeal of this law. Therefore I hope that no member of my party will serve on this Select Committee.

The **PRESIDENT** (The Hon. L. C. Diver): Order! I need a seconder to the motion.

The Hon. **CLIVE GRIFFITHS**: I second the motion.

The **PRESIDENT**: Mr. Dellar has declined to serve as a member on the Select Committee. I will require the mover to make an adjustment.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.28 a.m.]: Could I respectfully suggest, Sir, that you leave the Chair in order that the mover of the motion may have an opportunity to make an adjustment. It has been my understanding that any member who intends to move for the appointment of a Select Committee, because of the speed with which the actual appointment takes place after the motion has been accepted, usually approaches the members whom he wishes to serve on the committee.

This was done by the mover, The Hon. R. J. L. Williams, and he approached Mr. Baxter and Mr. Dellar. As Mr. Dellar wishes to withdraw I think Mr. Williams should be given time to get a replacement for him. I respectfully offer that suggestion.

The **PRESIDENT**: In the exceptional circumstances I will leave the Chair until the ringing of the bells.

Sitting suspended from 2.30 to 2.41 a.m.

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.41 a.m.]: I move—

That The Hon. N. E. Baxter, The Hon. V. J. Ferry, and the mover be appointed to serve on the Committee.

Question put and passed.

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.42 a.m.]: I move—

That the Committee have power to call for persons, papers, and documents, to adjourn from place to place; that the Committee may sit on days over which the House stands adjourned; and that the Committee report when the House reassembles.

Question put and passed.

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.43 a.m.]: I move—

That a message be transmitted to the Legislative Assembly acquainting it that the Legislative Council has agreed to refer the Criminal Code Amendment Bill to a Select Committee of three members, and requesting the Legislative Assembly to appoint a Select Committee with the same number of members, with power to confer with the Committee of the Legislative Council.

Question put and passed.

DAYLIGHT SAVING (REFERENDUM) BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2 and 4 made by the Council and had disagreed to No. 3.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

The DEPUTY CHAIRMAN: Amendment No. 3 made by the Council, to which the Assembly has disagreed, is as follows—

No. 3.

Clause 10, pages 5 and 6—Delete the clause and substitute a clause as follows—

10. (1) The votes of the electors on the prescribed question shall not be taken on the day of an election, and not before the first day of July, 1974.

(2) The provisions of the Electoral Act, 1907, relating to postal voting, absent voting and voting pursuant to section 122A of that Act apply with such modifications as are necessary to voting on the prescribed question.

The Assembly's reason for disagreeing to the Council's amendment is as follows—

The amendment No. 3 will mean that a referendum cannot be held on the day fixed for the polling in a general election and not before the 1st day of July, 1974.

This is not acceptable as it would incur an additional burden on the taxpayer of \$90,000.

The Hon. R. H. C. STUBBS: I move—

That the amendment made by the Council be not insisted on.

The Hon. A. F. GRIFFITH: I would like to ask the Chief Secretary whether he acquainted his party of the proposition I put forward in relation to having a trial period of daylight saving first, and a referendum following the trial.

The Hon. R. H. C. Stubbs: My party is well acquainted with it.

The Hon. A. F. GRIFFITH: Yet the Deputy Leader of the Opposition (Mr. O'Neil) had to tell Government members what it was all about. I think the cat is well and truly out of the bag. The Government does not really want daylight saving as a trial. It wants a referendum on polling day. To me, it is as obvious

as the day is long. It is a political racket, and I hope the Committee will insist upon the amendment.

The Hon. R. H. C. Stubbs: I do not know where you get the idea that Mr. O'Neil had to tell them. I took the amendment down and showed it to my party in the other House.

The Hon. A. F. GRIFFITH: I am not talking about the amendment. I am talking about the proposition I put to this Chamber. Did the Labor Party know about it?

The Hon. R. H. C. STUBBS: For the benefit of this Chamber, my party did know what the situation was and we did not go along with the proposition. Had we favoured it, obviously we would have agreed to the proposition; but we disagreed.

The Hon. A. F. GRIFFITH: The Chief Secretary told us the Government had not made up its mind to have a referendum on polling day, and he told us the Government had not made up its mind not to have a referendum on polling day. To me, it is now as clear as a Christmas bell what the Government wants.

Question put and negatived; the Council's amendment insisted upon.

Report

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

MOTOR VEHICLE DEALERS BILL

Second Reading

Debate resumed from the 11th December.

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.51 a.m.]: This rather large Bill contains many provisions. If I were to go through it clause by clause I would ensure that we would have breakfast here for the first time. I do not intend to do that, because I believe the matter has been well and truly canvassed in the Lower House. It has been the subject of debate and consultation between the Government and the Opposition, and both have agreed that this measure is of vital necessity; firstly, for the protection of those people who may purchase motor vehicles in this State; and, secondly, because the new law will go some way towards cutting down the road toll. A lot of discontent has occurred in the community over the activities of some dealers, but it is true to say that the genuine car dealer has no need to fear this legislation. In point of fact, he has helped to frame it. With those remarks, I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [2.53 a.m.]: I thank Mr. Williams for his remarks and his support of the Bill. As he

said, the measure was well debated in another place, and eventually both Government and Opposition agreed upon it in the form in which it has been transmitted to this Chamber.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Cloughton) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 to 26 put and passed.

Clause 27: Inspection of second-hand vehicles—

The Hon. J. DOLAN: I have been advised that the Minister in charge of this Bill in another place promised to have an amendment put on the notice paper and dealt with in this Chamber. Accordingly, I move an amendment—

Page 22, line 15—Add after the word "purpose" the passage ", but nothing in this subsection authorizes any such member, authorized officer, traffic inspector, or person so nominated, to remove or drive any agricultural implement for that purpose".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 28 to 56 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and returned to the Assembly with an amendment.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of sitting.

THE HON. G. C. MacKINNON (Lower West) [3.02 a.m.]: This measure proposes to amend a considerable number of sections of the Health Act. Clause 4 deals with sewage and it seeks to amend the relevant sections in order to remove any doubt that may arise in regard to one or two interpretations. In modern days the removal of liquid waste has become big business. Several firms are operating in this field and I am sure all members have seen their vehicles travelling around the city and indeed in some country towns. These vehicles are used to pump out the liquid waste from the various underground tanks that are installed in a number of industrial establishments, such as garages

and the like. Serious difficulty has been experienced in finding sufficient suitable spots on which to dispose of this liquid waste and therefore it has been deemed necessary to amend the law in order to cope with the problem.

Clauses 5 to 16 all deal with this aspect of health. Clause 18 that was originally in the Bill was deleted by another place and the clause that has been substituted, as amended, is designed to offer some relief to retailers in regard to the sale of deficient products.

Clause 19 deals with leprosy which is a serious problem in Western Australia. This amendment seeks to tidy up various sections in the Health Act that deal with this extremely serious problem. It is proposed to insert a new section in the Act to deal with venereal disease. It is estimated that the notifications of venereal disease in this State at present probably reflect only about 50 per cent. of the actual cases. While the notification of venereal disease is confidential—in actual fact only numbers are dealt with—it has not been possible to enforce the provision and so it has been decided that we should try to encourage the notification of venereal diseases.

Members are all aware of the marked increase in venereal disease in this State during the last two or three years. While gonorrhoea, comparatively speaking is not regarded as being very serious, any increase in syphilis is, and it is hoped that greater accuracy will be obtained as to the number of cases in the community by encouraging the notification of this disease. If this objective is achieved the department will be able more satisfactorily to check on its incidence.

It has been customary for local authorities to pay 50c for each notification of an infectious disease. Today, however, infectious diseases are fairly rare. Therefore it is considered that the section in the Act should be updated. Last year about 1,700 cases of gonorrhoea were reported, together with 200 cases of syphilis. In this State syphilis is regarded as being an extremely serious disease because of the difficulty in determining whether or not it is syphilis or yaws especially when it happens to be associated with Aborigines who live in a semi-wild state on the outskirts of some towns in the more remote areas of the State.

Clause 21 seeks to protect life and to incorporate a new heading in the Act. Members will recall that the Nurses Act was passed in 1928. Clause 22 seeks to amend the Health Act to bring into it the new concept of the Nurses Act. It also seeks to include in the Act a definition of a school dental therapist. This, of course, represents a major change and I have no doubt of the reason for the introduction of this provision.

From here on the clauses in the Bill deal with the introduction of school dental therapists, with the exception of one clause

that seeks to delete from the Act a provision in regard to the reports by midwives. This appears in clause 25.

I have said that the introduction of school dental therapists was probably the reason for the introduction of this measure. In doing so I have no doubt that opportunity was taken to incorporate amendments dealing with other matters. For example, one provision in the Bill relates to children's toys. I have no doubt that the introduction of school dental therapists and the establishment of a new school of dentistry were the driving forces behind the introduction of the Bill.

In dealing with the clause relating to toys; from time to time toys are brought into this State which are bound to be dangerous to children.

I can remember one which made a tremendous bang. I am sure that Mr. Stubbs who has an interest in reducing noise would have found it repulsive. In those days we would approach the stores selling the toys, and with co-operation we were able to have the toys removed from sale. There should be a move made to enforce this law, so the provision has been included in the Bill.

The provision which is of major importance deals with dental therapists. A choice was open to the Government. It could have covered them under the Dentists Act or under the Health Act. The pity of it is that when the Bill was introduced the speech made by the Minister contained a lot of nonsense. How that came about I do not know, but anyone who read the Bill and the Minister's speech would be aware that the two did not correlate. The Minister was quickly made aware of this, and he made a correction.

Such is the nature of this matter that it has aroused a great deal of concern, and it took some time for it to be sorted out. There is still some concern, and I intend to bring that forward. The problem is that the provision in the Bill seeks to alter the status of dentists and to allow dental therapists to operate in the schools without the need to be registered. This is a matter which we will have to consider in the Committee stage.

For the time being I support the second reading, but I give notice that I will be speaking to several clauses in the Committee stage and hope to effect some amendments.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [3.14 a.m.]: I thank Mr. MacKinnon for his support of the Bill. Problems have been experienced with the removal of liquid waste, and the Bill will clear that up. When combined systems were used the waste sewage of manufacturers was carted away and dumped.

Reference was made by Mr. MacKinnon to venereal diseases and the proposal to give an incentive to doctors to report cases. That is an excellent idea.

When I was a health surveyor a native girl of 14 years of age infected about half a dozen school boys of about the same age. It was my job to track her down. I took the boys to the doctor, and by bluffing them I found out who the girl was. By that time she had returned to Kalgoorlie.

It was discovered that she first became infected by a native of about 60 years of age. How many other males she infected before she came down, I do not know. She was meeting the boys after school. The important thing to do is to trace the contacts right away, otherwise we would experience difficulty in tracing them.

Mr. MacKinnon has covered most of the other aspects and no useful purpose would be served in going over them again.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Cloughton) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clauses 1 to 25 put and passed.

Clause 26: Section 337 amended—

The Hon. G. C. MacKINNON: The clause seeks to amend section 337(2) by deleting the passage "duly registered dentist may if so authorised by the Commissioner or the local authority," and substituting the passage, "school dental therapist, or any duly registered dentist authorised to do so by the Commissioner or by the local authority, may".

The school medical authorities are covered by subsection (1) which reads as follows—

Any medical officer may examine medically and physically any child attending any school, and such child shall submit to, and the parents or guardians of such child shall permit such examination as the medical officer deems necessary.

The school medical services use nurses to perform certain procedures on the children, and yet they are not mentioned. However, when it comes to dental therapists, they are mentioned. Why?

The Hon. R. H. C. STUBBS: They must have some protection the same as dentists and so I presume that is the answer.

The Hon. G. C. MacKinnon: Protection from what?

The Hon. R. H. C. STUBBS: The therapists come in contact with the children and if they do not have any protection and they interfere with the mouth of a child

they can be charged with assault. I presume this is the sort of thing against which they need protection.

The Hon. G. C. MacKINNON: Those who, in the course of their work, have occasion to touch another person must be protected against a charge of technical assault, and I take it that is what the Minister has in mind. For instance, even if a surgeon performs certain functions in order to save a patient's life, he must, before he puts a knife into that patient, obtain either the patient's permission or that of the next of kin. I have not heard before the explanation the Minister just gave, but I think he is probably right and I am therefore prepared to accept it.

Clause put and passed.

Clause 27: New section 337A added—

The Hon. G. C. MacKINNON: This is the clause under which a school dental system, utilising dental therapists, is to be established. This system is hailed as being the best system and an indication of tremendous advance in public health. It is a view I do not happen to share. I consider that the system commenced by the previous Government was better. I probably feel this way because I was instrumental in its establishment. I suppose we all have a little fond feeling for those matters the responsibility for the development of which is ours, the same as the Minister for Local Government would feel about the abandonment of Guy Fawkes Day and the introduction of legislation concerning the loss of hearing resulting from noise.

A completely separate branch of dentistry is to be established to deal with children's teeth, something similar to the system operating in New Zealand, which system has been criticised by advanced dentists because they say that the child does not go to an established dentist in his surgery, but is attended to at a clinic at the school; and when the child leaves school it tends to neglect its teeth.

Proposed new section 337A (2) refers to section 50 (2) (e) of the Dentists Act. That section covers dental students. Does this mean that Western Australia will have two separate and distinct schools for dental therapists? The need for dental therapists is clear enough; there is a world-wide shortage and it is necessary to ensure that dentists will have all the assistance they can get to perform oral hygiene. I would like to know why the provision covering dental therapists is not included in the Dental Act.

The Hon. R. H. C. STUBBS: The honourable member started this process so a certain amount of credit is due to him.

The Hon. G. C. MacKINNON: Except that I would have included the provision in the Dental Act.

The Hon. R. H. C. STUBBS: Yes, but the duties are to be prescribed with regard to dental therapists. This is something which comes under the Dental Board. The board approved of this measure and it is simply another part of the services which the people in Western Australia will receive.

The Hon. G. C. MacKINNON: That hardly answers the question. I cannot find anywhere at all where these girls are to be registered. Nurses, doctors, physiotherapists, and chiropractors are all registered.

The Hon. R. H. C. Stubbs: If they are approved would that not be equivalent to registration?

The Hon. G. C. MacKINNON: No, I do not think so. Section 334 specifies those people who shall be registered.

The Hon. R. H. C. Stubbs: Proposed subsection (5) provides that the dental therapists shall be subject to limitations prescribed and specified. I think that deals with it.

The Hon. G. C. MacKINNON: That subsection specifies the area of dentistry in which a dental therapist can perform. I can find no place where she is to be registered.

The Hon. R. H. C. Stubbs: Could it be done under the regulations?

The Hon. G. C. MacKINNON: No, it should be specified under the Act. Provisions for nurses have been taken out of the Health Act and included in the Nurses Act. It seems to me that dental therapists ought to be registered with the Dental Board.

The Hon. R. H. C. STUBBS: My only explanation is that it is sufficient, seeing they have passed the examination and been approved by the Dental Board of Western Australia, under the Dental Act.

The Hon. G. C. MacKINNON: I know of no other ancillary health workers who are not registered.

The Hon. R. H. C. Stubbs: Perhaps they are registered by virtue of the fact that they are dental therapists.

The Hon. G. C. MacKINNON: They have to be registered under an Act. There is no accompanying amendment to the Dentists Act.

The Hon. R. H. C. Stubbs: The Bill states that a skilled dental therapist will be entitled to undertake certain work. Therefore, I presume that she would have fulfilled the requirements. Perhaps the registration will come under the provision which allows the Governor to make regulations.

The Hon. G. C. MacKINNON: The regulations will only concern things such as hours, and the like. It is necessary to have a register so that one is able to check on a person to see that she has the

necessary qualifications to carry out the work which she is performing. If a girl does the wrong thing she should be struck off the register. There is no provision for her to be registered, so she could not be struck off the register if she did play up. Is there an explanation as to why she is not registered?

The Hon. R. H. C. STUBBS: Apparently no-one else can employ them. The department will have a register and work in co-operation with the Dental Board. If they request registration we will amend the Bill later on.

The Hon. G. C. MacKINNON: I think the Health Department is taking a long chance. How will it know? Something like 30 girls a year will be turned out. All it needs is for one State to pass an Act to say that dental therapists from Western Australia are acceptable there and the girls will be off, unregistered. There is no way to check up whether the girls have been struck off or are qualified. There should be a register.

The Hon. R. H. C. STUBBS: The course takes two years. If we find there is a deficiency, we can amend the Act before they go into business. If the course took only a year, we would have time to protect these people before they qualify. In the meantime, we will research the position.

The Hon. G. C. MacKINNON: That is a naughty way in which to bring legislation before the House.

The Hon. D. K. Dans: And you are a naughty boy keeping us so late.

The Hon. G. C. MacKINNON: I did not bring the Bill in. Mr. Deputy Chairman, you should not allow members to blame me for things like that. It is quite unjust. I am concerned about the welfare of these girls because they could undergo an arduous training course and then pack up and go, at some expense, to another State which is prepared to accept them. When they get there, it could be found they are not registered school dental therapists. They should be registered by the Dental Board, which has the authority under subsection (5), and their duties are specified under the Dental Act. The Dental Board should keep the register.

The Hon. R. H. C. STUBBS: School dental therapists come under different Acts in different States. They will be interchangeable. An all-Australian committee has been established to set standards. Mr. John Pritchard represents Western Australia on that committee. Once the standards are set, registration can be arranged.

The Hon. G. C. MacKINNON: All professions are jealous of their own particular disciplines; dentists no less than anyone else. Can the Minister give me an assurance that when such registration is accomplished it will be done under the Dental Act and under the control of the Dental Board, rather than under the control of the Health Department?

The Hon. R. H. C. STUBBS: The assurance I give is that once Australian standards are worked out we will adopt what everyone else adopts. I move an amendment—

Page 8, line 5—Insert after the word "in" the passage "subsection (1) of".

The question generally raised is why this new section is placed in the Health Act and why the meaning of the Dental Act as it relates to this matter does not extend beyond subsection (1) of section 50A of that Act. The Dental Act relates basically to dental practice, and the authority to administer that Act is the Dental Board, the majority of the members being dental practitioners.

The school dental service, on the other hand, is a public health activity and is properly accommodated in the Health Act, within which Act the powers of the Commissioner of Public Health are established. The Dental Board rightly makes rules relating to dental practice and the application of those rules is subject to the board's interpretation.

As an example, the board has recently drafted new rules for which Executive Council approval is about to be sought. The new rules require a dentist to examine a patient before treatment by a dental therapist is commenced, to detail the treatment which is to be given, and to re-examine each patient after a period of not more than six months to ensure the treatment has been carried out.

This rule may be quite appropriate in regard to private practice. However in the school dental service dentists could find themselves predominantly involved with the minutiae of repeated examinations of children if this rule were applicable in the school situation.

The policy of the Australian Dental Association in the matter of school dental therapists is more applicable to the school situation. A school dental therapist must work under the direction and control of a dentist. Patients treated by school dental therapists should be examined by dentists at periodic intervals of not more than two years. This auxiliary shall be used in Government service only, restricted to female personnel, and limited to the treatment of pre-school and primary school children.

Dental officers will be used to supervise school dental therapists and will carry out such treatment as is beyond the scope of the therapist. It would be incongruous if, in the face of a world-wide shortage of dentists, having introduced a scheme to provide dental care for children, we were to insist dentists be employed to occupy themselves with unnecessary detail.

The amended new section 5 limits the school dental therapist to the duties detailed in the Dental Act but does not extend in such a way that the rational

development of the school dental service is inhibited through conflict with sections of the Dental Act mainly applicable to private dental practice.

Responsible public health officials acting within the terms of the Health Act will ensure that the schools dental service will be conducted according to appropriate ethical and professional principles.

The Hon. G. C. MacKINNON: This explanation has forced me to say a few more words. If the horrible possibility happens—although I can scarcely bring myself to consider it—that the present Government is returned next year, I hope the Ministers do not present second reading speeches in Committee stages of Bills at 4 o'clock in the morning. If this argument had any validity, it should have been included in the second reading speech. Doctors, nurses, etc., all come under the Medical Act, but the nurses, for instance, are registered by the Nurses' Board. Why should we have this sudden departure in regard to dental therapists? I know the Federal Government proposes to establish the school for dental therapists, and we know what will happen in regard to instructions from Canberra. I do not know exactly what is going on, because I am not now in the position to be privy to these secrets. Half the statements in the explanation are nonsense.

I am prepared to accept the amendment at this stage, because the legislation will not be used for a few years. At least the girls will know they will be employed and not left out on a limb.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 28 and 29 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and returned to the Assembly with an amendment.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendment No. 2 made by the Council, and had disagreed to No. 1.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

The DEPUTY CHAIRMAN: Amendment No. 1 made by the Council, to which amendment the Assembly has disagreed, is as follows—

No. 1.

Clause 2, page 2, lines 11 to 14—Delete paragraph (f) and substitute the following—

(f) a representative of the Environmental Protection Authority established under the Environmental Protection Act, 1971.

The Assembly's reasons for disagreeing to the Council's amendment are as follows—

1. That as the Environmental Protection Authority is a three man Authority and only the Director is a full time officer, he—

(a) is considered the person best qualified to advise on environmental matters;

(b) would be the member of the Authority most likely to be readily available for meetings.

2. As other Government Departments on the Metropolitan Region Planning Authority are represented by full time senior officers, i.e.,

Dr. David Carr—Town Planning Commissioner.

Mr. D. H. Aitken—Commissioner of Main Roads.

Mr. H. E. Hunt—Chief Engineer, Metropolitan Water Supply, Sewerage and Drainage Board.

Mr. J. E. Knox—Director General of Transport.

Mr. D. C. Munro—Co-ordinator of Development, Department of Development and Decentralisation,

then a person of similar seniority and permanency should represent the Department of Environmental Protection.

3. The responsibility of a representative of the Environmental Protection Authority does not alter irrespective of who should represent it but it is pointed out that the Director has greatest knowledge of all sections and activities of the Department.

4. Unless the Director of the Department of Environmental Protection is appointed the clause should be allowed to lapse.

The Hon. R. H. C. STUBBS: I move—That amendment No. 1 made by the Council be not insisted on.

The Hon. CLIVE GRIFFITHS: The reasons given by the Assembly for disagreeing to this amendment are very weak. I cannot understand them because the purpose of this exercise is to have a representative of the Environmental Protection Authority on the Metropolitan Region Planning Authority, and it is desirable that the director be that representative. With regard to the Assembly's final reason, it will be the Minister who makes the decision as to whether the director or one of the other two members of the authority is appointed. So that reason does not hold water. Reason 1(a) states that the Director of the Environmental Protection Authority is considered the person best qualified, and so the amendment is not acceptable. I refer members to section 9 of the Environmental Protection Act which says that the authority shall consist of three members. One is the director, and the other two are appointed by the Governor.

Of the other two members, one must be a person with knowledge of and experience in environmental matters. So at least one of the other two members has some qualifications.

I refer members to reason 1(b) given by the Assembly. If the director is the only full-time officer on the Environmental Protection Authority, I would be inclined to think he would not have sufficient time to devote to the M.R.P.A. Therefore it would seem to me to be desirable to have one of the other members as the representative. The Environmental Protection Act provides in section 9(7) that—

A person appointed under subsection (1) or subsection (5) of this section or subsection (2) of section 10, shall be paid such remuneration and allowances as the Governor from time to time determines.

So although the director is the only full-time employee of the authority, that does not mean that one of the other members cannot be engaged for a longer period of time to enable him to serve on the Metropolitan Region Planning Authority.

The second reason submitted by the Legislative Assembly says that as other Government departments are represented on the M.R.P.A. by full-time senior officers, a person of similar seniority and permanency should represent the Department of Environmental Protection. While it is accepted that senior officers of other departments are on the M.R.P.A., the Statute does not say that should be necessarily so, apart from in the case of the Director-General of Transport, who was the last member added to that authority.

My amendment permits the Minister to choose the Director of Environmental Protection, or one of the other members of the authority if for some reason or other the director decides that he should not necessarily be a representative on the M.R.P.A.

The third reason presented by the Legislative Assembly is that the responsibility of a representative of the E.P.A. does not alter, irrespective of who should represent it; but the Assembly points out that the director has the greatest knowledge of all sections and activities of the department.

If that is the case the Minister can choose him under the amendment I have moved and appoint him a member if he so desires. If there were one good reason among the four presented to us to show that we should revert to the original proposal in the Bill I would not insist on my amendment, but not one reason can be sustained. Under all the amendments made by the Council the way is clear for the Minister to appoint another member if the director is too busy.

The Hon. D. J. Wordsworth: I think the Committee is convinced.

The Hon. CLIVE GRIFFITHS: Any member who is not does not want to be convinced. For the reasons I have given I believe the Council should insist on its amendment.

Question put and a division taken with the following result—

Ayes—8

Hon. D. K. Dans	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. R. F. Cloughton (Teller)

Noes—13

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. D. J. Wordsworth
Hon. J. Heitman	Hon. R. J. L. Williams (Teller)
Hon. L. A. Logan	

Question thus negatived; the Council's amendment insisted on.

Report

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

ADJOURNMENT OF THE HOUSE: SPECIAL

Complimentary Remarks

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.13 a.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the President.

I take this opportunity to express my thanks to the various people to whom I owe a debt of gratitude. I owe thanks first of all to you, Mr. President. From the very first time I entered this House until the present I have received nothing but respect and courtesy from you, Sir. I appreciate the fact that whilst you have been presiding over this House you have

carried out your duties fairly and impartially. You have given every member full opportunity to express that which he wished to say. Also, in carrying out your official duties outside the House you have conducted yourself with the dignity one would expect from the President of the Legislative Council.

To the Chairman of Committees (The Hon. N. E. Baxter) and the Deputy Chairmen of Committees I also express my thanks for the way they have applied themselves and played their part in conducting the business of the Chamber. To the Leader of the Opposition (Mr. Arthur Griffith), I also express thanks for his co-operation. Perhaps there were times when it was felt he was not being as co-operative as we would have liked him to be, but at all times I have found him to be most courteous and over the years I have found it to be a great pleasure to be associated with him.

I hope members will pardon me if I make this comment. I always feel that Mr. Arthur Griffith would have been a much more tolerant individual if he had ever been placed in the position in which Mr. Willesee and I have found ourselves; that is trying to run a House with 10 against 20.

The Hon. L. A. Logan: Not always.

The Hon. J. DOLAN: It is a most invidious position in which to be placed. It is almost impossible to claim correctly that we are the Government. It is a most difficult position. I always feel that when a Government has been elected by the people we should be given two to one up here to balance the numbers and then we could do those things we desire to do.

I am not saying this facetiously. Having been in this position, I feel that it enables one to better appreciate the other person's difficulty.

I wish to express my thanks to Mr. Heitman and Mr. Dans, the two Whips, who have served members well in both Opposition and Government. I do not know whether anyone has been disappointed when a pair was sought, but I do know that on many occasions when I have required certain information my Whip has always been co-operative and willing to obtain it for me.

To all the parliamentary staff I express my gratitude, and in particular, Mr. Roberts, Mr. Ashley, and Mr. Hoff, and all our young ones including Mr. Allnut and Mr. Stephens who have always been extremely courteous. I have no tickets on myself, but I am a member of Parliament and for this year I have been the Leader in this House and all officers have treated me with the dignity the office I hold warrants. As long as everyone in the building displays the same dignity and appreciates the work done here we will not have anything about which to worry.

Of the *Hansard* staff I wish to make a special mention. They have been very kind to all of us. Over the years they have edited our speeches and made them a little better than they were when we delivered them. To them I convey not only my personal thanks, but also the thanks of all members.

The Press must sit here patiently night after night, but they have a job to do which is to gather news for their respective papers and submit it in a form acceptable to their editors. The members of the Press play a vital role in the work of Parliament.

We can all be critical at times. We think the Press is wonderful when something nice is said about us, but when reports are critical of us we consider that the Press is not so hot. That is all part of the game—theirs and ours.

I am leaving Parliament and so this is my last appearance. During the remaining days, months, or years of my life I will look back on the period I have spent here as being a wonderful part of my life. If I had not spent the years here I would have missed out on a wonderful experience. I have tried to make a worth-while contribution in the House and also have endeavoured to assist my constituents and the public generally in the best way I could.

I am not an emotional person, but I think I could be on an occasion such as this. I have the utmost respect for the views of members of a different political party because I know they are sincere and honest. I perhaps feel they are misguided, but we live with that situation. That is how we feel. I have been brought up in a certain atmosphere and it has become part of my life and I could not change my attitude. I know the same applies to members of other political parties who hold different views, and I respect them for that.

I am a peculiar person. I have been subject to pressure from many quarters about various subjects, but I am not susceptible to pressure. For this reason a number of people have given me away after having attempted a few times to persuade me about something. They have come to realise that I will not give into them and so they have given me away and not worried about me for a couple of years now.

The Hon. A. F. Griffith: We have never given you away!

The Hon. J. DOLAN: Members of the Opposition have been most kind. I have been one of those who have not interjected! I may ask a question or two!

The Hon. G. C. MacKinnon: You are going out with that statement!

The Hon. J. DOLAN: I thought I might as well say it because all I generally do is ask a helpful question of the Opposition

so that the member concerned can impart information which might otherwise not be forthcoming.

We have just concluded a record period in respect of the number of Bills with which we have dealt, some of which have been passed, some thrown out the window, and some withdrawn. All in all I suppose it has been a mixed grill. All told 130 Bills have been considered which is the biggest number in the history of our Parliament. So it is obvious we have not been loafing, although some people believe we have been. Sometimes the debates have been spread out over long periods for various reasons, and in this regard the Government cannot always be blamed. The debates on some Bills have been dropped to the bottom of the notice paper for weeks on end, to suit the convenience of members of the Opposition. I have been asked to delay the resumption of the debate on certain Bills until the following week, only to be asked then if a further postponement could be arranged for one of a number of possible reasons. That is all part of the set-up here with which we have learnt to live.

At times I have not been too happy when matters have been discussed which have no bearing on the legislation before members. That too, has always been the situation. However, some of the hours spent in that way could have been better employed. Perhaps if we totalled them up we would find that instead of the hour being as late as it is it would be only 10.00 p.m. and we would have a good night's sleep in front of us.

The Hon. A. F. Griffith: You have been doing wonderfully well up to this point.

The Hon. J. DOLAN: It is now 4.30 a.m. on Saturday. I would have laughed heartily if years ago someone had told me that one day I would be in the Legislative Council and that on my last day in that Chamber I would be speaking at 4.30 a.m. with the sun just breaking through in the east as I wended my way home.

Normally when I tumble into bed I have no difficulty in getting to sleep, but I have a feeling that on this occasion I will be awake for some time thinking of the wonderful time I have spent here. The experience has been enjoyable and hectic. I have learnt to accept situations which sometimes I have felt were unjust or unmerited. We all have been in this position.

I know that members are anxious that proceedings should be concluded. I have been very grateful to have had the opportunity to make my contribution in this House. If I have done things to help people I have been grateful that I have been in the position to be able to do so.

I thank members for giving me the chance in the last 11 or 12 years to enjoy their company and of course the good characteristics they have in their makeup. It has been my pleasure and I leave not with personal regrets but with nostalgic

thoughts. When the elections come along, I wish members politicians' luck. Politicians come and go. If one gets the axe and the people do not want one, it is too bad. If one comes back, good luck! I am sure my party will be back in office next year with an increased majority in this House. It is overdue.

I have always been a person who has the utmost confidence in his colleagues.

The Hon. A. F. Griffith: You must have that.

The Hon. J. DOLAN: They have done a good job at every sitting. Not a day goes by or a Bill comes up that there is not criticism of the Federal Government, with the Opposition trying to line us up. Members of the Opposition must be stuck for things to criticise when they have to drag in the Commonwealth Government.

I thank members for putting up with me for 12 years. I have enjoyed it and I will have happy recollections of all that has happened up here. The Leader of the Opposition loves to have an opportunity to give it back again, and I can sit here and take anything he cares to throw at me.

Mr. President, I thank you personally.

[Applause]

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.32 a.m.]: I will not throw anything at the Leader of the House. If he goes outside now, he will find it is daylight. All I can say is it has been a long, dreary session. I have been here for 20 years and I have never known a longer or drearier session. But we have all tried hard and I must say I am quite pleased to see this session come to an end.

I do not propose to go over every name and person mentioned by the Leader of the House in his expression of thanks, but I do join with him in thanking you, Mr. President, and all the other people the Leader of the House mentioned for the co-operation and assistance we have received during the year. I am afraid we have just come to expect it, but I would like those who give us this co-operation to know that it is expected because of the years we have received this kind of help, and it is very much appreciated.

I want to tell Mr. Dolan that when I came in here I think there were nine Labor Party members, and then the numbers built up until there were 13 Labor Party members and 17 non-Labor members. Then we introduced adult franchise and, surprisingly to the minds of some people, the Labor members dropped away. I share the opposite view to that of the Leader of the House. I think they will drop away even more.

The Hon. R. Thompson: You have always been an optimist.

The Hon. A. F. GRIFFITH: I have always been lucky, too.

Mr. President, this is the last occasion that you will preside over us. We have thanked you personally and I want to take the opportunity to record in *Hansard* my keen and deep appreciation of your courtesy to us. The manner in which you have held your high office has been eminently satisfactory to us and I am sure you have carried out your duty with great satisfaction to yourself, also.

I hope you, Sir, Mr. Dolan, and all the other members who are retiring have a very long and happy retirement. We have also said that privately, but I want to put it in *Hansard*.

I have no bad feelings. I believe in fighting for the cause one believes in. What is a man worth if he is not prepared to do that? I think it is Mr. Dolan's people who are misguided. But my comment is that all the time, in whatever direction we battle for our causes, we have the one principal interest at heart; that is, our own State and our own country. That is the important thing, and while we recognise the sincerity of both sides of political thought, whether socialist or Liberal, we try to achieve the best we can for the State.

This is the last time we will meet in this particular Parliament. I cannot do more than follow the Leader of the House in saying to those members who come up for re-election: Politicians' luck. That is the best one can say to those who will be candidates next year. As I have said before, I am not a hypocrite and I will not say I hope all members come back. I hope all come back if they get 51 per cent. of the votes.

I thank everybody very much indeed for all the help and co-operation I have received. I mention particularly the members of my own party who have helped me in what might appear to be an easy task because we happen to have a majority here, but it has not been altogether an easy task because at times we have had to go to a lot of trouble to improve the Government's legislation. I particularly thank Mr. Heltman—the Whip of our party—and Mr. MacKinnon, and I thank all the other members of our party for the wonderful co-operation they have extended to me as Leader of the Opposition.

Felicitations of the season to you, Sir, and Mrs. Diver; to Mr. Dolan and his wife; and to everybody here. I hope all have a happy Christmas and a prosperous New Year, and I look forward to exchanging sides on about the 30th March.

THE HON. L. A. LOGAN (Upper West) [4.39 a.m.]: Under different circumstances and at a different hour, I would have liked more time to make some remarks in this House. As it happens to be my last night

in a session of Parliament, I would have liked to reminisce a little. But this is not the time and the hour, and I am sure the people in the gallery would not want me to do that.

As the father of this House—looking at the time, I feel more like a grandfather at the moment, bearing in mind that I have to play a game of bowls later on in the afternoon—I can recall in July, 1947, as a very raw recruit, and a young one at that, being asked to move the Address-in-Reply.

At that time I was sitting in the seat next to the one in which I am sitting now. I was very nervous and as I commenced to make my speech I lost my notes and had to proceed without them. I commenced as a back-bencher in Opposition; I was then a back-bencher on the Government side; I was a Minister in the Government; and now I am back here as a back-bencher in Opposition again. I have completed the cycle.

Time marches on, and by the time my pay cheques stop next May, I will have been here a little over 27 years. I will be 66½ years old, and most people retire at 65. I can claim that I have had a pretty fair innings, and have no regrets.

I can recall some of the members who were here when I first entered Parliament. I remember the late Mr. Charles Williams—some members knew him or have heard of him. He was a Labor member and a real character. He was a great help to me and to many new members at that time.

It seems to be an attribute of the members here—irrespective of party—that they will help new members.

I would like to thank the staff—each and every one of them. They have been wonderful not only to me but to all members. I thank my colleagues for their support. They are a difficult bunch, sometimes, Mr. President, but I suppose Mr. Arthur Griffith thinks I, too, am difficult on occasions.

We have a duty to perform in this House. We often hear it claimed that it is a House of Review. The members of my party claim the right—as do other Opposition members—to vote according to their beliefs. We are not tied to a party decision. This House will continue to operate on that basis, and it will not be dissolved.

I know I will find it very difficult to fill in the time—I will not have to research legislation and visit here, there, and everywhere. As a member, I have met so many people from all walks, and, as I said before, I have no regrets. They have treated me well, and I have enjoyed meeting them.

I thank you, Mr. President, the staff, and all members.

THE HON. N. E. BAXTER (Central) [4.44 a.m.]: Mr. President, in my position as Chairman of Committees, I would like to express my appreciation to you for your co-operation. I also thank the Leader of the House, the Ministers, the Leader of the Opposition, and members generally. Without their help through the Committee stages of legislation, this Parliament would not run so smoothly.

I would also like to express my appreciation to Mr. Frank Willmott, particularly, to Mr. Cloughton, and to Mr. Jack Thomson—the Deputy Chairmen of Committees. I am afraid that the load on Mr. Willmott has been fairly heavy these last few weeks. Every time I allocated a Bill to myself—including some with a number of amendments—the President would have to leave the Chair and Mr. Willmott stepped into the breach. From talking to him, I believe he has quite enjoyed the Committee work. He has handled the amendments very ably, and he seems to have thrived on it.

To the Clerk of Parliaments (Mr. Roberts), the Clerk Assistant (Mr. Ashley), the Second Clerk Assistant (Mr. Hoff), the Clerk of Records (Mr. Allnutt), and the Clerk of Papers (Mr. Stephens), I express my appreciation for the many things they have done for me both as a member and as Chairman of Committees.

To you, Sir, I say that I will miss you from the Chair of this House in the coming sessions of Parliament.

I express appreciation to my colleagues in the Country Party, and I hope the members who are retiring will have a very enjoyable retirement. We have had a long association with these members—Mr. Willmott is a very old friend of mine—and we will miss Mr. Logan and Mr. Dolan. I am glad that I have had this association with these people in Parliament as well as outside it.

To you, Sir, and your good lady, to every member, to the staff of Parliament, attendants, etc., I extend the compliments of the season and my wishes for a happy New Year.

THE HON. J. M. THOMSON (South) [4.46 a.m.]: I will keep the House for just one minute. I wish to record in *Hansard* my deep appreciation for the associations I have enjoyed in this House and in Parliament. To you, Sir, to the officers of the House, to all members, to the Press in the gallery, and to the staff, I wish everyone the very best for the coming Christmas season. I hope everyone is blessed with the best of health to continue the service to the State to which I am proud to belong.

THE PRESIDENT (The Hon. L. C. Diver): Honourable members: I thank Mr. Dolan and Mr. Arthur Griffith for the personal good wishes they extended to me.

I would like to take this opportunity to thank Mr. Baxter (the Chairman of Committees) and his deputies. Whilst I was away during the early part of this session, they ably carried on the job of conducting legislation through the House.

Several of us retire next May, and when we pay Parliament a visit from time to time we will see that the faces change rapidly. However, we can always be assured that we will see Mr. Roberts, Mr. Ashley, their assistants, and the *Hansard* staff. They remind me of Tennyson's Brook—they go on for ever.

I would like to take this opportunity to record my sincere appreciation to the staff for the manner in which they have assisted me on many occasions, and unobtrusively guided me along in order that I may give this position the finesse that it requires.

I have seen many changes since I came into Parliament 22 years ago. I can assure members, one and all, that never in my wildest dreams did I think I would finish up as the President of the Legislative Council. I am very grateful to the members who elected me initially, and I am also grateful for the comradeship I have enjoyed with members of Parliament and the whole staff of Parliament House. Through the years I have come to believe we operate more as a family than as a House of Parliament.

I am grateful that I was afforded this wonderful experience. In a few minutes I will leave this Chair never again to sit in it officially. I have very deep, lasting, and pleasant memories of the time I have spent in the Legislative Council of the Parliament of Western Australia.

I wish you all the compliments of the season. May you and yours enjoy good health in the future. Thank you.

Question put and passed.

CRIMINAL CODE AMENDMENT BILL

*Appointment of Select Committee:
Assembly's Message*

Message from the Legislative Assembly received and read notifying it had agreed to the request made by the Legislative Council and accordingly has appointed three members; namely, the member for Darling Range, the member for Ascot, and the Minister for Works, with power to confer with the Committee of the Legislative Council.

MOTOR VEHICLE DEALERS BILL

Assembly's Message

Message from the Assembly received and read notifying that it agreed to the amendment made by the Council.

HEALTH ACT AMENDMENT BILL*Assembly's Message*

Message from the Assembly received and read notifying it had agreed to the amendment made by the Council.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL*Assembly's Further Message*

Message from the Assembly received and read notifying that it no longer disagreed with the amendment insisted on by the Legislative Council.

House adjourned at 4.52 a.m. (Saturday)

Legislative Assembly

Friday, the 14th December, 1973

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

WORKERS' COMPENSATION ACT AMENDMENT BILL (2ND.)*Council's Amendments*

MR. HARMAN (Maylands—Minister for Labour) [11.04 a.m.]: I move—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering Legislative Council's message No. 88.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [11.05 a.m.]: I would like to comment on this message from the Legislative Council. Members will recall that while the Bill was before the House a considerable number of lengthy speeches were made, and on many occasions the request was made that the matter of amendments to the Workers' Compensation Act should be referred to an expert committee.

The Legislative Council referred the Bill to a Select Committee of its House, and as a result we have these amendments to the Bill before us. I am extremely gratified that the Select Committee saw fit to take note of the matters raised in this Chamber, and that the Bill—in general terms—is in very much the sort of form I think it should be. The matter now is roughly half-way between what the Government asked for and what I thought it should be, so a sort of compromise was reached in that area.

However, there is a matter which is of concern to me. I read very carefully the report which the Select Committee presented to the Parliament, and the amendments to the Bill are essentially along the

lines recommended in the report. But in my view there has been a misunderstanding in one area, and one of the amendments before us has come about as a result of that misunderstanding. I checked the evidence which was presented to the Select Committee in respect of the matter of weekly earnings, and the definition which is proposed in the Legislative Council's amendments refers to normal weekly earnings, including overaward payments.

Anyone who knows anything at all about industrial matters will recognise that the very word "overaward" means "something beside; on top of; or extra to" the award, and an overaward payment is not a constant payment to all persons whether they be of the same trade classification or not. An overaward payment is in essence a prosperity loading which one could find in an industrial agreement relating to an industry as distinct from an industrial award relating to wages of workers. Overaward payments might be negotiated; in fact most of them are negotiated outside the jurisdiction of the Industrial Commission.

We could have a situation of two electricians who receive the same rates of pay under their industrial award, but because one happens to work for a certain firm which has entered into an agreement to make an overaward payment to its workers, he gets an overaward payment and the other does not. It could well be that some employers make a higher overaward payment in respect of workers in that industry than others make. So an overaward payment is not a constant and invariable thing.

Mr. Jones: That also applies to wages.

MR. O'NEIL: That is right; but the point I am trying to make is that awards specify the wages payable to various classes of workers under that award, whereas overaward payments really apply to all the workers in an industry and are not associated with what we know as the standard rate.

Therefore, in my view we cannot accept the expression in amendment No. 28 on the notice paper which refers to weekly earnings and then say afterwards in brackets "including any overaward payment".

Mr. Bertram: Wasn't that put in as a result of sworn testimony given in evidence?

MR. O'NEIL: Perhaps the honourable member was not here when I said that I read very carefully the report and the evidence of the Select Committee, and I am convinced that this is the result of a misunderstanding of the meaning of "overaward". Let me refer to the evidence which has been tabled and consider parts of the submission presented by the Employers Federation and the Chamber of Manufactures.