Legislative Council

Wednesday, the 9th November, 1977

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

LEGISLATIVE COUNCIL

Wearing of Safari Jackets: Statement by the President

THE PRESIDENT (the Hon. Clive Griffiths): Honourable members, I want to make a short comment in connection with the wearing in the Legislative Council of safari jackets.

I have received several approaches over the last month or so from members who have requested approval to be given for the wearing of this type of apparel. On previous occasions I have given certain instructions as to what I felt were the desirable accessories to wear with such a suit.

On reflection, and as a result of having been approached again, I consider that the type of suit which is now worn by the Leader of the Opposition will be an acceptable apparel in the future.

The Hon. R. G. Pike: A very sensible decision.

The Hon. G. C. MacKinnon: The trend setter!

The Hon. D. K. Dans: Do not embarrass me.

The Hon. G. C. MacKinnon: I wonder whether, Mr President, you would elaborate. Did you say, "unacceptable" or "an acceptable"?

The PRESIDENT: I said, "an acceptable".

I might add another point. The requirement still remains that the President will retain the right to suggest to a member that his apparel ought to be altered, should the President think that to be the situation.

QUESTIONS

Questions were taken at this stage.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [2.47 p.m.]: I move—

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

Question put and passed.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by the Hon. R. Hetherington, and read a first time.

LIQUOR ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and transmitted to the Assembly.

MARKETING OF LAMB ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. R. T. LEESON (South-East) [2.51 p.m.]: This Bill seeks to amend the Marketing of Lamb Act. The original Bill came to this place some time ago amidst a lot of controversy; a great deal of opposition was expressed to the proposal and in fact, throughout the time the legislation has been in force, opposition has come from certain quarters.

However, I believe the legislation has stood the test of time and it has been proved to the people of Western Australia that it was a wise move. The establishment of the Lamb Marketing Board has helped to some degree to stabilise lamb prices in Western Australia. The board also has been able to gain access to lucrative overseas markets to such a degree that recently it was awarded the international Hoover Marketing Award.

Quite obviously, the board is doing its job well, and the amendments proposed in this Bill will enable it to tidy up certain anomalies. The Opposition supports the Bill.

THE HON. G. W. BERRY (Lower North) [2.52 p.m.]: I support the Bill. The Hon. R. T. Leeson mentioned that the Marketing of Lamb Act, which established the Lamb Marketing Board, has been a very successful operation. I should like to hear just how successful it has been since its inception, because I do not remember hearing anything about it. I should like to hear how well it has treated the growers, because it was with the growers in mind that the legislation was first brought forward. I should like to hear from the growers, particularly people who have an interest in this matter, just how the operations of the board are affecting them.

It was claimed when the legislation was first introduced that it would result in the consumer getting a better deal, but I have yet to hear whether in fact this was the case. Perhaps someone who knows something about this matter could inform the House just how successful the legislation has been.

THE HON. A. A. LEWIS (Lower Central) [2.54 p.m.]: I had no intentions of entering this debate, but I too have a few questions I would like to ask the Minister. Is it true that the best blues and the best reds were being sold by the Lamb Marketing Board at less than the purchase price at some stages during this season? Rumours have been flying around that purchasers have been paid more for the lambs than the board eventually received for the lambs. If that is good marketing, I would like the Minister to explain it to me. It is only a simple question, and I am sure the Minister will be able to answer it.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [2.55 p.m.]: I thank members for their support; I did not realise it would be so forthcoming! In regard to the success of the Lamb Marketing Board, as I stated in my second reading speech, the board received the international Hoover Marketing Award. That most worthy organisation considers the development by the board of new markets in the Middle East to be worthy of recognition.

The Hon. A. A. Lewis: Can you explain how the board is able to sell lambs for less than it purchased them?

The Hon. D. J. WORDSWORTH: That is probably how the board won the award. I often wonder whether the producer is fully aware of how the Lamb Marketing Board works, what its prices are based upon, and what actual negotiations are entered into.

The Hon. A. A. Lewis: You will explain it to us.

The Hon. D. J. WORDSWORTH: As a producer, I am certainly not in a position to be able to answer that question; but I can say that large numbers of producers and a major producer organisation are satisfied with the manner in which the board is operating, from the information they have been given. We have recently seen a referendum on the marketing and acquisition of meat.

The Hon. A. A. Lewis: Do you think it would be a good opportunity to have another referendum on the marketing of lamb?

The Hon. D. J. WORDSWORTH: It is rather interesting that the arguments used for the acquisition of all meats were based upon the marketing of lamb.

The PRESIDENT: Order! Will the Minister direct his comments to the Chair.

The Hon. D. J. WORDSWORTH: I am sorry, Mr President, if I am looking to the member who asked the question.

The PRESIDENT: Please direct your comments to the Chair.

The Hon. A. A. Lewis: Is that why the referendum was lost?

The Hon. D. J. WORDSWORTH: Perhaps there is a very critical group here which was surprised at the number of votes the acquisition clause in fact received. Obviously, some people felt it would satisfy their needs.

It has been brought to my attention that consumption of lamb has dropped.

The Hon. W. M. Piesse: So has the price of beef.

The Hon. D. J. WORDSWORTH: I heard a rumour that a function soon to be held in Western Australia would feature not Western Australian lamb but New Zealand lamb.

The Hon. A. A. Lewis: Is that a certain ball which is to be held in the city tonight?

The Hon. D. J. WORDSWORTH: I think the honourable member is referring to the Jubilee Ball which is to be held tomorrow night. At any rate, that is the rumour which is going around. That might be the way in which the board is able to sell at the price mentioned by the honourable member; perhaps it imports the lamb at a cheaper price, and then sells it at a higher one; I do not know. I must admit that not a great deal of such information is provided to producers who send their lambs to the board.

I thank members for their support. I am sure that with these amendments, we will have a better Marketing of Lamb Act.

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. D. J. Wordsworth (Minister for Transport), and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 8th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.00 p.m.]: We are in that period of the session where we seem to have less time for the study of legislation and I find myself in that situation with this Bill. The Bill has made its way through the Legislative Assembly and my colleagues in that House have studied it and assured me they have no objection to its provisions. For my part I would like more time to study the measure personally, because on past experience I have found there are often matters I see in legislation that have been overlooked by other individuals.

I have done my best to go through this legislation, but the shortage of time did not allow me to relate it altogether to the provisions in the principal Act. I cannot say whether there are any problems that may arise from that aspect. One of the two main provisions in the Bill introduces uniformity governing long service leave which is portable between municipalities.

Here again we have one of those matters that for a long time have been proposed and promoted by members of the Opposition, and we have brought various Bills to Parliament relevant to the subject. All I can say is that we have to agree that this is a very sensible proposal, and I am pleased to see the parties in opposition to us have come to see the good sense in what we have been promoting for so long.

Local government is a career service, particularly for the more senior officials in it who see their opportunities for promotion in ascending scale. Local government is a service requiring very detailed knowledge of Statute law; probably more so than any other single area of government. The Local Government Act itself is probably the most voluminous of all Acts, and it contains more complications than any other Act.

I suppose that of all legislation existing the Local Government Act would be the one that meets with most amendments each year. There are usually three or four Bills introduced each session to amend the Act. This Bill is the second for this session, but it covers a number of amendments to various sections of the Act.

The introduction of uniform long service leave provisions that would apply to all shires can only be of benefit to the local authorities and to the people employed in the service. I think it would also mean a gain to ratepayers as it ensures there are highly skilled people operating in the service.

The other main amendment covers budgeting provisions. The Minister has informed us that the Act requires local authority budgets to be balanced, and he has indicated that some authorities have had difficulty in meeting this requirement. One of the practices that has been adopted was for local authorities to take out bank overdrafts which gave them access to funds that would not normally be available to them.

I do not think that practice was altogether approved under the Act. But where an authority, particularly a large authority which had to meet big demands and was unable to raise sufficient funds from revenue or loan funds, needed funds this was one way it could service its needs. This practice has probably been adopted quite widely.

The sort of examples that the Minister spoke of I cannot verify, and I must accept the Minister's assurances that this does take place. The main problems that have been caused in local authority budgeting, as I understand it, was where authorities had overspent or overborrowed and got themselves into a position where they could not raise from their receipts sufficient finance to service the loans they had taken out. The policing of this action would be more a job for the auditor who should, in his examination of the shire's books each year, make sure the authority was not getting itself into that sort of position.

If this new arrangement comes into practice we will have to rely on the good sense of the councillors and staff to ensure that an authority does not get itself into financial difficulty. I believe that a burden will continue to be placed on the auditor to see that is not done.

Clause 15 amends section 599A which makes reference to the Pensioners (Rates Rebates and Deferments) Act. The Government's recently introduced system for 25 per cent rebates appears to have been very popular with pensioner ratepayers in my electorate. I had suggested that a system which contains an income qualification may enable this sort of principle to be extended to a wider group of people who would be in a similar financial circumstance as that of pensioners. I refer to people who are superannuants and others receiving pensions from elsewhere.

I have currently a couple of constituents making representations to me. The wife is the recipient of an Australian pension, and the husband receives an English pension. They are both pensioners receiving no more than other couples in receipt of Australian pensions, but because he is in receipt of an English pension they

are not able to claim the 25 per cent rebate, and this creates a problem for them.

We have considered the possibility of their claiming 50 per cent of the 25 per cent, but we have been told that it cannot be done. I have not fully examined that situation, but I draw the Minister's attention to it as an anomaly which may be covered in some way.

The other provisions of the Act try to cover anomalies and complexities which arise under the legislation from time to time. For instance the Act states that the mayor, president, or chairman holds office until the first meeting after the 24th May which is the fourth Saturday in May, this being the date on which local government elections are held each year. This means that the existing president is not in a position to take the chair for that meeting and the election of a president would have to take place at an informal gathering perhaps immediately prior to the commencement of the first formal meeting after the election. When the council is evenly divided then a shire would be confronted with the problem of continuing for a period without an elected head. Obviously, that is an unsatisfactory situation which the amendment is designed to overcome.

Similar rules apply to the deputy chairman. I am not sure whether both positions would meet with the same result, but as it is conceivable, it is sensible to make provision in case it does.

Those are the only comments I have on the Bill which the Opposition supports.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [3.13 p.m.]: I thank the honourable member for his consideration of the Bill in the very short time which has been available to him to study it. As he knows, on previous occasions I have lamented what occurs at the end of the session when Bills come flocking in without adequate time to consider them; and I share his concern that it is not possible for all members to give the legislation the careful attention it deserves.

The Hon. R. F. Claughton: On this occasion we had 3½ hours of meetings before the House met. If that had not been the case I would have had sufficient time.

The Hon. I. G. MEDCALF: Even so I think it is quite difficult. I would hope—and here I am expressing only a hope—that with the passage of the amending legislation to the Constitution it may be possible in future sessions for more Bills to be introduced in the Legislative Council. One of the real problems is the number of Bills which come from the Assembly towards the end of a session. I am aware of this and I can assure members that in so far as I have had any hand in the matter—the fact is that the Parliamentary Draftsmen come under my control—I have endeavoured to use what little influence I have to expedite Bills and bring them along more regularly.

It is extremely difficult when dealing with a number of different departments, and Ministers have many other calls on their time. However, one of the problems may be overcome to a certain extent if we have more Bills introduced in the Legislative Council and thereby spread the load between the Assembly and the Council. I hope this will come about, although it remains to be seen whether it does. It was one of the objects of the amending Bill.

Nevertheless, the honourable member has drawn attention to a number of matters; the anomaly to which he has referred in regard to pensions and which he said he is still exploring will be referred to the Minister for Local Government; and the other comments he has made will certainly be drawn to the Minister's attention. 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. I. G. Medcalf (Attorney-General), and passed.

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. F. E. McKENZIE (East Metropolitan) [3.17 p.m.]: The Opposition supports the Bill which provides for a concessional fee for the registration of dogs kept in kennel establishments in lieu of individual registration of the dogs.

On page 4 of the Minister's second reading speech, he said—

> As kennel owners effecting registration under this provision will not be issued with registration discs for their dogs, the Bill also provides for such persons to be exempted from the requirement that a dog must have a valid registration disc attached to its collar whenever it is in a place to which the public has access.

The proposed kennel registration fee will be optional so that kennel owners who would be disadvantaged by the payment of the fee—initially it is intended to prescribe a fee of $50 per annum—can elect to register dogs separately at the normal registration rate. Therefore they have the option of the concession or registering individually.

Apparently under the old legislation there was such a provision, but for some reason, unknown to me, it was omitted when the Act was re-enacted last year. The Bill merely puts back into the legislation a provision which was included previously. This is quite reasonable, and I have pleasure in supporting the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [3.19 p.m.]: I thank the honourable member for his support of the Bill and confirm that we are putting back into the legislation something which it contained before, and thereby we are providing for bulk discounting on dogs.

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. I. G. Medcalf (Attorney-General), and passed.

CHICKEN MEAT INDUSTRY BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. R. T. LEESON (South-East) [3.22 p.m.]: The chicken industry in Western Australia has grown enormously over the last few years, particularly in the last 10 years. The production in Western Australia in 1970 was 10 million birds; in 1977 it is estimated production will be 15.5 million birds, almost all for home consumption. So the people of Western Australia today eat a considerable amount of chicken in various forms.

The main text of the Bill is related to the establishment of a committee to arbitrate on prices between producers and processors. Problems have been experienced in the industry over many years, and they are not foreign to this State. In the Eastern States it was found that processors have been tightening the screws on producers for many years and narrowing the margin on which they operate. It appears producers are tied very stringently to the processors from whom they purchase their feed and are governed by contracts to supply certain amounts of chicken meat over set periods. Many arguments have arisen as to exactly where the profits are going. The committee will arbitrate to establish a common-sense profit line between the producer and the processor.

Other clauses of the Bill are mainly machinery provisions to enable the committee to function properly.

We have noticed quite often that when legislation to establish statutory committees is introduced by the Government no provision is made for the inclusion of a representative of employees. It has been argued many times in this place that such provision should be made, but so far without a great deal of success.

Where money is involved and producers and processors are paying large sums in wages, it must have a great bearing on the economy of the industry itself, and no doubt such factors should be taken into consideration when the committees sit down to arbitrate on prices between the two parties. I think a great deal more understanding would be brought about by having employee representatives on the committees so that all parties can put their point of view; and perhaps industrial trouble would be less prevalent in industry.

That is a strong point with us on this side of the House and I urge the Government to consider this question when bringing such Bills forward.

THE HON. O. N. B. OLIVER (West) [3.26 p.m.]: I wish to speak briefly to the Bill. I would have thought some mention would have been made of the fact that the legislation was designed to protect a small business.

Another matter it seeks to protect is the system of arbitration. Under the previous legislation the arbitration process became deadlocked. Common sense did not prevail. Common sense does not often come in large quantities, and it is quite often not found in people of high intelligence. Common sense is a gift, and it is unfortunate that in the previous legislation common sense did not prevail in relation to the arbitration provisions and deadlocks occurred. I understand that under the legislation now before us arbitration will be able to proceed much more quickly, and the Minister may appoint a person in a particular professional category—be it technical or financial—to expedite the breaking of deadlocks.

The previous speaker mentioned the role of employees on various committees. Since I became a member of this House it has appeared to me

that if a matter cannot be resolved we appoint a committee comprising as many representatives as possible. I am not in any way against the participation of employees to assist in determining their destiny, but surely this particular industry legislation is hardly a forum for that type of philosophy. If people of that particular political persuasion put forward this philosophy in relation to another type of legislation where it might be of value to have participation by employees, I would be only too happy to examine the proposition.

I support the Bill and hope we will keep the legislation under constant review to ensure a monopoly situation does not arise. We of the Government parties are supposed to be the bedfellows of monopolies, but I am pleased to see the Government is moving to protect the interests of small businessmen in this instance.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [3.30 p.m.]: I thank the two members who have spoken for their support of the Bill. Like Mr Oliver, I believe this is not the sort of committee on which we should have worker participation, because it comprises two equally divided groups which will be trying to sort out the price of a commodity. I really wonder what would happen if we used this committee as a forum for industrial arbitration in respect of wages.

We have seen problems arising in the chicken meat industry in Western Australia and in Australia, just as we see them occurring in America in respect of the marketing of agricultural products. The situation in America is completely different from ours. The setup in that country is tied in with the monopolistic ability of those who control the sales outlets to be able to grant contracts for the supply of goods which go through their outlets. When one looks at the market situation in America one finds about nine major chains cater for the 250 million people in that country, which is rather amazing. This makes one realise the difficulties experienced in that country, the indications of which we are just beginning to see in our chicken meat industry.

I hope this new Bill will resolve the difficulties we are experiencing in the industry in this State.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 6 put and passed.

Clause 7: Members—

The Hon. LYLA ELLIOTT: I propose to move two amendments to this clause, and I am sorry I have not had a chance to run off a copy for the Minister. The first is to delete the word "seven" in line 27 and to substitute the word "eight". The second amendment is to insert a new paragraph to stand as paragraph (d) as follows—

> (d) one person appointed to be representative of employees in the industry after consultation by the Minister with such body or bodies representing the interests of employees as the Minister determines.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Would you please provide the Chair with a copy of the amendment?

The Hon. LYLA ELLIOTT: Yes, Sir.

When Mr Leeson spoke he referred to the need for employee representation on boards and committees in various industries. I think this is very important; it is not just a question of determining wages, as the Minister and Mr Oliver suggested. What people seem to fail to understand is that there is more to industrial relations than establishing fair wages. There is also job satisfaction and a feeling on the part of employees that they are considered to be worth-while human beings and able to make a contribution to the industry if they are consulted on various issues. This makes them feel important to the industry.

If we are really concerned about industrial relations surely we should be trying to achieve more consultation with a very vital sector of any industry. We have argued this matter on a number of occasions in this Chamber. I remember that we tried to include a workers' representative on the Midland Junction Abattoir Board, but that was rejected by this Chamber. I also moved an amendment to have a workers' representative on the meat board.

The Hon. D. J. Wordsworth: I endeavoured to explain that this committee is slightly different from those sorts of boards.

The Hon. LYLA ELLIOTT: I realise that, but the point is that the Minister has told us that this committee is to arbitrate between processors and producers.

The Hon. D. J. Wordsworth: Over prices; that is the main thing. They will negotiate contracts.

The Hon. LYLA ELLIOTT: But that is not the only thing, because if the Minister looks at clause 15(e) relating to the functions of the committee he will see that one such function is to report to the Minister on any matter relating to the chicken

meat industry referred to it by the Minister, or on any matter on which it considers it should report to the Minister. That is all embracing; it does not refer just to price; it could refer to hygiene in the industry, methods of processing, methods of marketing, and so on.

Apart from the fact that it would be good public relations to have a representative of workers on the committee, Mr Oliver pointed out that we should use common sense. Too often do we overlook the fact that people who work in an industry are able to contribute a great deal of common sense to the planning and policy-making of that industry, because they work in it and see what occurs on the factory floor and on the farm.

It is about time we started looking to these people to make a contribution on all committees and boards which have the responsibility to ensure the smooth functioning of an industry. The chicken meat industry is becoming a large industry which employs many workers. I know the producers themselves provide a great deal of labour, but also there are many employees who provide the major part of the labour, and they should be entitled to be consulted and given an opportunity to express their opinion.

I move an amendment—

Page 4, line 27—Delete the word "seven" and substitute the word "eight".

The Hon. G. E. MASTERS: I oppose the amendment. We must consider the intention of the legislation. I am sure Miss Elliott has moved the amendment with good intention, but I think she slightly misunderstands the Bill. This is an industry Bill to deal with two main groups: the processors and the growers. It is intended to deal mainly with contractual arrangements, pricing, and marketing.

If we look at the functions contained in another clause of the Bill, it is stretching a long bow to suggest that this committee could be involved to a great extent in anything other than marketing, except perhaps advising the Minister. If it is suggested that the employee group should be represented, perhaps we should be including consumers, retail outlets, and feed companies. A number of people in the industry are vitally concerned, but this Bill is designed to solve some of the problems which arise in the industry between the two main groups—the processors and the growers.

The growers are mainly family groups and, therefore, do not use much labour in that respect. I guess that is one of the reasons it is a very efficient industry; the processors realise this and that is why they use the growers to great effect.

I think the arguments have been mainly about contracts between the two main groups. The employees are not involved to this extent in this Bill and it would be wrong to include them. There are Bills in which they could be included, but not this one. Therefore I oppose the amendment.

The Hon. D. J. WORDSWORTH: The Government is of the opinion that this legislation is necessary and the reason it has been brought down can be seen on page 1 of the second reading speech notes. It is designed to ensure that a balance is maintained between the legitimate interests of growers and processors so that the interests of one group are not disadvantaged by the interests of the other.

I point out that this fine balance of keeping the two bodies in an equal state of negotiation is very important, and suddenly to throw in a completely different organisation, however good the reason may be, would result in another deadlock and the whole industry starting to get into disarray.

The Hon. LYLA ELLIOTT: We are appointing an officer of the Department of Agriculture to this committee and he does not have a vested interest in the organisations representing the processors and the growers. So we could apply the arguments which have been made in respect of a representative of the employees to this person.

The Hon. R. F. CLAUGHTON: I must confess that I am getting on my feet somewhat unprepared to speak.

The Hon. V. J. Ferry: That is the usual way, is it not?

The Hon. R. F. CLAUGHTON: We do not need the facetious comments. I support my colleague who moved the amendment, but I can see difficulties in its being accepted by the Government without consultation with the people concerned, although the progress of the Bill could be delayed to enable that to take place.

In all such matters it is reasonable to have discussions with the people directly concerned before any changes are made. At the same time it is useful to examine the worth of this type of move and, like Miss Elliott, I believe that much can be contributed to the industry by including representatives of the work force even if, as in this case, this committee is designed to iron out problems that arise between the processors and the producers.

Like my colleague, I should like to refer to the comment made by Mr Oliver about common sense. The workers in the industry are very much involved in the practicalities of the operation of the industry, and studies of productivity often

show that their good sense and practical experience contribute very real benefits to the particular operation or industry.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. R. F. CLAUGHTON: Before the afternoon tea suspension, we were discussing the amendment moved by Miss Elliott to place a representative of the employees on the committee. The intention of the committee is to give a balance of the forces which operate between the processors and the producers. It may be argued that a representative of the employees may upset that balance. However, that need not necessarily be the case. If a person is appointed he could be given nonvoting rights; and, as I stated previously, such a person could contribute a great deal of common sense to the discussion and should not be seen as a person who would be antagonistic to the interests of the employers.

I think it is something of a fallacy that such a conflict necessarily exists. There are differences in the interests of the two parties as far as the working and pay conditions are concerned; but there is a common interest in ensuring that the business continues to operate and operate successfully. If a representative of the producers was appointed, such a person could contribute to the interests of the producers by putting forward a point of view of the industry as seen from their location within it. The same may be said of employees on the processors' side.

I know Mr Williams has taken an interest in the question of productivity. He has spoken at some length on the subject. Of course, he is unable to speak on the matter today because he is acting as Deputy Chairman. The evidence presented by the productivity council shows that where a genuine effort is made by both parties to improve communications and relationships between the management and the work force there is benefit to both sides.

It is unfortunate that in the main within the Australian business community there is antagonism to this sort of move and employers generally see themselves as being threatened by moves towards participation. We still have a long way to go before business people generally accept this idea. It is part of our role as members of Parliament to lead the community in these areas and to encourage both sides to display a more tolerant attitude and a greater degree of responsibility.

If an opportunity can be taken when setting up this committee, to advance the cause I have just mentioned, it would be worth while for the Government to take that opportunity. I do not intend to press the matter. I am pleased Miss Elliott has taken the opportunity to bring this matter to the attention of the Government. I hope members opposite give some real consideration to it, and will not let it rest with the debate in this Chamber.

While there is likely to be reluctance on the part of people interested in this industry to accept such a proposition, it is worth while to see what can be done. Mr Masters and the Minister have said this is not an appropriate proposal; but I would disagree with them. There are benefits to be gained, because on all questions related to the welfare of the industry the employees are as much concerned as the management. I am sure they would want to take whatever opportunities were open to them to participate.

The Hon. F. E. McKENZIE: I have listened to the debate on this proposed amendment to clause 7 and I have decided I will rise and speak to it. I believe the amendment has some merit. I disagree with what has been said earlier that there does not appear to be any need to have a workers' representative sitting on the committee. I believe if a workers' representative was permitted to sit in on the committee it would facilitate the situation. We must bear in mind that there are three representatives from the processors and three representatives from the growers; therefore, the workers' representative would be one man only. I believe a workers' representative sitting in and advising the people on the committee as to the feelings of the workers in the industry, would have a very good influence on the decisions they arrive at.

As labour is such an important factor in the industry, surely it warrants some consideration. A worker would be appointed to the committee in an advisory capacity.

The Hon. G. E. Masters: He would not have voting rights; he would be in an advisory capacity. Is that what you are saying?

The Hon. F. E. McKENZIE: I cannot see why he should not have voting rights and perhaps he could have the casting vote. Why should the person from the department have the casting vote?

The Hon. G. E. Masters: You have not read the legislation.

The Hon. F. E. McKENZIE: I have not got that far yet. I did not intend to take part in this particular debate and for that reason I have not thoroughly read the Bill. I have given it a cursory glance; but I paid particular attention to clause 7 during the debate.

I think the labour content is the major one in

any industry and this is true of the industry which we are discussing at the present time. A workers' representative on the committee would be in a position to give advice as to how the workers see the situation at any given time. He may be able to advise the other members of the committee in terms which will enable them to determine the price of the particular chicken at that particular time, or he may assist them to come to the conclusion that they should wait a little longer to see whether there is likely to be an increase in the cost of labour. A workers' representative would be well aware if there was an intention on the part of the workers, through their unions, to seek wage increases from the employer. That is one capacity in which I think he would be of advantage. For that reason I believe this proposed amendment ought not to be dismissed lightly and some thought ought to be given to the proposal.

The Hon. G. E. MASTERS: I think the last speaker perhaps does not understand or has not had the opportunity of reading the legislation. I point out to him that the problem has been one of conflict between the processors and the growers. The existing committee was set up representing the processors and the growers equally. Three representatives from each side of the industry were appointed and a chairman was nominated by the Minister. The chairman came from the Department of Agriculture, and he would not have voting rights. He would be present to chair the meeting. The processors and the growers would discuss their problems and hopefully come to a decision. If they do not arrive at a decision, normally they are equally divided and this has been largely the problem.

The Minister then decides that an arbitrator could be appointed, if it was so desired, and the arbitrator would make the final decision. If we now decide to appoint an employees' representative with voting rights, we would destroy the whole purpose of the Bill which is to get the processor and the grower together to make a joint decision. For the employees' representative to have the casting vote would confuse the issue. There would have to be an employee from the processors and an employee from the growers also. However, I disagree with the proposal.

The amendment is designed to appoint an employees' representative and I do not think it is practical in the situation. If we look at the functions of the committee, we see this legislation does not lend itself to the proposition put forward by members opposite. There are many occasions on which it does, but in this situation it does not.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 28 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. D. J. Wordsworth (Minister for Transport), and passed.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. R. HETHERINGTON (East Metropolitan) [4.19 p.m.]: Like my colleague, the Hon. Roy Claughton, I have had very little time to look at this Bill. Lacking his experience and surefootedness with legislation, I am even worse off than he was.

It became obvious in the debate we had on the earlier Bill to validate certain actions, that some such measure was essential and that the Act did have to be amended. Therefore, the Opposition supports the principle of the Bill, but I am not sure we support the detail of the Bill because I have not worked out what it means. In other words, when the Bill goes through I will reserve my right if I find I have let something slip to say this was due to inadvertence, and I hope it will not be said by the Government that the Opposition gave the measure blanket support.

There is one matter which does worry me. It has been relayed to me that at least one shire council is concerned about clause 9 which refers to reticulation or other minor works. The clause is set out very much like the present section 23C, which it will replace, and I presume that the work will be the same, to some extent at least.

Proposed new section 23 will allow the Governor, by order, to declare that certain minor works shall be exempt from the provisions of sections 19, 20, 21, or 22. Proposed new subsection (2) reads—

> In relation to exempt works the Board may depart from the proposals and plans published to such extent as it considers necessary or convenient in the circumstances . . .

Some people are afraid that this exemption can be gradually extended, and I would like the Minister to give us some sort of criteria for minor works. I

would like him to tell us the difference between minor works and major works; is there somewhere that a line can be drawn? Can the Minister give an assurance to the people in the shires that this will not become the thin edge of the wedge? The Governor will be able to exempt minor works, and minor works can become more and more major until they are major works.

I am not reading any ill intent into this Bill, let me assure the Attorney-General; I am quite sure the Bill is sincere in its aims, and that the Government is trying to sort out a tangled web in the present Act by a sensible method. However, this is the problem in the minds of some people, and there is a possibility, of course, that departments which are interested and which do not want to be scrutinised too severely have a tendency to expand the area in which exemptions might be brought down.

For this reason I do ask the Minister whether he could be a little more specific about what minor works are under the terms of this Bill, and whether there are any criteria laid down anywhere. The provision looks to be arbitrary, but I know it is not meant to be. I am aware there are problems and I am not trying to be difficult. I am trying to see whether the Minister can give an assurance that will set at rest the real fears of some people in the community.

As I have said, the principle of the Bill seems to be eminently sensible. I am not sure of the details because I needed rather more time than I have had to comb through the Bill. However, I assume that the Bill is basically all right because its intention is merely to rectify quite clear defects in the parent Act. Therefore, the Opposition supports the Bill, but looks for some explanation and assurance from the Minister.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.23 p.m.]: I thank the honourable member for his support of the Bill. I appreciate that his support is in principle only, and that he reserves the right at some future time to say he did not agree to the entire Bill and that he has the opportunity to have another say on something but of course the Bill will be law. That is understood and I have already indicated it is unfortunate indeed that we have so little time at the end of the session to consider some Bills, whereas earlier in the session we had unlimited time and we did not have very much to do. I hope that will be rectified.

The Hon. R. Hetherington: We appreciate the Minister's remarks, and accept them in the spirit given.

The Hon. I. G. MEDCALF: On the subject raised by the honourable member, there is no definition in the Bill or in the Act that I can see in the short time I have had to examine the question. There is no definition of minor or major works.

I do not doubt that an engineer from the Metropolitan Water Supply Department could answer the question off pat, because from practical experience he would clearly know the difference; nor do I doubt that there would be a strict category of minor works. In this particular clause there is reference to reticulation or other minor works, so clearly reticulation is regarded as minor works.

I imagine there must be some distinct way of determining whether works are minor or major, but I am afraid I cannot supply the key at the moment. However, we have had reference in an earlier Bill to major works, and those works included the Jandakot underground water scheme, the South Dandalup Dam, and the Serpentine Dam. I believe that major works would really be works of a substantial nature, which none of us could doubt as being classed "major".

The Hon. R. Hetherington: I think there is a fear that the Government will do a "Jandakot" on the people under "minor works". I accept the assurance from the Attorney-General that that will not be the case.

The Hon. I. G. MEDCALF: If that were to happen I think we would have a solicitor issuing a writ against the Metropolitan Water Supply Department on the grounds that it was undertaking major works classed as minor works. We would probably have to allow the case to go to court, and have the costs awarded against us.

The Hon. D. K. Dans: Is it possible for the Attorney-General to obtain a definition? Would it be possible to get a ruling from the Metropolitan Water Supply Department?

The Hon. I. G. MEDCALF: Most certainly. I would not like to hold up the Bill at this stage, but I will certainly obtain a ruling and convey it to the Leader of the Opposition, or to this House, before the completion of this session.

The Hon. D. K. Dans: I would prefer that the definition be provided for the benefit of members in this House.

The Hon. I. G. MEDCALF: If my assurance is satisfactory, I commend the second reading 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. I. G. Medcalf (Attorney-General), and passed.

LEGAL AID COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.30 p.m.]: We support this Bill which is a very extensive one. During the debate on the parent legislation to set up a State legal aid agency, a great deal of controversy, doubt, and worry arose about the transition of people who could not afford to attend private practitioners for legal aid from the Commonwealth legal aid authority to this new embryonic body which is being brought forth in a rather turbulent type of labour.

I expressed many doubts about that legislation. My interest in social welfare is such that I know the great importance of a good and reliable legal aid body to care for those people who cannot afford to pay for private practitioners. It was anticipated at the time by the Attorney-General, by me, and by others, that there would need to be a very close watch kept on this body in order that the parent Act could be amended to provide for eventualities that would emerge only with experience. I am pleased to see that the Bill before us contains an extensive number of amendments and from my perusal of them, they will help to ensure that the body works effectively and that it is well served in regard to advice from the community.

I feel that some of the provisions for the composition of the consultative committees leave a great deal in the hands of the Attorney-General. I have a high regard for the integrity of our Attorney-General, and I believe he will appoint those people who will be of great use in giving advice to the people seeking legal aid. However, this is a very subjective matter, and in the future we may not have an Attorney-General with the necessary degree of compassion for the people who need this type of care.

The wording of the Bill is a little vague about the type of people who will be asked to sit on the advisory committees. It is very important that we attempt—and I hope the Attorney-General will do this—to appoint persons other than legal practitioners to the advisory committees. In these days of high specialisation within the professions, the wide study of the humanities and the care of the persons in the community is a part of the course in professional training that is very much neglected. Consequently, people concerned mainly with social welfare find that they come up against a great barrier of ignorance when trying to talk to professionals such as legal practitioners about the very real needs of ordinary people in ordinary places who are on low incomes. Quite often such people are expected to muster up resources and they simply cannot do this. So when the Attorney-General is considering the composition of these advisory committees, I hope he will include people—although not necessarily from other professions—who are known to be well versed in the problems of the community.

I will not say very much more about the Bill because I believe it is a genuine attempt to incorporate into the original Act provisions that have been found to be necessary in the light of experience. It is too early yet to say whether this body which was set up to ensure that people of modest means could obtain legal aid is a completely satisfactory body. I feel that the Attorney-General himself still sees this agency as being in the growing stage. Probably in the future other amendments will be presented to update the legislation and to make it a more effective legal aid body.

As I said before, subjectivity is one of the main factors involved. Even the decisions of the Legal Aid Commission must be seen as being fairly subjective. Decisions as to the type of legal aid to be given in certain cases will be dictated probably by the number of people available in a particular area of expertise within the law to give advice. It will be dictated also of course by the funds available. Quite often a decision—almost an economic choice—will have to be made by the Legal Aid Commission about the type of legal advice to be given.

I think you might be interested to know, Mr President, that the lawyers in training at the university, together with their lecturers and other academic staff, have set up an advisory body in conjunction with a community counselling service which the university is sponsoring through its psychology department at Nedlands. This body does not purport to give legal advice *per se* but, rather, it advises people whether they should seek legal advice. This is a big barrier which the public faces, and one which needs to be overcome. The law is a rather frightening thing for ordinary people in the community. A person may visit a busy legal practitioner and take up an hour of the practitioner's time to tell about his fears. He may find in the end that although he has to pay out a

large sum of money, he need not have gone to the legal practitioner at all. This is hard to take when one is budgeting; indeed, none of us wants to spend money unnecessarily.

I sincerely hope that this Bill, in conjuction with the Act, will provide us with a more effective body in the State for the provision of legal advice.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.39 p.m.]: I would like to support the remarks of my colleague. I cannot say I am pleased to see what will be the demise of the Australian Legal Aid Office. This office fulfilled a function in the community, even though it was restricted to Commonwealth matters. I have had contact with people who found it necessary to seek the service of this office, and its officers had a variety of experience in many matters. However, one of the problems in conducting a legal aid service is the limitations that apply when a person seeks assistance. One needed a very low income indeed to be granted assistance from this office, so many people who deserved this assistance were unable to obtain it.

As Mrs Vaughan said, the attitude of the public towards the law is one which is conditioned by the fear that if they approach a lawyer they will be lumbered with substantial expenses. I am afraid such things happen all too frequently. The role that is to be played by the university group which Mrs Vaughan mentioned will fill a gap that exists between the profession itself and the legal aid group. People will be able to approach the university group to decide whether they actually need legal aid.

The Legal Aid Commission should be able to fulfil this role itself, and the university group has emerged because of the gap to which we have referred. I hope that the State legal aid office does all the things it is supposed to do and that it will provide a service to meet the needs of the community. I hope that not too many limitations are placed on the community's access to it.

Even a person who may appear to have reasonable means can find that those means are inadequate when he is confronted with a substantial legal bill. Personal property is taken into account when assessing an applicant's means, and this can make a great difference to the result. I do not know whether that factor will be taken into account when assessing someone's entitlement to legal aid from the State office. In fact, I have no experience with the State legal aid office because all the cases I have been involved with related to Commonwealth matters.

I have one particular case in mind where the family income was fairly low, and yet their assets represented a considerable amount. It was ruled that this family was not entitled to legal aid. The Attorney-General may be able to inform me whether property will be a determinant in regard to a person's assistance through the legal aid office. If it is, I hope the Government will consider this matter so that a person's income is the only determinant used in assessing whether aid will be given.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [4.45 p.m.]: I thank the Hon. Grace Vaughan and the Hon. R. F. Claughton for their comments on this Bill. I do so particularly because I know that, in common with other members of the Australian Labor Party, they had very grave doubts as to whether it was right to change from the system of the Australian Legal Aid Office into the State orientated Legal Aid Commission. Of course, as members know, this change has not quite yet taken place; there has been a delay of some months due largely to negotiations in relation to the staff, in order to try to accommodate staff problems like superannuation, transferability, and the like.

I am told all these problems now have been sorted out, and the State Government in fact is about to sign an agreement with the Commonwealth Government. This agreement is in its final form; in fact, the final draft came to me about three days ago and I regret to say I was reading it last night. I hope we will be in a position to start giving legal aid early next year under the new commission.

I knew the Hon. Grace Vaughan would be very interested in the consultative committees. The Bill provides that wherever there are local committees, local people may be consulted; such people as local businessmen and people involved in trade and other local community aspects may be included on these committees. This is a very wide embracing area from which to draw. We can draw from social welfare people, trades people, trade unions and business groups. I would hope we get widely representative groups who in fact were keen on legal aid.

I am not letting out any secrets when I say I resisted a request by the ALAO staff association to have a member on the committee. As I say, it is no secret because basically they have been opposing this system. I felt that was something which should be left for the future; when it gets going that question can be further considered. I told the Commonwealth Attorney-General that in due course we can have another look at this aspect.

I am quite certain there will be further amendment of this legislation. If it is to work, we are going to see a problem here and a problem there which will need to be rectified by legislation, and I am certain we will have an annual Bill for two or three years to straighten out problem areas.

On the question of consultative committees, I give an assurance that I will look very carefully at who are to be members to try to get a body which is representative of the local community. The number of legal practitioners will be very limited. The Act lays down that one person will be a member of the Law Society and one person will be an officer of the commission and, of course, they will be legal practitioners.

However, the Bill also provides for such other persons as may be considered appropriate, which virtually puts no limit on the number of people who may be appointed. I will certainly try to draw in representative groups because I am sure there will be strength in this committee. They will not receive any remuneration, but they will be reimbursed for their expenses. I am sure there will be strength in getting together a group which will be able to give advice and consider cases. I am sure these committees will perform useful work.

The remarkable thing is that when people are drawn from some particular group and put on a committee they seem to acquire a different sense of responsibility, and regard the committee as a job to do. Very few people do not respond in such a way. Invariably, they do not put their old allegiance first, but take a look at the overall picture. I have great hopes for these committees. Of course, we will be limited by finance, but we have been given an assurance from the Commonwealth Government that its allocation to this area will increase. Undoubtedly, the State will contribute more than it has in the past. We will have to make the funds go as far as possible.

I was interested in Mrs Vaughan's comments about the university legal aid group. Of course, I was aware of the existence of this group. I have had nothing to do with it personally, but I have met Mr Tony Wilson. However, I did not know the group merely advised people whether they needed legal aid. I thought in fact it was providing legal aid, and I am grateful for the information provided by the Hon. Grace Vaughan, because it is a very important piece of information.

The provision of such preliminary advice is an important function. To date, this task has been carried out by the ALAO and the legal assistance group from the Law Society. However, in many ways it can be a waste of the time of a legal practitioner. He may listen to somebody for an hour and then say. "You do not need a lawyer; you should go around to the Department of Social Security and fill out a pension form." Or, he may send them around to the Family Court to fill out an application to have somebody's costs taxed by the Family Court; that is free of charge. This function is something for which one does not need a lawyer; it can be supplied by any group, therefore it is quite important to have a group such as the one operating at the university.

On the actual question of giving legal aid to people, I have had a great deal of experience in this area and it was a bit of a relief to learn that the university group was not actually giving legal aid. Having had practical experience advising people, I know that all the theory in the world is not going to help. An inexperienced person can talk in general terms of theories, cases and principles—important though they may be—but when it comes down to the problem of A, B, or X and how one is actually going to help them, a great deal of experience generally is required.

The whole secret of a successful practising lawyer is to be able to tell very quickly just what is the problem and then give the advice that he would give himself, or a member of his family. That is the real secret of success of a practising lawyer. If a lawyer is advising his client what to do with his money, he should say, "If this were my money, what would I put it into?" It is exactly the same with legal advice. He should say, "If this was my wife, son, or parent, what advice would I give?" A lawyer should not go wrong with that attitude.

In regard to the questions raised by the Hon. R. F. Claughton, it is true that many people fear the costs they may incur when they go to lawyers. I know since I have not been practising I have had this fear on one or two occasions when I have advised people of the necessity to take some legal advice. There is no question that the costs are very high. The overheads in the business are high; the training costs a lot and their books and other items of equipment are expensive; therefore, the costs are high. It is a real problem and a real fear felt by many people, and I know it very well. I hope the Legal Aid Commission will be able to overcome this problem.

I noted the comments the honourable member made on the question of the means test and the property qualification. I cannot give him an exact answer now, but I will have the matter examined and we will hear more about it on another occasion. I thank members for their support.

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. I. G. Medcalf (Attorney-General), and passed.

WESTERN AUSTRALIAN NATIONAL FOOTBALL LEAGUE BILL

Second Reading: Defeated

Debate resumed from the 25th October.

THE HON. W. M. PIESSE (Lower Central) [4.56 p.m.]: Mr President, I am not a footballer but I do have a few words to say in support of this Bill. Although I am not a footballer, I am an observer of people and the things they do and enjoy to do. For a long time we in Western Australia have regarded Australian rules football as our national sport, and those of us who do not play the game very often enjoy watching the game. However, it is with some concern that I have noticed the number of young men in my country districts taking up football as their primary sport has declined. This would indicate to me that perhaps there is some aspect of our national game about which people are not quite happy.

The excuse put forward by one or two people for the declining numbers of young men angling for places in the local football team is the three Bs—bikes, booze and birds! However, I do not think that is true because I notice that young men are entering other sports with the same enthusiasm with which they used to rush into football. The sports which are enjoying increasing participation also are very active sports such as hockey, basketball, golf, and soccer. Members cannot tell me these sports suddenly have become popular at the expense of our national game. Therefore, the only conclusion one can draw is that people, particularly country clubs, are not very happy about some aspects of our national game.

The immediate point which comes to mind is the fact that the freedom of the individual player is limited. As I have studied this Bill, it will in no way interfere with the ordinary running of clubs except in regard to country zoning. It may well be that people are not making a protest in any other way than a very serious way in that they are no longer taking up the game.

I think football promoters should look carefully at this situation, ascertain whether there is some real problem, and find out why so many people—more than they realise—are turning away from the game.

It has been said that in no way should Parliament be interfering in the sport. However, if some players are having their freedom inhibited where else can they go to seek redress? For that reason we should give serious consideration to this Bill.

I hope members will take note of the correspondence that many, if not all of them, have received from country clubs in relation to this matter of supporting the removal of country zoning from the National Football League. With those words I support the Bill.

The Hon. V. J. FERRY (South-West) [5.01 p.m.]: The Bill before the House arises out of a desire of Mr Tom McNeil to assist football and we should commend him for that. We all have a very high regard and a very dear place in our hearts for our national game. However, the matter being raised in this House by way of the proposed legislation disturbs me in that I believe sporting bodies in the main should be the masters of their own destiny.

Over the years sporting bodies develop a certain pattern of administration and control within their own fraternity and except for sports such as trotting, horseracing, and dog racing, Parliament is not called upon to adjudicate. However, I would be the first to support legislative action for a need that was clear in my mind, but at the moment this to me has not been demonstrated clearly enough.

I am aware there are a number of people in country football circles who are not happy with the present zoning situation. This problem is one which should be sorted out within the existing football administration. I have been approached by a number of clubs in this regard, and I have replied to all who have written to me and expressed my belief that in regard to zoning it is premature for Parliament to act as an adjudicator.

It has not yet been amply demonstrated to me that the football fraternity itself is not capable of solving the problem and I believe it will be solved. I am realistic enough to understand that in all things, particularly sport, one can never satisfy everyone whether he be a player, administrator, or follower. Decisions must be made bearing in mind the consensus of what is best in the circumstances.

As I said before, I commend the Hon. Tom McNeil for his concern in this area. I am sure we

all have a concern for the welfare of the Australian rules football game and for the people who play and enjoy it in every respect. I would like the football fraternity to come to grips with this as they have with every other problem associated with the game. If it can be amply demonstrated by a big ground swell of community opinion, both country and metropolitan, that there is need for change which can be affected only by the parliamentary process, it will receive my further consideration.

I have considered the matter earnestly and I reiterate that at this stage I believe it is premature for the Parliament to be asked to adjudicate in this particular sport. Mention has been made of the rights of the individual, which is an important principle, but as individuals we do need to conform to what is the going thing regarding the conduct of a particular sport.

Many times during my lifetime I have been most unhappy when I was dismissed at cricket when I thought the umpire had made a wrong decision. At times I may have been upset when I was not selected for a team, but later I was delighted when I was successful. Of course, these are just small instances.

There must be a lot of give and take, and it will be a very sorry day indeed if it ever comes that Parliament is called upon to set guidelines and rules for sport. If we as a Parliament accept the Bill before us and agree it is the right thing to do, every member will be badgered unmercifully every time there is a slight discrepancy or difference of opinion with an umpire, an administrator, a player or a spectator. Forever we will be amending an Act covering the game of Australian rules football.

It is not opportune at this stage to accept this Bill. I have expressed my views this way to those who have approached me, and I therefore cannot agree to the Bill.

THE HON. J. C. TOZER (North) [5.07 p.m.]: I appreciate the spirit in which the Bill was brought forward. I have an understanding of what the Hon. Tom McNeil is trying to achieve and I have considerable sympathy with what he is doing.

In my province we have a somewhat different situation to that of other country areas in Western Australia in that zoning rules do not apply. I thought the best way that I could go about this matter was to obtain the feelings of the administrators and players by sending a copy of the Bill together with Mr McNeil's explanatory notes to each of the leagues and associations asking for their comments.

The comments I have received are quite uniform. I will not read them all out, but I will refer to two replies which typify the response I received. The first is from Mr Colin Matheson, President of the DeGrey National Football League, which operates from Port Hedland and includes teams from Goldsworthy and Shay Gap. It reads as follows—

> Dear John,
>
> Thank you for the copy of the W.A.N.F.L. Bill introduced by the Hon. T. McNeil.
>
> Although I, and most others I have spoken to do not like the Country Zoning System, we all agree that it must be the League that finally abandon the System NOT an Act of Parliament.

The second letter is from the West Pilbara National Football League based at Dampier which includes teams from Karratha, Roebourne, and Wickham. The honorary secretary, Mr Ray Turner, wrote as follows—

> Dear John,
>
> I am in receipt of your letter dated 25 October, 1977, and appreciate the chance to pass on my feelings regarding the proposed Bill which is to be put through Parliament.
>
> Whilst I personally think that the zoning rules seem unfair to the individual country footballer, I support your view that a sporting body should not be controlled by an Act of Parliament.
>
> Possibly the W.A.N.F.L. should take a closer look at their zoning rules.

These letters are representative of all I received and the uniform expression of opinion is that it should not be Parliament that corrects any anomalies in existence, and my opinion has thus been hardened to the same point of view. It is with regret that I oppose the Bill.

THE HON. M. McALEER (Upper West) [5.10 p.m.]: I am very sympathetic to the intentions of the Hon. Tom McNeil to improve the conditions of country football and footballers. It is an important sport and entertainment to young men in country areas, and it is a sport followed by young and old—men, women and children. It is important to all areas of this State and shire councils recognise it as a matter of importance as a means of recreation.

I am only a spectator at local games and in self-defence I admit I am a nominal supporter of a metropolitan club, which happens to be Claremont. I have taken some interest in the difficulties of players to transfer from one club to

another. They often have difficulties in obtaining a clearance and I have always thought it was something that should be remedied. All the same, I was rather surprised when the Hon. Tom McNeil brought this forward as a matter for legislation, because I thought that such abuse of the players' rights and freedoms would have to be very considerable indeed that it cannot be solved by the WANFL, and has to come before Parliament.

The Bill seeks to remove the matter of zoning of country areas. I received a very enthusiastic telegram from the Geraldton league asking me to support the Bill. On the other hand, the other associations in my province, such as North Midlands and Central Midlands, are either for zoning or are divided in their opinions on the matter. The general tenor of their views is that either they are satisfied with the zoning provision, the amenities and the facilities which they enjoy under that provision as it stands, or else they are aware that they themselves need to make further efforts to improve the situation.

It seems to me that with such divisions among the football clubs in my province it would not be wise or possible for me to support a Bill which seeks to abolish zoning. This is especially so as I understand that the clubs in many instances resent this matter being a subject for legislation. They still hope they can iron out any differences they have with the Western Australian National Football League by negotiation. Therefore, I am unable to support the Bill.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.13 p.m.]: We all know of Mr Tom McNeil's prowess as a footballer and his fine achievements, especially in Victoria. I am sure he knows very well the injustices that are associated with some aspects of district football. I do not think we could say he has anything else but the very best of intentions in bringing this Bill before Parliament in order to look after the interests of a large number of people who he knows have suffered a great deal as a consequence of zoning regulations.

When people have experienced injustices they tend to do something about it. I think we should commend Mr Tom McNeil for at least attempting to do something for the people he knows so well. I would like to point out however that it is not my intention to support the Bill but I admire Mr Tom McNeil for bringing it forward because there are many footballers in the community who are treated shockingly as a result of the zoning regulations.

Some of those people become loyal to a particular club, after they have been allocated to that club. However, after a short space of time while playing for that club they could sustain serious injuries to their knees or ankles. In some cases when they sustain such injuries they are finished as league players.

In many instances such players are not treated well by the club; and that would be the end of the road for them so far as league football was concerned. Those people have been bound to their club, and to be discarded like this seems to be very unfair.

Unfair treatment of players, like Alec Epis, have occurred. This person did not play a single league game in Western Australia; yet he was obliged to stand down from the game for one or two years before he could play in the VFL. If Alec Epis had not gone to Victoria and remained with the club in Western Australia to which he was bound, and if subsequently he sustained an injury he would be cast aside like the other injured players. After his injuries had been attended to he would be of no further use to that club as a player.

There have also been instances of players who were bound to clubs, but were not given the opportunity to develop their skills in a league side. There are many potential league players who, if given the opportunity, could lift themselves out of the lower rungs into the league side. I am sure many of them would excel themselves.

I believe in district football. As one who solidly has supported the premier team in the WANFL—I refer to West Perth Football Club—over a period of many years, I can speak about the long list of players in that club whom I admired very greatly. This takes me back to the time between players like the late "Fat" McDiarmid, a great ruckman, and Bill Dempsey, recently retired. I could mention other good players for West Perth like Ray Schofield. These players distinguished themselves, not so much because of their undoubted skills, but because they were loyal and true members of the club. I am sure they would not do anything to harm the West Perth club, and they would not entertain the idea of leaving that club to play for another club.

In recent times we have the example of the two magnificent West Perth players who were awarded the MBE; I refer to Bill Dempsey and Mel Whinnen. They were players who made league ranks from within their districts. I cannot imagine either Bill Dempsey or Mel Whinnen wearing a football guernsey other than that of West Perth.

The Hon. A. A. Lewis: Mind you, occasionally we gave them a Western Australian guernsey.

The Hon. D. W. COOLEY: That is correct. Unfortunately there are a number of football players who look to the highest bidder for their services, and those people set aside club loyalties. Some of the supporters of the club who barrack for these players are more loyal to the club than the players themselves. If these players are able to obtain a superior monetary offer they are quite willing to leave their club and play for another club.

If we agree to the passage of this Bill I feel the richest club would be the winner in the long run through the abolition of zoning. Without zoning we would not have loyal players like "Fat" McDiarmid, Mel Whinnen, Bill Dempsey, and other famous names I have mentioned.

The Hon. D. K. Dans: Tell us about Don Marinko.

The Hon. D. W. COOLEY: Yes I could, and there was also an old personal friend of mine Sam Tyson. I recall an incident at Leederville Oval concerning this famous player. At the final quarter West Perth was five points behind the other team. He had the ball at the Vincent Street end of Leederville Oval. Mrs Tyson who was standing behind the goal shouted, "If you do not kick that goal Sam I will kill you when you get home." However, he did kick it.

If this legislation is passed we might find rich sponsors supporting various clubs, and those sponsors and clubs would have a monopoly of the players. At the present time the wheels turn occasionally, because even Subiaco won one premiership in a period of 50 years! I am afraid that if money comes into league football the situation would deteriorate.

I am sure that Mr Tom McNeil has the best interests of football, and particularly of the players, at heart in introducing the Bill. However, with my love of football I would hate to see the intrusion by Parliament into the administration of the game, particularly without consulting the League before doing so. If the WANFL and the clubs had indicated they wanted such intrusion, we could give serious consideration to the Bill. Without that consultation, and for fear of doing some damage to the district side of football I have to oppose the Bill.

THE HON. A. A. LEWIS (Lower Central) [5.22 p.m.]: It gives me great pleasure to agree with the comments made by Mr Cooley in respect of certain matters.

The Hon. G. C. MacKinnon: I am not quite sure that I favour this sort of association!

The Hon. D. K. Dans: You will be taken before the party room and charged with dereliction of duty and collusion with the enemy.

The Hon. A. A. LEWIS: That seems to be a Labor Caucus trait. I have not heard this sort of thing in our party room.

The Hon. D. K. Dans: That is because you do not barrack for West Perth!

The Hon. A. A. LEWIS: With some regret, I cannot support this Bill. In view of the red herrings which the Leader of the House and the Leader of the Opposition drew across the trail in starting off the debate, if one knew nothing about football administration one would be forced to do exactly as they advocated. Those two members showed a total lack of knowledge of administration of sport, and a total lack of appreciation of the viewpoint of sportsmen. When they got to the stage of saying that cricket was not a professional game, I nearly fell out of my chair.

The Hon. G. C. MacKinnon: I did not say that.

The Hon. A. A. LEWIS: The Minister should read his speech.

The Hon. D. K. Dans: I attended the Packer dinner the other evening. I support that concept.

The Hon. A. A. LEWIS: That is good; cricket is professional.

The Hon. G. C. MacKinnon: Cricket also is zoned, similar to football zoning.

The Hon. A. A. LEWIS: Can the Minister tell me whether country cricket clubs are zoned?

The Hon. G. C. MacKinnon: No.

The Hon. A. A. LEWIS: The Minister should keep his lack of knowledge to himself, and allow me to discuss a few of the matters embraced by the Bill before us. In recent times Mr Leeson, Mr Stubbs, and I have been advocating that the WANFL should do something about television coverage of the grand final and the interstate matches. What Mr Tom McNeil has done is to get the clubs and the WANFL to come together. This is the first time the WANFL has written to me, although odd members of various clubs have written to me and supported some of the things I have proposed. At least by this means we have brought about a dialogue, and for that I congratulate Mr Tom McNeil.

I go along with those who oppose the Bill in saying that I do not believe any Government should interfere with the running of sport. I reject the argument that has been raised that horseracing, trotting and dog racing have anything to do with the Bill. Members who have made that suggestion do not have any real

knowledge of the history of those sports in this State.

While I congratulate Mr Tom McNeil—and I hope he goes on with this battle—I would request the House if the Bill is defeated, as is likely, to have a few kindly words to say to the administrators of football in this State. The administrators should be advised that Mr Tom McNeil is reflecting the feelings in many country areas, and of many country footballers.

It is all very well for our city cousins to sit back, because their particular team has won a couple of premierships, and say, "We will not do this or that. We will not have this or that player transferred. We will not allow television coverage of the grand final or interstate matches to be extended to the bush, because we would like the supporters of football to come to Perth to view the matches."

This Bill should serve as warning to administrators and clubs in the metropolitan area that country areas will not stand much more of their dictatorial attitude. The leagues within my province are not keen on the Bill, but they are keen on ensuring that country football leagues receive a fair deal. I believe that is the motivation behind the Bill.

With those words of warning I do not support the Bill, although I do support the motive behind Mr Tom McNeil who brought it forward.

THE HON. R. G. PIKE (North Metropolitan) [5.28 p.m.]: I would like to point out at the outset that from the remarks of speakers who have participated in the debate it appears that the Bill which has been introduced by Mr Tom McNeil will be defeated. The honourable member is clearly in the situation of losing a battle but winning the war, because as far as I am concerned the tangible expressions of opinion in this House indicate that as regards controls and zoning the WANFL is at fault. But the suggestion is then made that that fault is not great enough for the introduction of a Bill which seeks virtually to control football.

I say this clearly and categorically of the WANFL that if it does not take cognisance of the anomalies and the wrongs that exist at the present time, then for my part I say to the sponsor of the Bill that he should consider reintroducing a similar measure if after the lapse of a suitable period, the WANFL has not taken action to rectify the problem.

I speak as a member of a country football association for many years, and now as a city member who supports the best league team—Subiaco. That is enough said. The WANFL should take heed of the expressions of opinion in this House that faults in regard to zoning and controls exist, and they need to be rectified. The WANFL should be reminded that there is nothing to prevent this type of Bill being introduced again.

I oppose the Bill.

THE HON. T. KNIGHT (South) [5.30 p.m.]: I respect the argument put forward by the Hon. Tom NcNeil in relation to this Bill, and out of courtesy to him I am giving the reasons that I cannot support it. At the same time I believe, as other members have indicated, the Hon. Tom McNeil has probably forgotten more about football than most of us in this Chamber will ever know, and that stands him in good stead in the approaches he has made in regard to this situation.

I am not a league footballer and I have not followed football very closely in the last 20 years, but the main reason that I find I will be unable to support the Bill is that, like most other members, I have received letters and phone calls from football clubs and football followers in my electorate and throughout Western Australia asking us not to bring politics into sport. I am inclined to agree with that. However, I was very interested to hear the arguments the honourable member put forward. They were very enlightening and have obviously touched the Western Australian National Football League on a soft spot, because this is the first time I have ever been contacted by the league.

What the Hon. Tom McNeil has done is to make known the situation of footballers and the game of football in this State, and make it obvious to the WANFL that people are interested in what is going on. I believe the WANFL is also well aware of the feelings of country people in regard to the refusal to televise the final round of football which we have all followed very closely over the years.

I cannot support the Bill but I wanted the Hon. Tom McNeil to know we appreciate what he is attempting to do. He has stirred up the possum, as the saying goes, and perhaps we will in the future bring about some action which will be beneficial to football in Western Australia.

THE HON. I. G. PRATT (Lower West) [5.32 p.m.]: If sympathy were money, I am sure the Hon. Tom McNeil today would be a very rich man because he has received plenty of it.

At the outset I say I cannot support the Bill, although I have sympathy with what the honourable member is trying to do—not specifically in relation to football but in the wider

field of sport, generally. In his second reading speech he commented on the general attitude of league clubs to young men playing football. I think there is a parallel which runs over into other sports such as cricket and tennis. We find there is a tendency among the managing bodies at the top level of sport to consider they own the players, body and soul.

The issue the Hon. Tom McNeil raises in this Bill centres on one section—the country section—but I think this attitude is exhibited in other ways. It is unfortunate the honourable member has brought the Bill to the House so soon after his election to Parliament, when perhaps he is unable to judge what is and is not likely to be accepted by the House. I think more time here might have found him with a slightly different approach. It is the narrowness of the approach which leads me to decide I cannot support the Bill.

I do not agree that the problem is an internal one and the sport itself will resolve it. I do not think it will resolve it; I think it is a problem which will stay with us. A few years ago I was involved in football administration, and in the country clubs we had the same problem. Time has not solved the problem and I do not think it will.

We have only to look at the way other sports have torn themselves apart. When professionalism first became recognised in tennis, the people in control of the sport decided they could exercise their will completely and absolutely over the players, whom they considered to be their property. Their attitude ripped international tennis apart.

The Hon. D. K. Dans: There are now 45 million people playing tennis in America, whereas previously there were only four million.

The Hon. I. G. PRATT: I was about to say it has taken since that time to re-establish the sport and sort things out, accepting that professional sportsmen have a life of their own to lead and the right to lead it. We now find the same thing on the international cricket scene. Had they looked at what happened to tennis and realised they were individual sportsmen rather than sportsmen who were the property of the organisation, we would not have the problem we have now. We had the situation where the best players in the country could not represent the country. In cricket, the best players cannot represent the State or the country and are even prevented from representing their own district when they do not agree to toe the line with the administrators of the sport.

To a lesser degree—because Australian rules football is of lesser significance in international sport—we have the same problem with the football leagues in Australia, with the imposition of the will of the people who govern the sport being such that it represses the right of the individual person. I am not saying I would in any way like to destroy the National Football League. Mr Pike mentioned the club of which I am a very keen supporter. But when I see what happens to individual players it wrings my heart.

I have seen the same thing happen to young boys in my football club when they tried to follow their chosen avenue. Some had gone to league clubs and later tried to get back into their own club but they found obstacles put in their way. Senior players who had finished their useful life had difficulty getting back into clubs where they could play out their twilight years, because clearance fees were asked from lower-weighted clubs as a means of getting some dollars back.

Years ago local clubs received nothing for promising young players. The attitude of administrators in treating the player as a piece of merchandise is the foundation for the sympathy I have for the Hon. Tom McNeil and his Bill. Perhaps the time will come when we, as legislators, will have to look at the rights of the people who play sport.

The Hon. D. K. Dans: It will resolve itself in two years. We will no longer be selling players like cattle.

The Hon. I. G. PRATT: We may find ourselves looking at the rights of people who play sport rather than legislating for sport. I do not agree there is something sacred about sport so that we cannot have laws about it. I do not agree that to pass a law which has an effect on sport is to bring politics into sport; it is to bring the law of the land into the confines in which that sport operates. I do not find that repugnant any more than I find it repugnant to pass any of the legislation that is brought here.

Again I say I am unhappy that I cannot support the Bill, although I support the principle. If it were on a much wider level perhaps I could support it, but I realise that to formulate legislation on a wider level would be very difficult. I do not have the answer but I understand the problem.

THE HON. W. R. WITHERS (North) [5.39 p.m.]: I had not intended to speak to this Bill but I listened to so many members giving their reasons for not supporting it that I thought I would stand up and give mine. Mine do not seem to be the same as everyone else's, because I lose interest in a sport when I cannot play it.

As the last speaker said, the Bill is not broad

enough; but my main objection is to legislation on any sport played by people. I am not referring to racing sports in which betting takes place; I believe legislative control is necessary in that type of sport.

In my opinion, we have too much legislation on most things, but I am worried about an attempt to legislate for sporting organisations where men band together to play a sport and establish their own rules. If we were to do that with football we would have to start looking at soccer and everything else.

I only wish we could withdraw some of the laws that have gone into the Statute book, because Parliaments and bureaucracy are strangling people. Day by day the strangulation is becoming greater. In business and private life people are being strangled by legislation, and I do not want to increase it. Therefore I will vote against the Bill.

THE HON. R. T. LEESON (South-East) [5.41 p.m.]: I intend to support the Bill, and in doing so I want to make a couple of comments.

The Goldfields National Football League has been strongly opposed to zoning since its inception, and it held many long meetings discussing the situation when zoning was introduced. The GNFL is one of the oldest leagues in Western Australia and many years ago it played its premiership sides against metropolitan premiership sides. I might say the games were not all one-sided. On occasions the goldfields won and on occasions the metropolitan team won the championship of the State.

We can go back to about 1906, when probably our first champion player from the goldfields came to the metropolitan area to play football. I refer to Nipper Truscott. Since then a large number of champion footballers have come to Perth to play and have gone on to Victoria, and in some cases they have gone straight from the goldfields to Victoria.

I must say at this stage that unfortunately the standard of football seems to have declined in the goldfields in recent years. I clearly remember some of the wrangles that took place, particularly when a fellow I went to school with—Alec Epis—wanted to go to Victoria to play football. He played in the junior ranks on the goldfields and graduated to the senior ranks at the age of only 17. He played in league football in the goldfields for one year and won the fairest and best award. He then wanted to move directly to Victoria because his potential was such that that was where he thought he should be playing, and in those days that was where the money was. But he had untold problems in trying to get where he wanted to go, and from memory he stood out of football for two years in his 18th and 19th years, which were probably among the best years he could have devoted to the game. Then he went to Victoria and played 200 games with Essendon, representing that State on a number of occasions.

Over the years many footballers have come down from Kalgoorlie to play in the league ranks, and in those days they were prepared to come down just for the privilege of putting their boots on and playing with one of the metropolitan teams. To play with the WANFL was enough. Today a lot of money has come into the game and all sorts of changes have taken place.

I understand that at present if a player comes from a country area to the metropolitan area he is entitled to $300 as a cash payment for signing with the club that covers the zone from which he comes. I have heard that the league has decided to increase that payment to $500, and the decision was made only in the last week or so. Perhaps something in the Hon. Tom McNeil's Bill had something to do with this. I think the league has become conscious of the need to try to increase payments to country areas as a result of the criticism that has been levelled at it.

When zoning was first introduced I understand the idea was that eight balls went into a barrel and they were drawn out; and in that way the clubs were allocated eight different areas of the State. Possibly the reason that the Goldfields National Football League does not support zoning is that it has drawn the Subiaco club which has not seen fit to throw much money around in country areas. I know the same situation has affected some other areas.

Some of the towns that have drawn clubs such as East Perth, Perth, or the Fremantle clubs are probably not so concerned about the matter. However, I understand that at the time consideration was given to putting the marbles back in the barrel after a period and holding another draw to shift the areas around. I think there might be a lot of sense in that.

The Hon. J. C. Tozer: You might do worse and get Swan Districts.

The Hon. R. T. LEESON: We could not do much worse.

I think the argument against having a redraw is that clubs which have spent money in country areas and have done a lot of work to build up their areas would lose all that money and work to another club. Perhaps the league could come up with another formula and make some alterations which would satisfy more people than are satisfied

at the moment. It is obvious that unfortunately this Bill will be defeated.

It is also obvious from comments made this afternoon by country members that although they oppose the Bill they support what the Hon. Tom McNeil is trying to do. The argument used is, of course, that we should not bring politics into sport. However, as the Hon. Bill Withers just mentioned we already have far too much legislation. There is far more legislation than I like to see in many areas. While the Parliament is in session we have Bills coming to this House every day to which all members on the Government side agree wholeheartedly, no matter what the legislation. Yet the minute we have a Bill which affects football players they get on their high horse and will not support it. I cannot understand that attitude.

I think what the Hon. Tom McNeil is trying to do is good for the sport because at the moment a player may come from a country area, obtain his $300 by joining a metropolitan club, and turn out to be a champion within 12 months; then that club can sell him for $10 000. But where does that leave the player?

It seems to me football is becoming a big money business. I do not think that is wrong, because we have only to look at what has happened in respect of cricket in recent times. Let me point out that I agree with the Packer situation.

As I said earlier, the Goldfields National Football League supports this Bill and opposes zoning.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.50 p.m.]: I rise to oppose the legislation. I have spoken to the management of several clubs that have an interest in my electorate; they say that they are most strongly opposed to the proposal and that it would not be of benefit to the sport.

I have received correspondence which I am sure has been circulated to all members, setting out the reasons for opposing the Bill. I do not intend to traverse the ground that has already been covered by other members. However, I felt it necessary to rise to my feet and convey in brief the views presented to me by the clubs within my electorate.

THE HON. TOM McNEIL (Upper West) [5.51 p.m.]: I think I know now what it is like to pick up the football in the back pocket and see 18 footballers charging at me with five seconds left to play in the grand final and my team is kicking into the wind. Let me say from the outset that probably footballers generally will be most taken with the sympathy expressed by members of this Chamber—because it looks as though that is all they will get.

I will deal first with Mr Leeson's remarks since he is one of the those who see fit to support the Bill. I would like to straighten out one point he mentioned in respect of zoning. When zoning was first introduced in the late part of 1971 it was suggested that after two years the league would have another look at the matter. It is quite obvious that clubs such as East Fremantle which has the Geraldton area, and Perth which has the zone in the Northam area, would be most reluctant to change if they have put a lot into their areas; whereas clubs that have not been having a great deal of success would be pestering for a change.

The Hon. Bill Withers referred to soccer, and I think this is as good a time as any to present the situation in regard to the football world, generally. Last night we passed a Bill to amend the 'Workers' Compensation Act. Whilst the Government has been exhorted not to interfere with sport, it did not take long for the Western Australian National Football League to get on its bike and make representations to Cabinet to consider the situation as to whether a player is entitled to compensation if he is hurt while playing football.

Let us look at both sides of the picture. I have letters here—as probably other members have—from the East Fremantle club and the WANFL asking that the sport be left alone.

The Hon. G. C. MacKinnon: Are you sure it was the WANFL that made that approach?

The Hon. TOM McNEIL: I will provide that information to the Leader of the House. I have my papers in chronological order, and he will have to bear with me until I find it. It was the WANFL that made the approach, and it was supposedly made on behalf of all sports. However, as I said previously, it was a tongue-in-cheek effort at that time; and I have seen nothing since to make me withdraw that remark.

Football is a body contact sport; therefore, any injuries involved would be incurred while actually playing rugby, soccer, or Australian rules football.

Let me commence by dealing with soccer. Anyone who has any doubts about the administrative ability of the people who organise soccer in this State, and perhaps throughout Australia, should approach the Hon. John Williams who will quickly point out that this sport has a great deal of substance in respect of the rights of individual footballers. A soccer

player has a contract extending from one to a maximum of five years; however, a one-year contract is preferred. Everything is signed and sealed, and Mr Williams could inform members on this better than I could. I have seen the contracts and they are comprehensive. If only one alteration is required, a new contract is drawn up. The contract sets out that the player is entitled to a certain amount of money, and it contains certain safeguards—far more than is the case in respect of Australian rules players.

The Hon. W. R. Withers: There is no legislation in respect of soccer.

The Hon. TOM McNEIL: I agree, but perhaps that is because the administrators have got the game straightened out and have adopted a common-sense, humane attitude so that Government legislation is not necessary. Soccer players do have freedom.

However, try to explain that freedom to a boy who lives in the bush and who decides he wants to move to Perth and finds he is tied for two years to, say, East Fremantle. If he does not show his attributes at, say, 14 years of age he is still tied to that club until he is 16, and then perhaps he can move to another area and be free to play for another club, depending on whether the zoned club will clear him.

I introduced this Bill to establish the rights of the individual Australian rules footballer. Members have risen and told me, perhaps knowing that I have been involved with VFL and country football, that I know something about the matter. Perhaps I do, but that is not why I introduced the Bill. The reason I introduced it is that I have been approached in country areas by football players who feel they should be entitled to some freedom.

Such freedom is available to the players in any other sport, apart from minor restrictions in respect of residential zones and playing for another club within a certain period after moving out of an area. However, no other sport has anything like the three years of penal servitude that can apply in the case of a person who wants to play Australian rules football.

It is very clear that in no way does the Bill interfere with the rights or the administrative functions of the WANFL as it is now constituted. It simply seeks to remove the unreasonable restrictions now imposed upon a player in respect of residential zoning, and to establish for players the right to play with the club of their choice and to negotiate their own contracts.

When we speak about contracts—and I feel this is a most opportune time to mention it—let me point out that last night we passed the Workers' Compensation Act Amendment Bill which provides that a footballer is not entitled to compensation if he is hurt whilst training or playing. On the other hand, a country footballer who comes to Perth must play for the club which controls the area from which he comes and he is tied to that club for two years. If he does not want to play for that club he has to move out of the area and live somewhere else. After two years he is free to join the club in whose area he then lives.

If a person is an amateur footballer who has no involvement with a country league he may wish to go to Victoria to play as an amateur. Let us take the case of Simon Beazley who lives in Bassendean and has no involvement with the Swan Districts club. He can go to Victoria and play amateur football there; but as soon as he attempts to obtain a clearance to a VFL club, that clearance application goes to the Swan Districts club, which could demand a transfer fee of, say, $50 000, even though he has had no involvement with that club. That sort of thing does not apply in the soccer or the rugby world.

Let us consider the case of the two rugby league players who were successful in their cases for workers' compensation. One had a partial disability, with 20 per cent loss of the use of his right leg, and the other became a quadriplegic. In those cases they had some redress through the Workers' Compensation Act, but if members have seen the contracts which had been drawn up they would know that the player who suffered this disability of the right leg—Wayne Peckham—was receiving through his contract every year $1 250 from the 1st March, a further $1 250 in December, $150 for a win, $20 for a loss, and $40 if he was unable to play football through sickness or ill-health; and that was in 1970.

Eventually I shall come to East Fremantle's protracted evasion of the truth and the assertions by that club that I was telling half truths and omitting important facts; and I shall go through it item by item. I shall show members very clearly, if they can believe I am an honest person, that everything in the Bill and every contention I made in the second reading speech are absolutely true.

I defy anybody to agree with the situation outlined in the screed sent to members of Parliament by the President of the East Fremantle Football Club, Merv Cowan. I shall not deal with that yet, because if I am to be on a defeated team I intend to go down with all sails flying and I intend to take members through the situation which obtains for Australian rules football players in this country.

The Hon. F. E. McKenzie: What I cannot understand is that if you say the players are supporting you, why are not the clubs supporting you, because are not the clubs the players?

The Hon. TOM McNEIL: The situation is that all members have been approached by the East Fremantle Football Club and the Western Australian National Football League. The Western Australian National Football League sent out a screed pointing out to everyone that he should be very careful before passing any legislation about football. I picked out one paragraph which says that the implication is that the game is to be controlled by Government Statute.

I pointed out that the alterations I proposed to make to the WANFL constitution would be limited and would in no way take over the control of property rights by the league. All they are intended to do is to give to the country player and to the metropolitan player who is not happy—and who may be living in Subiaco territory but wanting to play with Claremont—the right to move out of that area and to wait for 30 days, not two years, to get his right to play for Claremont. That would also mean that a country player leaving the country to come to Perth would not have to stay two years out of football if he did not like the club he was zoned to.

At the moment if a player goes interstate and wants to play in the VFL he cannot play competitive football for 24 months. He must come back to this State and appeal, and his appeal will be heard in Perth by a tribunal consisting of representatives of the VFL, the SANFL, and the WANFL; that is where he will receive his football justice. Those leagues will decide whether the appeal is to be agreed to, and if it is not agreed to then the player must spend another 12 months out of football in Victoria and then come back and appeal again. That is the sort of football justice we have decided not to interfere with.

In my Bill I seek to alter five very minor points dealing with the restrictions placed on the rights of a football player. Before members decide that they are not going to support this Bill they should at least listen to the alterations and the effect it is intended they should have on the whole football situation.

The first rule I intend to alter is rule 71, and this has to be done because if we decide to get rid of country zoning we have to pull out the rule which states that if a player is in a particular country zone he has to play with a particular club. The second rule is rule 78 which reads in part—

> A person residentially bound shall not be eligible in the absence of a clearance to play for any other club until he shall have resided outside the district of the club to which he is bound for a period of 24 months.

This is the rule I was talking about.

Sitting suspended from 6.05 to 7.30 p.m.

The Hon. TOM McNEIL: Prior to the tea suspension I was slightly sidetracked and I did intend to answer the Hon. Fred McKenzie who has requested some information on club-player relationships. The particular club that a player may play for, whether it be in the country or in the league, usually does not permit the player to have any say in the running of the committee of the club. I realise in some country clubs the players do go onto the committee, but it is a little unusual and, therefore, the administrative side of the club is generally run by people who are not playing the game.

When I was speaking about the rules I hoped to alter, I moved from rule 76 which sentenced the player to 24 months' servitude and having to live outside the district in which he normally resided, and I intended to make that a 30-day stay and not 24 months. Rule 83, which is the third rule which had to be altered, reads as follows—

> If any person shall have played with the district club for the district in which he has been residing and he then removes to a place outside all the districts defined under these rules, including the Eastern States, such person shall be eligible to play only with the club with which he has already played, and shall not be eligible to play with any other district club until such time as he has obtained a clearance from his former club and a permit from the permit committee. (The refusal of a clearance by his former Club shall be final.)

In my wisdom, I did not consider this was fair play and the mere fact that one requested a clearance and the club said "No" and one had to accept that as being final was a complete injustice.

Rule 84 is similar to rule 83. It reads as follows—

> If any person not residing in any of the districts defined under these rules shall have played with a district club as provided in rule 79 and then whilst still residing outside of the said districts shall desire to transfer from the district club with which he has been playing and to play with another district club, he may apply for and be granted a permit to do so by the permit committee subject to a clearance being granted to such person by his

former club. (The refusal of a clearance by his former Club shall be final.)

The same sentence is contained in that rule. Once again, it reiterates the fact that if one appealed against a decision by the club, after having been away for two years, one could not possibly be held to accept that because the club had made that decision it should be final.

The last rule which needed to be changed, and still needs to be changed and always will until some sanity penetrates to the Western Australian National Football League administrative committee, concerns the interstate clearance. The rule reads as follows—

> An interstate clearance shall not be granted unless the person applying for the same satisfies the committee
>
> (1) that the application is approved by every Club which is a member of the League.

By that it means the Western Australian National Football League. It continues—

> (2) That the application is approved by the club with which the applicant is registered and that he
>
> (a) Is aged (23) years or more (and has played in 120 premiership matches).

I do not think one needs to be a Rhodes scholar to work that one out. In fact, I took it upon myself to go through the league club players' list this year and out of a total of 308 league players who played league football in 1977 for the eight clubs which constitute the WANFL, there are 19 players who are eligible, being 23 years of age and having played 120 premiership matches. They are the only ones who would be able to approach the club and say, "I think it is time I moved on," and have any hope of being listened to. For the interest of those people who may follow some of these clubs, I will name the players. They are: Perth—Day and Quartermaine; East Fremantle—Green and Hollins; West Perth—Smeath, Sheridan and Watling; East Perth—Smith and Verstegin; South Fremantle—Carson, Haddow and Morley; Subiaco—Heal and Cunningham; Claremont—Bridgewood and Elphick; Swan Districts—Gillespie, Mullooly, and Nowotny.

Whether or not one follows one of those clubs, being some type of a judge of a prospective VFL player, aspiring to VFL ranks, one would not find more than four players in that group who could possibly interest a VFL scout. A player, having served his official servitude in the club he joined in the early days, would obviously want to move to another club in the twilight of his career. This does not always happen. In the case of Glendinning, Cable, and Farmer and some of the others, they certainly had to follow a very round-about way to get a clearance, and money or flesh was traded so they could be free to play where they wished.

Returning to the Bill, the final rule which needed to be changed in order to bring some sense into these transfer and zoning laws entailed the removal of the entire second schedule to the country zoning league. In other words, we removed the eight zoned districts, as was explained by the Hon. R. T. Leeson, and said that there would be no more zoning. What a terrible thing to do to the Western Australian National Football League—to interfere with its closed shop situation.

This would remove the iniquitous situation whereby a club is able to say to a boy in the country, "Because you live in that area you shall play football with us," and the mere fact that the lad does not know the club and has never been inside its gates makes no difference. If one does not comply one could be kept out of football for up to three years.

We have heard members of Parliament standing up in this Chamber tonight and stating that we should not interfere with football. I will go along with that, provided the rules come somewhere within the bounds of decency and "a fair go". I believe that is an old Australian saying. If one wants to play rugby one can obtain a contract; if one wants to play soccer one can get a contract; but if one wants to play Australian rules one is not able to do so. A person who wants to play Australian rules football is told, "You will have to play with that club. We will call the tune. We will tell you where you can go." He is told also, "It does not matter if you tell me who you barrack for, I am speaking for a Western Australian league football club and I am in control of your future." All we are looking for with this Bill is justice.

I would like to speak about this piece of paper that, as far as I know, was sent to all members of Parliament. It went to great lengths to cover what I had supposedly said regarding zoning and the football Bill I intended to introduce. I have taken it apart piece by piece; but if any members feel I have skipped over something and want an answer to it I shall be only too happy to cover any points they may raise.

In the first place, the President of the East Fremantle Football Club states—

> There are many statements made by Mr McNeil when introducing the Bill that are

incorrect and misleading and important facts have been omitted.

If anyone feels I am omitting something or have glossed over something, please do not hesitate to interject. I know the Hon. Norman Baxter has endeavoured to cover this document to some extent; but I believe the only person who can defend me is myself. On three different occasions in this letter Mr Cowan states as follows—

> The rules of the W.A. National Football League only apply to players who wish to play in the W.A. National Football League. The rules of the WANFL cover only players who desire to play league, reserves or colts.

What a lot of poppycock. If members do not believe me, they should slip out to some of these other associations mentioned in the paper and try to play without a clearance or a permit and see how far they get. That takes care of those three statements.

The president goes on to say—

> Western Australian National Football League only covers people below the 26th parallel.

That is true; but the same thing applies if one comes down to Perth to play in the city area. One still needs a permit. That permit may be withheld if the WANFL does not want to issue it. The next answer is a ministerial one, if I may be permitted to say so. It is a ministerial answer because it says, "(3) answers (1)". That is the type of answer we usually get from a Minister when he is trying to answer speedily. The president states also—

> Has not an organisational body the right to form an association or make its own rules?

There is no argument about that and I believe in the right of the Western Australian Football League to say, "There are our eight clubs. If you want to play for one come along." That is fine, because everyone plays under those conditions and is free to join the club of his choice as long as he abides by the rules. Once again, because a man lives 300 miles in the bush, in Subiaco or in Bassendean, he should not be beholden to a club he does not know, bearing in mind the possibility that he will have to stay out of football for up to two to three years if he wishes to play league football but does not play for that club to which he is zoned.

The president said also—

> The Western Australian National Football League has a democratic right to make its own rules.

Nobody argues about this. I argue about the democratic right that applies to the Western Australian National Football League applying also to the individual. Mr Cowan goes on to say—

> The conditions of players under the present system of zoning as outlined by Mr McNeil are inaccurate. He makes no mention of the fact that country clubs also receive $10 a game

I shall now re-read part of my second reading speech to illustrate the point—

> Under the present system of zoning, metropolitan league clubs can dictate to country clubs whether, when, or where a clearance will be granted. A metropolitan league club can play a man for six games without a clearance from a country club, after which time a country club must grant a clearance in return for which it receives $300. Having obtained the services of a player for this ridiculously small fee, the metropolitan league club has complete control over the player's future.

On page 229 of *Hansard*, a copy of which was sent to the Western Australian National Football League so there could be no possible chance of the league misunderstanding what I was speaking about, the following appears—

> The conscience of the WANFL must have received another jolt because the amount of $300 was increased by $10 for every league game played after the first 20 games. That was very big-hearted! I think every member would realise that it costs more than $300 to replace a player. The position seems to be that it is open season on country clubs, and sums of money in excess of $300 are spent in trying to convince a player he should play with a particular club.

I would like to mention at this stage that whoever issued this document which came from the East Fremantle Football Club obviously was not aware of the situation. A blank has been left where Mr Cowan did not know the rules. I knew the rule related to 20 games being played but the person who initially issued this obviously did not know, as members can see. I put a question mark in the blank space and although the "20" may appear later in some of the copies held by members, it did not appear in my copy. Mr Cowan obviously felt he should go back, check the rules, and make sure of his facts before this document was printed.

Then he goes on to say—

> He makes no mention of finance and development injected into the country.

If it appears I am a little riled about this article

from East Fremantle, it is because I have had to live with it for about four or five weeks knowing that it was circulating in Parliament and undermining my credibility. There was no way I could answer it then. As I said, Mr Cowan stated—

> He makes no mention of finance and development injected into the country.

Let us consider what East Fremantle has injected into the country, particularly into the Geraldton area. I have a letter from the East Fremantle Football Club, dated the 6th July, 1977. I could read it fully, but will not bore members. However, members can believe me when I say it is an answer to an appeal from a Northampton convent asking for an old ball to kick around at playtime. The answer was—

> With reference to your letter of the 24th June, 1977 regarding the donation of a football for your School, we regret to advise that due to our commitments with all of our Junior Clubs, we are unable to assist you in this instance.
>
> Our Club does conduct an annual Coaching Clinic in the Geraldton area and we would be pleased to include your School in this Clinic next year. If your are interested you could contact the Great Northern National Football League before the next Clinic, which will be held in May of next year.

All that the nuns at the convent at Northampton had to do was bundle all the children into a bus and take them 42 miles to the football ground, leave them for the afternoon, and then bundle them all back into the bus to return them to Northampton. That is what is called injecting enthusiasm, finance, and development into the country area.

I need not say that the letter I am now holding in my hand is from the Great Northern Football Club donating the ball used in the seconds grand final this year, to the convent. I might also point out at this stage that although Geraldton is zoned to the EFFC we have not, in the six years we have been zoned to that club, had an East Fremantle coach in the Great Northern NFL, Central Midlands NFL, or Northern Midlands NFL competitions.

Earlier in the night it was stated that the EFFC had asked that we do not interfere with its sport and game. That was stated by Mr Cowan also. The following was also said by Mr Cowan during the finals TV controversy—

> It is my view that there exists a clear responsibility on the part of our Governments, irrespective of what political party to back up their policies of decentralisation and bring to country people everywhere, not only Australian Rules football, but all types of sport and entertainment by providing the technical facilities to allow this to happen and at the same time not interfere with attendances and the financial return of organisations running the event or entertainment.

That was the situation as it applied to the televising of the grand final to country areas. It is all right for the WA National Football League to say, "Don't interfere with our sport", but when the time comes and they want assistance, they turn to Parliament, or turn the people against Parliament, because supposedly we are not doing the right thing.

Mr Cowan goes on to say that over $10 000 was spent on the four players from the country area who played in the grand final. He refers to accommodation, travel, employment, and playing. I know three of those players and probably Jim Sewell would have to be the best paid of the four. I can assure members that there would be no way in the world that those four players would receive a total of $10 000. The sum of over $10 000 is a nice round figure. If the sum involved were $10 700, he would say $10 700. I think that this has been the case with the over $10 000. It is probably close to $10 000 but how close? As East Fremantle played in the NFL competition this year, accommodation, plane fares, and the expenses of taking the team to Adelaide could well be part of the deal, because he does refer to accommodation, travel, employment, and playing. It is a bit vague, but apparently I am the only person who is vague and misleading, so I will give him the benefit of the doubt as he is not here to defend himself. He says—

> We have had no request in the past for any player who has played with our club under zoning to transfer to any other league club in Western Australia. Nor have we been approached by players from other Clubs to join our club because they were dissatisfied with the treatment they received.

What about Gary Gibellini to Perth and Stuart Magee from Swans?

He makes no mention of the attitude of country players to zoning. I do not know. I can only assume that if we had the choice of shopping at eight shops or only one shop, I am sure we would all prefer to deal with eight shops. We are reasonably intelligent people. If a footballer had the choice of eight clubs or had only one he could

join, I am sure he would rather have eight from which to choose.

Now we come to the *piece de resistance*. It will be remembered that in 1975 East Fremantle played Geelong in Geraldton. Mr Cowan goes on to say—

> It cost East Fremantle over $2 000 to play Geelong in an end of season game in Geraldton—

Listen to this—

> ——to promote country football.

I gave up the secretaryship of the GNNFL prior to this season. However, I was still coaching the Great Northern side which competed and, incidentally, won the 1975 country championship. I do know that when Geelong played East Fremantle, the decision to use Geraldton was only a second thought, and this was because the East Fremantle council refused EFFC permission for the game to be played on its Fremantle oval.

The implication is that Geraldton has benefited by the magnificent decision by East Fremantle and Geelong to play at Geraldton. They gloss over the fact that Geelong could have been attracted to play anywhere to please East Fremantle because of a player named Brian Peak. He could have been in their minds. We also know that as a result of that game East Fremantle gained three players, and incidentally I had to keep 10 Geraldton footballers in training to fit into the East Fremantle side that was to play Geelong. Out of this game they won a player called Steve McCann, and much has been said about him. He played for the supposedly best ever side seen in the VFL, and was among the 20 players in the North Melbourne side which won this year's premiership. Geraldton did not recieve any money for McCann but he was in a show window that day as a prospective player, and we can assume somewhere along the line he went to North Melbourne as part of the deal for Ryan and Feltham and got his clearance for which St. Patrick's College Geraldton obtained nothing, and neither did the Great Northern NFL.

Another player I kept in training—and this is another titbit—was Geoff Ironmonger but because of East Fremantle's poor administration they missed him and he went to Subiaco. It was I who actually told John Todd to concentrate on Jim Sewell because he was a good player, but he had not shown up much that year. Eventually his worth was recognised and he has now signed an $80 000 contract with Carlton.

The third player East Fremantle got from that game which cost it $2 000 was John Sims. I mention those three in passing because if East Fremantle spent $2 000 to promote country football, it was more than amply rewarded in the three players it gained from the game.

Let us not forget, either, that Geelong was on an end of season trip, and if the team had not been staying at Geraldton it would have stayed at East Fremantle, so what the heck?

Mr Cowan then touches on a matter which is very near and dear to me; that is, the right of a player to get a clearance through league channels. He says I was inaccurate. He stated—

> The statement made by Mr McNeil is inaccurate and the case he mentioned was in relation to particular cases dealing with Eastern States Clubs and was not followed through and passed as a Constitutional change. The Courts are open to all players.

If members believe that, they will believe anything. Certainly the courts are open and certainly the courts will pass judgments, and in every instance they will pass judgment in favour of the player because they recognise that the player has a human right. In the case of Mr Cowan's statement, I was talking about Stan Magro of the South Fremantle Football Club.

In my second reading speech I said—

> At present the only recourse open to a player refused a clearance is for him to take civil action through the courts, or stand out of football for at least a year—as, for example, did Syd Jackson, Alec Epis, and Wayne Richardson, to name only a few.

These players were not mentioned in that article from East Fremantle. We can only assume that it was decided to gloss over them. I went on to say—

> The Western Australian National Football League has even attempted to remove the right of a player to go through legal channels. A few weeks ago the league moved to alter its constitution so that any player who went outside the league to secure a clearance would be banned from playing football within this State for seven years. Five of the eight league directors supported this added restriction.

Mr Cowan says—

> The statement made by Mr McNeil is inaccurate and the case he mentioned was in relation to particular cases dealing with Eastern States Clubs and was not followed through and passed as a constitutional change. The courts are open to all players.

With the case of the courts being open to all players, let us have a look at the situation. To

simplify matters I will refer members to page 230 of *Hansard* because that contains a report of what I said previously. The situation has developed in which, during the past 18 months, four players had taken out Supreme Court writs against their own clubs. Stan Magro had taken out a writ against the South Fremantle Football Club.

As I said, four players had taken out writs and I referred to Stan Magro in this State. I assured members generally that there was no possible chance of that case going to court. At Page 230 I said—

> The same has happened in Victoria where there is no possible chance of a case in that State appearing before the court. If any member in this House is a gambler I would like to give him five to one that Morris of the VFL Richmond Club will get his clearance.
>
> The point I am bringing up is that this practice is a restraint on players. The VFL, the WANFL, and the South Australian National Football League all realise that this restraint is a very real thing, and that the first time a case goes to court the player concerned will win, and the whole sham will be over.

This is where I made my first mistake. The whole sham is not over. The player won, but was still beaten. I would point out that a player—Peter Hall— who took the Collingwood club and the VFL to court and won will probably never play league football. Why is this? The reason is that the same situation applied there as applies in this State. When one court case is lost the VFL or WANFL ranks are closed to ensure that the next game is won.

An old opponent of mine, Jack Hamilton, the greatest manager of the VFL, said that that will not be the end of zoning. So what did they do? They slammed a $100 000 fine on any club which talks to Peter Hall and if ever he appears in any league game against Collingwood, they lose four premiership points. Who is for a game of Aussie rules football?

In the case of Magro, on the 5th May, 1977, a Federal Court judge ordered the South Fremantle Football club and the WANFL to show cause why Magro should not be cleared. The application was lodged under the Trade Practices Act. On the 10th May the WANFL and the SFFC lodged an application for an order prohibiting further proceedings under the Trade Practices Act. On the 12th May Magro's clearance was sent by charter aircraft to Melbourne and there was a cash deal and a bond put up by Collingwood.

Initially the South Fremantle President asked for a 10-year bond on the player, not a seven-year bond. The South Fremantle President said that his move was designed to make players think twice before going to outside channels for a clearance. Mr Hart, the President of the SFFC said—

> With the proposed rule in operation, a player would have to weigh up carefully his prospects of succeeding in his new competition.
>
> He felt he would have to face the fact that he would not be able to play in Western Australian football for a long while.

That was subsequently changed from 10 years to seven years, and it was subsequently defeated because it received only five votes out of eight when put before the directors of the WANFL.

So much for closing the door and saying justice had been done for Australian rules football. I am glad the Hon. John Williams is not here to hear the way we run our football in camparison with the way soccer is run.

I now go on to the case of the young player I mentioned a short time ago. The case of Peter Hall versus the VFL club, Collingwood, was won by Hall yet the player was subsequently lost to the game. So it does not look as though anyone is interested in him. Another case concerns Tutty versus Buckley and the NSWRL. I will not go right through this case because I think members probably realise by now that the rights of the players are being ignored. In every case before the courts the player has won. We as a Parliament are not just trying to interest ourselves in sport; we are trying to see that these players get a fair and decent go.

It has been said that members should sit back and let the league look after the problem. This case has been delayed because I have been waiting. However, the Minister for Recreation and I have heard the WANFL say they are not interested. The league has zoning, and it will not move. Where will the country players and the metropolitan players go from here. They will get justice in the courts but can still lose by being forced out of football.

In the case of Peter Hall, the court told him that if he did not get justice to come back to the court. However, Collingwood said he would play with them, or not play at all, and he is now probably kicking the pickets as there was no compulsion for Collingwood to select Hall in their team, and South Melbourne did not dare.

In another two cases there was reference to the restraint of trade, and in each case the court

found in favour of the players. Some of the comments made were that the residential encumbrance which binds a player to a club may arise by a freak chance, and represent no real connection of any description between him and the club in question. That was in the case of Hall and the VFL. Another comment was that the plaintiff's trade as a would-be professional footballer was restrained because he was not permitted to choose, for whatever reason, the club with which he desired to be associated. Those comments are from a court judgment.

I have already made the comment that the operation of the regulations may well suit the VFL and its constituent clubs, but the matter does not rest there. A comment with regard to Tutty was—

> However, very few of these players engage full time in professional football and most of them are gainfully employed in other occupations as well.

A comment with regard to Eastham was—

> The doctrine of trade is not limited to any category of skilled occupation, but applies to employment generally, and in playing football for reward, albeit part time, the plaintiff was engaged in employment within the doctrine.

Lord Atkin said—

> It is a misapprehension to suggest that this doctrine is confined merely to restraint of trade in any ordinary meaning of the word "trade"; it extends further than trade, it undoubtedly extends to the exercise of a man's profession or calling.

Another comment with regard to Hall reads—

> But the answer to the question of whether the regulations involve a restraint of trade so far as the plaintiff is concerned does not depend upon whether they achieve a useful purpose so far as the VFL and its constituent clubs are concerned.

In every instance it can be seen that the ruling has been in favour of the player and in each instance he has been free to move. The players have redress to the courts, and they should receive justice, but Hall did not get it because the clubs joined forces to prevent it, and Magro will not get it. Somewhere in the background Stan Magro is being held up. The right to work without being unduly restrained is a right worthy of protection. I assume that all members of the Labor Party would agree with that statement. It would indeed be a strange weakness in the law if it afforded no protection to a person who was against his will subjected, in fact, to an unreasonable restraint of trade.

The next instance I will mention I think sums up the whole attitude, and it concerns the case of Tutty versus Balmain Football Club and NSW rules. The argument that without the retain and transfer rules all the better players would congregate in the wealthy clubs to the detriment of competition was rejected.

The decision of the NSW Supreme Court was—

> The clubs can maintain competition without these rules: They can have longer term of staggered contracts. A clubs investment in a player is not an interest entitled to protection.
>
> A players skill is his property and not that of his club. The existence of an appeal procedure is irrelevant. The restraint is effectively world wide; the plaintiff could play nowhere in the English-speaking Rugby League world while these rules stand.
>
> Where a body controls a trade, profession or occupation, a member has a right to follow his trade etc. unhampered by unreasonable restraints of trade. He has the right to work and a right to be employed.

The final line in that case was most satisfying as far as I am concerned because it stated—

> Order that the defendants pay the plaintiff's costs of this suit.

That also happened in the Hall versus VFL case to the tune of $7 000, but Hall is still not able to play football.

The item I have just referred to pointed out that the wealthy clubs got wealthier and the weaker clubs got weaker. Another comment reads—

> In Mr Hamilton's opinion if the zoning rules were removed a situation would arise in which the wealthier clubs were able to persuade the best talent from all areas in Victoria to join them with the result that not only would the wealthy clubs become stronger and stronger but the weaker clubs would become weaker and weaker.

It seems as though we have heard those remarks somewhere previously! An article appeared in the *Daily News* of the 7th October in which the WANFL President, Mr Davies, said—

> If zoning was scrapped, the competition would fall into disrepute.

These quotations are available for any member to read if he is interested. The article continues—

> The financially strong clubs would become stronger while the struggling clubs would become weaker. Then a player's rights would be in severe jeopardy.

Quite a number of members have stated it has been decided, in all instances, before a court of law and not by Parliament. In answer to those statements, I refer those members to the instance concerning Hall which was decided in the Supreme Court. In that case the costs were awarded to Hall.

It has been stated in this House that the Government should not interfere with sport, and I agree it should not be necessary. The subject of cricket has been mentioned, and so has soccer. I have already mentioned that the Hon. John Williams is aware that soccer players are treated in a more humane way. The players are on contract, and they have a right.

The Leader of the House, or the Leader of the Opposition, mentioned that the next thing we will have to legislate for is cricket. An article recently appeared in the Press as follows—

> Cricketers in WA want to have a voice in policy and they have formed an Association of Cricket Players.
>
> The association includes WA Sheffield Shield players and members of the Kerry Packer troupe.
>
> At a meeting on Tuesday night a steering committee was formed. The committee comprises Ian Brayshaw, Ross Edwards, Wally Edwards, John Inverarity, Dennis Lillee, Tony Mann, Rod Marsh, Bob Paulsen and Kevin Penter.
>
> The committee will have talks with a lawyer next Tuesday night to draw up a constitution.
>
> A spokesman said that all cricketers believed that they should have a meaningful say in the sport.

What a breath of fresh air. We see the cricketers having a right. We know that soccer players and rugby players have a right, but Australian rules football just staggers along.

An article appeared in the Press recently with regard to an agreement on UK soccer. It was as follows—

> The threat of a strike by English footballers was finally averted yesterday when negotiations stretching back to 1974 were finalised with an agreement between the Professional Footballers Association and the Football League.
>
> Officials said that no information would be released till the clubs were informed. But the players have clearly won the right to freedom of movement at the end of their contracts, which has been the cause of their three year fight.

This means that a player no longer has to go back to his club of origin. We know what has happened with Barry Cable, the Perth Football Club and the VFL. Under a certain business proposition, he has been released, on the basis of pound for pound. It was stated by the Leader of the House at page 2520 of *Hansard*—

> . . . it will be a sad day when we start to legislate for sports which have been operating pretty successfully on their own, and whose members have made no requests to me, or to anyone else I know, for government control in any form.

We can assume that the Leader of the House was not aware of the approach made by the WANFL the other day when it requested that workers' compensation be denied to sportsmen. It was stated that the WA National Football League was concerned with the position in which all sporting clubs were placed. So, there we are. We now have a request from the WANFL for Parliament to intervene. The Leader of the House, while speaking, stated—

> The clubs ought to give this matter their close attention because if we legislate for one aspect of football, the next time an argument arises, either in the league or between a country club and the league, someone will approach his local member seeking to amend the Act. Once something becomes part of the legislative framework of the country, we are pressured from all sides with requests for amendments.

I will not deny that. However, is that not why we are here? Are we not here to see that justice is done within this State? The Leader of the House also said—

> The people I know who are associated with football have always appeared to be very decent, honest fellows who have the best interests of football at heart and are open to persuasion.

Well, perhaps the Leader of the House is more persuasive than I and the Minister for Recreation, because we have found those people to be completely immovable. To continue—

> If we legislate for football, every row and every disagreement would generate a request to the government for another amendment,

The Hon. D. K. Dans had this to say—

> I am sure everyone is aware that the officers of the league have the best interests of football at heart, not only in the metropolitan area but throughout the State; they have the best interests of the public at heart, in presenting the Australian national game in the best possible manner; and they have at heart the best interests of the players who participate.

We will not mention the fact that the players no longer have workers' compensation. However, assuming that the interests of the players are being taken into consideration, is it not desirable that we should consider freeing them so that they can negotiate a contract with a club of their choice, and so that if they are injured they will have some form of compensation written down in a legally binding contract? Mr Dans went on to say—

> If this Bill were to pass, Parliament could become engaged for ever and a day in looking at new regulations suggested by the National Football League . . . .

I will agree with that. And again on page 2519 of *Hansard* Mr Dans had this to say—

> If there are problems with the administration of football in this State, surely the best possible way to overcome those problems would be for the parties concerned to get together. . . .

The last statement to which I wish to refer appears on page 2339 of *Hansard*. I admit that this is a little out of context because on that occasion Mr Dans was not speaking to this Bill; he was talking about the economic position of the country. However, I feel his remarks are applicable in this instance. He said—

> . . . as public attitudes change, and as people realise that the Government does not truly reflect their wishes, the population as a whole—and not the people committed to particular political parties—will realise in increasing numbers that Parliament is irrelevant.
>
> . . . we find that the people are starting to think more deeply about parliamentary representation—not the parliamentary democracy we have, but the methods by which we operate it. I do not know whether other members of this House have that feeling. However, when people do not get the right kind of representation, or their voice is not heard in Parliament, they turn to other methods to get redress.
>
> . . . When Parliaments or Governments become unresponsive to the wishes of the people—whether the Government be a Labor Party Government or a Liberal Party Government—then the democracy or the type of parliamentary representation we have in this country is in danger.
>
> When that day arrives it will be a very sorry one for this place and this State.

Mr President, in summing up I would like to point out to some members of Parliament who stood up here tonight and offered me sympathy that I do not need their sympathy. I introduced this Bill here because I believed in it, and I still believe in it. I do not believe that any eight directors in this State should be able to turn around to a boy living in the country or in the metropolitan area and say, "You will play with that club or you will not play football for two years" or "You will stand out of football as we have provided in the constitution and we can ban an interstate clearance for two years. If you return to this State and appeal, you may get knocked back this year and you still stand down for another year." I do not need the sympathy of members, but the footballers in this State need their sympathy, their understanding, and their co-operation.

I am sorry there are not more Liberal members who believe in the part of their party's basic philosophy of the freedom of the individual and his rights to democratic treatment in his chosen sport. This is part of our platform in the National Country Party. We have always said that we believe in private enterprise. Many members are not even here tonight. They have already said, "I am not going to vote for your Bill," but they do not even know what it consists of.

The Hon. V. J. Ferry: You are being a little unfair.

The Hon. TOM McNEIL: The honourable member has had his say and has been told which way to vote.

The Hon. G. C. MacKinnon: You have had enough for 20 men, and you have one bloke voting for you.

The Hon. TOM McNEIL: Any member who is interested in the WA National Football League—

The Hon. G. C. MacKinnon: All this talk for one bloke who is going to vote for it. That is all you can persuade. Has it ever crossed your mind that you could be wrong?

The Hon. TOM McNEIL: No, I am not wrong. This will be a human decision. I believe I have made my point—

The Hon. V. J. Ferry: You made a point all right.

The Hon. TOM McNEIL: I wish the benches

here were full so that all the members could hear this. However, Liberal members have been told already which way to vote.

The Hon. G. C. MacKinnon: They have not because they are not interested in your proposition.

The Hon. TOM McNEIL: I believe the SWNFL constituents of the Leader of the House asked him to vote for it. Mr President, I thank you for your indulgence, and I thank members for their silence in listening to me. I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes 7

Hon. N. E. Baxter	Hon T. McNeil
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. R. T. Leeson	Hon. Grace Vaughan
Hon. F. E. McKenzie	*(Teller)*

Noes 21

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. R. F. Claughton	Hon. N. F. Moore
Hon. D. W. Cooley	Hon. O. N. B. Oliver
Hon. D. K. Dans	Hon. R. G. Pike
Hon. Lyla Elliott	Hon. I. G. Pratt
Hon. V. J. Ferry	Hon. J. C. Tozer
Hon. R. Hetherington	Hon. R. J. L. Williams
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. G. E. Masters
Hon. M. McAleer	*(Teller)*

Question thus negatived.

Bill defeated.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.24 p.m.]: The Opposition supports this Bill which is aimed at closing a loophole in the Stamp Act that has enabled some burglars to get away with money that belongs to the State. I very much object to these actions and I am sure all honest taxpayers object also. Some of us who are honest omit to include all the things in our income tax returns that we can include, and some of us are guilty of being dishonest in the matter of taxation—whether income tax, stamp duty, or any other tax—by actual omission.

Quite obviously in the case to which we are referring, although we use the euphemism of "avoidance of tax", to my mind this is in fact a criminal and immoral thing when people avoid paying taxes that the State has imposed on the transfer of land and on other conveyancing transactions. It makes me unhappy that we cannot pursue those people who have already filched from this State an estimated $1.2 million. I do not believe in the retrospective pursuit of people who took some action when the law said one thing, but which action is now deemed to be illegal when the law says another. However, it does make me a little unhappy that we cannot retrieve this money.

We know that there is a great increase in the amount of white-collar crime. While I am aware that tax avoidance is not a crime in the legal sense, to me it is both criminal and immoral. It is amazing that people with very meagre means can get away with very little in the way of breaking the law, but others who are probably very affluent are able to avoid the payment of millions of dollars because they are clever enough to discern a loophole in the law and use it.

So we support the measure wholeheartedly. We are glad the Government was able to discover this loophole before more than the $1.2 million was lost.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.26 p.m.]: I thank the honourable member for her support of the legislation. I intend to move a fairly considerable number of amendments to this legislation, and I have some notes explaining why this course is necessary. I gave a copy of these amendments to members earlier so that they could have time to look at them.

As I mentioned during my second reading speech, the parent Act will be examined in detail but it is impossible to do that before next year. When this amending Bill was discussed in another place it was pointed out that perhaps it would not accomplish quite what we hoped it would accomplish. It was thought that people who had caught onto this loophole could perform another manoeuvre to escape a tax which the ordinary person who goes straight ahead with land deals would have to pay.

Although this matter was raised in another place, the Bill came here in the normal way. Just last night I was advised of this further difficulty and I was handed the list of amendments. I will move these amendments in the Committee debate, and I will explain that they are purely and simply an endeavour to make more certain that those who have been avoiding the tax will not be able to continue to do so by using another ruse. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J.

Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 73 amended—

The Hon. G. C. MacKINNON: Clause 2 is to amend the principal Act by deleting the words "under which" in line 15 and substituting the words "in respect of which the Commissioner is satisfied that".

During the progress of this Bill in another place, a query was raised whether or not the proposed amendment went far enough. The proposed amendment is to provide the commissioner with discretionary power. Members will recall that last night I mentioned there was difficulty in assessing whether a person was putting land into a trust in order to avoid tax or for genuine purposes. It was left to the discretion of the commissioner.

However, with the proposed amendment as it appears in clause 2 of the Bill, it is still possible that the commissioner's discretionary power could be subject to challenge.

In this situation the commissioner could be forced, even by an appeal to a court of law, to accept the contents of a statutory declaration, even though the intention at that time was to avoid the payment of *ad valorem* duty.

For example, a document could be prepared and submitted for assessment of stamp duty whereby A agrees to transfer property to B and B agrees to hold the property in trust for A.

In this case A is still the apparent owner and as B is, on the wording of the document, holding the property only as a trustee, it would appear that no beneficial ownership passes and nominal stamp duty of $1 is payable.

The subsequent transfer from A to B, alleged to be only a trustee for A under the terms of the initial document, could be supported by a statutory declaration stating that no beneficial interest had passed.

Unless the commissioner could successfully repudiate the contents of the statutory declaration, he would be forced to accept the facts stated in the declaration and assess the transfer with nominal stamp duty.

Following the transfer of the property into the name of B, a sale from A to B is arranged, outside of Western Australia, and the purchase price is paid. They do that on a trip east.

As the legal ownership of the property is already in the name of B, no further documentation is necessary and the *ad valorem* stamp duty on the sale has been successfully avoided.

Should the commissioner challenge the contents of the statutory declaration—and this would be extremely difficult, as the true position would never be revealed to him—and assess the transfer with proper *ad valorem* duty, then the exercising of the commissioner's discretionary power could be contested in court.

Thus the facts would not be disclosed, together with the presence of a statutory declaration, the contents of which may be misleading or even incorrect, and the commissioner would probably lose the appeal and the revenue would suffer accordingly.

As promised in another place, the problem has received further consideration and it now becomes necessary to amend the Bill in order to prevent this type of situation arising and to give greater safeguards to the revenue.

I repeat: This will be examined further in the ensuing period between now and next session. Nevertheless, the indications are that the legitimate revenue to the State which will ensue from normal transfers could run into a considerable amount of money, perhaps millions of dollars.

Those people who pursue their transactions in the normal course of events will be paying the normal assessed tax. Those who, as the Hon. Grace Vaughan said, can afford advice—I hesitate to use the phrase "better advice"—or are "clever" enough could avoid tax under the present arrangement.

The Hon. Grace Vaughan: I think "cunning" is an appropriate word.

The Hon. G. C. MacKINNON: It is wrong that one citizen should escape tax while another pays it. Therefore, Mr Chairman, I move an amendment—

> Page 2, line 1—Delete all words after the word "amended" and substitute the following—
>
> (a) by adding after the section designation "73." the subsection designation "(1)";
>
> (b) by repealing the proviso to the section and substituting a proviso as follows—
>
> Provided that—
>
> (a) a conveyance or transfer made for effectuating the appointment of a new trustee, or the retirement of a trustee, whether the trust is expressed or implied;

(b) a conveyance or transfer made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied; or

(c) a conveyance or transfer under which no beneficial interest passes in the property conveyed or transferred not being a conveyance or transfer which, in the opinion of the Commissioner, is made in contemplation of the passing of a beneficial interest in that property,

is not to be charged with any higher duty than one dollar. ; and

(c) by adding subsections as follows—

(2) An assessment of duty shall not be subject to any objection or appeal under section thirty-two of this Act on any grounds relating to the exercise by the Commissioner of the discretion conferred on him by paragraph (c) of the proviso to subsection (1) of this section but a person who is dissatisfied with a decision made by the Commissioner in the exercise of that discretion may, within forty-two days after the date of the assessment or within such longer period as the Treasurer may allow, post to or lodge with the Treasurer an appeal in writing stating fully and in detail the grounds on which he relies.

(3) The Treasurer shall, with all reasonable despatch, consider the appeal and may either disallow it or, for reasonable cause shown by the person making the appeal, allow it.

(4) The Treasurer shall give to the person making the appeal written notice of his decision on the appeal and that decision shall be final.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Section 73A added—

The Hon. G. C. MacKINNON: I move an amendment—

Page 2, line 28—Insert after the word "to" the passage "subsection (1) of".

Amendment put and passed.

Clause, as amended, put and passed.

New Clause 4—

The Hon. G. C. MacKINNON: I move—

Page 3—Insert after clause 3 the following new clause to stand as clause 4—

Section 75 amended.

4. Section 75 of the principal Act is amended by repealing subsection (3) and substituting subsections as follows—

(3) The following conveyances or transfers, that is to say—

(a) a conveyance or transfer for a nominal consideration for the purpose of securing the repayment of an advance or loan;

(b) a conveyance or transfer for effectuating the appointment of a new trustee, or the retirement of a trustee, whether the trust is expressed or implied;

(c) a conveyance or transfer made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied; or

(d) a conveyance or transfer under which no beneficial interest passes in the property conveyed or transferred not being a conveyance or transfer which, in the opinion of the Commissioner, is made in contemplation of the passing of a beneficial interest in that property,

shall not be charged with duty under this section.

(3a) An assessment of duty shall not be subject to any objection or appeal under section thirty-two of this Act on any grounds relating to

the exercise by the Commissioner of the discretion conferred on him by paragraph (d) of subsection (3) of this section but a person who is dissatisfied with a decision made by the Commissioner in the exercise of that discretion may, within forty-two days of the date of the assessment or within such longer period as the Treasurer may allow, post to or lodge with the Treasurer an appeal in writing stating fully and in detail the grounds on which he relies.

(3b) The Treasurer shall, with all reasonable despatch, consider the appeal and may either disallow it or, for reasonable cause shown by the person making the appeal, allow it.

(3c) The Treasurer shall give to the person making the appeal written notice of his decision on the appeal and that decision shall be final.

The Hon. N. E. BAXTER: Mr Chairman, I am not very happy about the procedure being adopted. Members of the Committee do not have copies of the amendments, which appear longer than the Bill itself. It is quite unfair of the Minister to move such lengthy amendments when members do not have copies. I object strongly to this practice.

The Hon. G. C. MacKinnon: I sent about five copies around. If the honourable member had called for a copy, I would have arranged for him to receive one.

The Hon. N. E. BAXTER: If every member was to have a copy, it would have required more than five copies to be distributed. I will not support this kind of legislation.

New clause 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. G. C. MacKinnon (Leader of the House), and returned to the Assembly with amendments.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. R. HETHERINGTON (East Metropolitan) [8.46 p.m.]: This is a sorry Bill. It is a piece of doctrinaire grandstanding which, in order to make some kind of political gesture, at the same time indulges in undesirable and unwarranted interference in the autonomy of our tertiary institutions in this State.

I want to deal with my opposition to the Bill under two headings. One is the principle of interference with the autonomy of the university and the other tertiary institutions and one is on the ground of the practical lack of necessity for this measure. In order to do so I will deal primarily with the oldest of these four institutions which is the University of Western Australia because what applies to that largely applies to the other institutions. However, I will say more about some of the things concerning the other institutions later.

Firstly I would like to make some reference to some of the comments made by supporters of the Bill. I am not saying they were people in this House; I am speaking of supporters of the Bill in the community. They made a song and dance because students were forced to pay compulsory guild fees. Some who said this were members of the Liberal Government; that is, the Liberal Government that was last in office before the Whitlam Government. They were quite prepared to support payments of university fees which cost some people hundreds of dollars a year.

Suddenly we found that some students were paying $70 a year because this was a compulsory guild fee. When it was looked into it was found most of the compulsory guild fees, the vast quantity of it, was in fact services and amenity fees which would have to be paid whether guilds existed or not. Tertiary institutions faced the fact that this services and amenity fee, which would still have to be levied, would have to be administered by the universities and it would have to be increased because the institutions would require paid staff to do the job that staff and guild members were then doing.

So it caused a great deal of trouble and worry quite unnecessarily in order to stop the noise made by some few students on the radical right who wanted to accuse universities and guilds of being some sort of dens of left-wing iniquity. Of course, this is nonsense.

Before I get on to that aspect I want to talk about the question of autonomy of the university because it is an important principle. We have taken the first step to breech this principle and if we are not careful it will be a step in the direction where every time a Government does not like

something that is going on in the universities it will introduce legislation to correct the matter.

The Hon. G. E. Masters: You are missing the point.

The Hon. R. HETHERINGTON: No I am not. I suggest to the honourable member opposite that he is missing the whole point of what I am worrying about and he ought to consider the whole problem of university autonomy; the autonomy of tertiary institutions. Once we start interfering with the autonomy of tertiary institutions it is a good idea to draw back because if we go too far we might find we are making quite improper interferences with their autonomy and this could be bad for scholarship and freedom in this country. The honourable member opposite may smile and no doubt many people in Germany smiled when the Nazis came into power.

The Hon. G. E. Masters: I was enjoying your speech.

The Hon. D. J. Wordsworth: I was not smiling.

The Hon. R. HETHERINGTON: I point out to the Minister that he is not—

The Hon. D. J. Wordsworth: Which Minister?

The Hon. R. HETHERINGTON: The Hon. D. J. Wordsworth.

The Hon. D. J. Wordsworth: I was not smiling at you at all.

The Hon. R. HETHERINGTON: I do not have a written speech.

The Hon. D. J. Wordsworth: Why accuse us of smiling?

The Hon. R. HETHERINGTON: I was trying to point out to Mr Wordsworth that he is not the only member opposite; he was not smiling and I did not refer to him. I was looking over his left shoulder. The Minister should not be so touchy and in future if I want to accuse him of smiling I will refer to him by name, and if I refer to honourable members in general he will know I am not referring to him.

I take this Bill very seriously. The University Act has set up the universities as autonomous institutions and it states there will be a Guild of Undergraduates. I think it is important that we remember that it is a Guild of Undergraduates because I want to refer to it later and I will be referring to it when I move amendments in the Committee stage. It is a Guild of Undergraduates with two things in common. It encompasses human beings who are at tertiary institutions to be educated. Therefore their primary interest is likely to be that of education.

One of the interesting side issues of this nonsensical Bill is that the guilds are not allowed to take an interest in education. They can take an interest in cultural and sporting affairs but educational affairs are not part of their brief.

The University Act established the universities and a Guild of Undergraduates and gave the university, as an autonomous body under its own senate, the right to govern itself under its own statutes. This is an important right that has to be guarded jealously.

I want the Hon. Gordon Masters to take note that quite often Governments with the best intentions in the world do foolish things in an attempt to achieve better administrative efficiency or to improve tertiary education. I point out that I am not accusing this Government of having good intentions. However, this was done some years ago when the Tertiary Education Commission was set up.

At that time the Bill, which was fortunately amended, gave the commission the right to decide on salaries and courses in universities. In other words, it would have taken away from the universities their *raison d'etre* and their autonomy. This caused a great deal of worry at the university and with the university's staff association and the administration. I know, because I was a member of the staff association at the time and we made very urgent representations to the then Under-Treasurer who was on the senate and through him to the then Premier, Sir David Brand. I give the then Premier full credit because, when it was pointed out what the Bill was about to do, an amendment was brought in which deleted the obnoxious clause in the Bill.

It was not intentional but had this Bill become an Act that clause would have taken away the university's autonomy and it is most important that universities remain autonomous; they should be able to bite the hand that feeds them because this is the mark of a free society. We should have autonomous tertiary institutions whose members in their teaching and research are able to criticise the Governments that pay them. When I say Governments that pay them of course I mean they are paid through the taxpayers' money that all of us contribute. Once it is decided that Governments will decide what subjects universities should teach or how they should teach, and once Governments decide people in universities are teaching the kind of things Governments think are improper, we are moving towards an authoritarian society.

This can be done in a whole range of things. It was done in the Soviet Union under Stalin as far as genetics was concerned. Stalin dictated the

only kind of genetics that could be taught in universities in the Soviet Union. In Hitler's Germany there was a whole range of doctrines which were the only ones allowed to be taught at universities.

In our universities we cherish the freedom we have and I sometimes think universities do not use sufficiently the freedom to be outspoken and critical; to criticise the people who put us there and pay us. I was a bit anachronistic for a moment but I am still being paid by the same taxpayers. Our universities are able to follow their own research because it has been decided by people in the field that this is desirable research.

I remember the very real distress of a Minister in a Government of one State—I will not specify the Government because it is not important, but it is an interesting example—who had to find extra money to match grants from the Universities Grants Commission and he looked at the whole range of research and saw that some of the research was on eleventh century medieval canon law. He said to me very bitterly that in order to finance research of medieval canon law he had to take money from a whole range of socially useful objectives. I understand how he felt because he regarded these things as terribly important. If he had been given the right to decide whether this area or that was to be chosen he would have gone against the research in the university and he would have gone for what seemed to him to be a more practically useful area. However, he was not allowed to decide and he faced the fact that there were other bodies that decided and it was up to the particular State Government at the time of matching grants to match the grants.

It is probably just as well that this is the way things happen in this community. I do not know whether the study of medieval canon law will be socially useful. I know the gentleman studying it and he found it very exciting. I do not understand why but it was his joy in life.

The Hon. D. J. Wordsworth: Isn't this legislation about students?

The Hon. R. HETHERINGTON: I am trying to set it in a context of broader principles. I am trying to point out that in this instance in this Act the University of Western Australia and the other tertiary bodies under Statute had passed Statutes in which they decided that their university and student guild should be run in a certain way which seemed in their wisdom to be the best way to run those guilds, but the Government has decided now this is not the best way.

If it can be done with the way students run guilds and the Government can decide what students will or will not be interested in; if the Government can decide what students may or may not jump up and down about or spend their money on, the Government might take the next step and decide what teachers at the university will teach and what students in the university will study; and then the next step might be to decide how they will study and what the received truths will be.

The Hon. G. E. Masters: That is ridiculous.

The Hon. R. HETHERINGTON: It is not.

The Hon. G. E. Masters: Of course it is.

The Hon. R. HETHERINGTON: I suggest to the honourable member that if he thinks it is ridiculous he should study some of the history of Germany.

The Hon. G. E. Masters: I can get it all from you.

The Hon. R. HETHERINGTON: If the honourable member wants me to spend several hours telling him some things which have occurred I will do so, but I do not particularly want to. There have been many instances in Europe and in the United States where people, because they know what is good for other people, want to interfere with autonomous bodies and destroy firstly scholarship, and secondly freedom. Once that is done those responsible are treading on dangerous ground.

If the honourable member is suggesting that I think this is his intention, that is nonsense. I do not believe that is his intention at all. I do not believe it is the Government's intention. I am just saying that, in order to do this thing—and I cannot see any real reason for it except to make some kind of gesture—the Government is taking a potentially dangerous tiny step on the road to interference with the freedom of free inquiry and scholarship. I will not pursue that further, but I think it is a most important principle. It worried me considerably when I first heard about it, and I was then still a university teacher. As a university teacher I was appalled that a Government would decide to step in, for its own purposes, and introduce the legislation.

I would point out that the legislation was not wanted by anyone except a small minority fringe. It was not wanted by any university or tertiary institution in the country. It was not wanted by any university or tertiary institution administration. It was not wanted by any student guild, and it was not wanted by the majority of students. There was a great consensus of opinion among students—right, left, and centre—on the Bill and it certainly cannot be said that those who

opposed it were necessarily radical left-wingers. If that were said it would be nonsense.

The Hon. O. N. B. Oliver: Why would the right attack the left as you have been reported as saying in the Press?

The Hon. R. HETHERINGTON: What was I reported as saying in the Press?

The Hon. O. N. B. Oliver: The report was on page 24 of *The Bulletin* of the 18th June.

The Hon. R. HETHERINGTON: Does it mention me, or the right attacking the left?

Several members interjected.

The DEPUTY PRESIDENT: I think the honourable member would do well to address the Chair.

The Hon. R. HETHERINGTON: I must have a look at the article because I have not seen it. However, so far, nothing that has been reported in *The Bulletin* as having been said by me has been accurate. I remember a most scurrilous article in *The Bulletin* about the politics department. At the time I was in the department and it said we were conducting a campaign of terror because several members of the department had signed a public protest against right-wing students. One student, who later recanted I am glad to say, actually accused one member of the department of being prejudiced against him, but he chose quite the wrong person and later retracted what he said because he realised he had been foolish. However this kind of emotionalism can double up, and *The Bulletin* is always the first to exploit it.

The publication itself, and those who write for it, including Mr Peter Solomon and Hal Colebatch, and certainly people on campuses in Western Australia are guilty in this respect. If ever there is any plot around the place it is these people who are together trying to accuse universities of being part of the "left establishment" which is the coined term. They accuse all sorts of people of politicising at the university. However, those people who make the accusations are, in fact, accusing other people of doing the very thing they themselves are doing.

I had people accuse me of doing this when I was at the university, when I was not doing it, but they were. Therefore I do not accept anything *The Bulletin* says. It publishes things which suit it; it publishes propaganda, but very rarely facts. It is interesting to read it, but it is very suspect.

The DEPUTY PRESIDENT: I suggest to the honourable member that *The Bulletin* is not mentioned in the Bill.

The Hon. R. HETHERINGTON: That is a point well taken, and I will return to the Bill.

What the Bill does is to decide for the tertiary institutions how their guild will be conducted. It does this very peculiar thing because in the interests of voluntaryism, I think the word is, it says that in future the students--I will refer to the University of Western Australia because this is the institution I know—of the university no longer have to belong to the guild or pay the fee to the guild. Of course, students of the University of WA never have had to belong to the guild. They could opt out, so in fact that is what is happening. It is quite a normal thing.

The Hon. D. J. Wordsworth: How could they opt out?

The Hon. R. HETHERINGTON: An opt-out clause was written in. They could opt out on conscientious grounds.

The Hon. D. J. Wordsworth: Who wrote that into the constitution?

The Hon. R. HETHERINGTON: The university senate which was the body which made the statute.

The Hon. D. J. Wordsworth: It must have appreciated the need.

The Hon. R. HETHERINGTON: What I am suggesting is that whilst the senate recognised that most people should belong to the guild, it also realised that some people, for very good reason, would want to opt out; and so it gave them the right.

The Hon. D. J. Wordsworth: Only one has opted out.

The Hon. G. C. MacKinnon: It was not a right. It was "may".

The Hon. D. J. Wordsworth: The senate saw the need, but only one was able to actually do it. One student actually opted out.

The Hon. R. HETHERINGTON: Does the Minister say that only one actually opted out or only one was able to opt out? How many tried? I think the Minister should be careful because there is a difference between saying only one opted out and only one was able to opt out.

The Hon. D. J. Wordsworth: It was very difficult to actually do it.

The Hon. Grace Vaughan: It was very simple.

The Hon. R. HETHERINGTON: I will allow a member of the university senate to take up that point later because I am sure she will do it better than I.

The Hon. A. A. Lewis: That would not be hard.

The Hon. R. HETHERINGTON: The Hon. Sandy Lewis is starting that sort of thing again, is he?

The Hon. A. A. Lewis: No I am not. With the drivel you are talking, it would not be hard for anyone to do better.

The DEPUTY PRESIDENT: Order! I would like to hear the Hon. R. Hetherington.

The Hon. R. HETHERINGTON: I am becoming a little tired, every time I speak, of hearing Mr Lewis tell me I am talking drivel.

The Hon. A. A. Lewis: I am stating a fact.

The Hon. R. HETHERINGTON: If that is what the honourable member believes, he is entitled to his belief.

The Hon. A. A. Lewis: I suppose now we will have an hour's lecture on the fact that I am.

The DEPUTY PRESIDENT: Order! I will appreciate it if the honourable member will refer to the Bill.

The Hon. R. HETHERINGTON: The University of WA Guild of Undergraduates has been established for a long time and has worked very well. I must say that when I first arrived at the University of Western Australia I thought it was a conservative institution and I wondered if in fact this was in the best interests of the university. This was because of my innate conservatism, and because the university here was not like the university at Adelaide where there was a student union which looked after services and amenities, and which had representatives including students, and a student representative council which did not have the responsibility and acted more like a student trade union, if I may put it that way. It became a bit confusing.

One of the aspects which I consider is interesting with regard to the WA University guild and the WA students is that at a time in this country when throughout campuses in Australia the new left group was in evidence, there was a great deal of radical student movement. I do not know whether we should say this is a reason to get rid of the guild. However, the WA students remained calmer and less radical than did students in the Eastern States. They made their protests, but did not have the sit-ins, the disruptions, or the whole range of things which occurred at other universities.

As a member of the teaching staff I was certainly grateful for this. It was not that we did not have students who were violently disagreeing with us, with the university, and with our attitudes and our society; it was not that we did not have arguments and debates; it was not that students would not challenge people in the department of politics about their views and call people like me members of the bourgeoisie. People on all sides are called names.

As I have said before, people view others in different lights. It is not I who change, but people's views of me change. We have all these things, but we do not have the organised disruption. As a matter of fact, ironically enough the first sit-in we had was against the student guild and it was overcome reasonably amicably.

It seems to me that if the idea of the Government is to keep a fairly sane and balanced student body in the tertiary institutions of Western Australia it should have left things well alone because the guilds in our tertiary institutions were serving us well. They were putting students into the guilds; they were electing students to administer the guilds; and they were teaching students to be responsible.

If there is any criticism to be made of them—and it is made by some people—it is that they are helping to get students integrated into the capitalist system and making them part of the establishment. People have offered this criticism. I would not think that was the kind of criticism made by the Minister for Transport and those members behind him.

The Hon. D. J. Wordsworth: I am surprised you should take such pleasure in doing it.

The Hon. R. HETHERINGTON: So it seems to me pragmatically that the student guilds were acting and behaving well. I have known in Western Australia a whole series of guild presidents and only one of them I have regarded as not being a very good president; I will not mention his name. They were people from all shades of the political spectrum, from Sue Boyd to Kim Beazley, Junior.

The Hon. D. J. Wordsworth: Would he be your great union leader?

The Hon. R. HETHERINGTON: I do not go back that far. I am talking about my former students. Most of them seem to do politics IO on the way before they go on to something else.

The Hon. A. A. Lewis: Something practical. We have seen you trying to replace your leader in the last couple of days so well that it does not matter.

The Hon. R. HETHERINGTON: That is a very foolish interjection. I could not hope to replace my leader. I would have thought we complemented each other and I have no desire to replace him because I think of him with the greatest respect and friendship. I resent that statement. Never mind; I had better get back to the Bill.

It therefore seems to me the Bill does nothing useful and it does this odd thing. The Minister

was committed, by a remark during the campaign, to do something about student guilds, and when he came to do something about them he found these not very radical administrative bodies of tertiary institutions were most unhappy about it.

The Hon. D. J. Wordsworth: Which Minister made the odd remark?

The Hon. R. HETHERINGTON: The Premier made the odd remark during his campaign.

The Hon. D. J. Wordsworth: You said the Minister made it.

The Hon. R. HETHERINGTON: I said the Minister had to produce the Bill because of an odd remark made by the Premier. Members opposite can say that the Premier either put this in his policy or he did not. If he did, it is the only justification for it; if he did not, I do not know why we have the Bill. But it was mentioned in the election campaign.

The Hon. R. G. Pike: It is in the policy speech.

The Hon. A. A. Lewis: Does that make it odd?

The Hon. R. F. Claughton: I would think so. It was a very odd policy.

The Hon. R. HETHERINGTON: That part of it was odd. So the Minister found himself in the position that he had to do something about the guilds; and he found there was quite solid and consistent opposition—it was not very loud opposition, but muted and gentlemanly opposition—from everybody connected with universities. He found it was not possible just to abolish the fee, and he also found that in the University of Western Australia, if he took away the services and amenities the guild supplied and handed them over to the university, it would have to provide extra administrators with salaries which would make it necessary to increase the fee. In fact, some calculations were made about how much the fees would have to be increased. The estimates varied but there was a general consensus that unless the guilds continued to administer the services and amenities which it had been administering for a long time in a reasonably efficient manner, it would be necessary to raise the compulsory fees which people had said the students should not be paying.

So we have the Bill brought forward as an odd and messy compromise, where a compulsory amenities and services fee is still charged and the university is then to allow the guild to administer the fee. Let us assume 50 per cent of students join the guild. If only 10 per cent of the students joined the guild, who would elect the guild? If 50 per cent joined the guild, 50 per cent of the students would elect the guild. We have in the Bill a provision that all students may vote for a body to which they do not belong.

The Hon. D. J. Wordsworth: That is not the reason at all and you know it is not.

The Hon. R. HETHERINGTON: I am saying that has been done. A provision has been written into the Bill that all students will vote for a body to which many of them will not belong. They will all be paying a services and amenities fee which will be administered by the guild, but although they are not prepared to join the guild they will decide who constitutes the guild. This seems to me to be rather unfortunate. It means people who are not prepared to join the guild will vote for the guild, and that does not make a lot a sense to me.

Had the university itself decided to appoint administrative officials to administer the services and amenities fee, would it then be suggested that the students elect those officials? I do not think so. In the days when students paid fees for tuition they did not even have a representative on the senate of the university. They certainly did not then elect the people who administered their funds. But now, for some reason, when they pay a services and amenities fee, although the students who are not prepared to join the guild are prepared to use the serices which the guild provides the labour to administer, it is provided that everybody can have a say in electing the student guild.

I wonder—I do not know and I suppose the Minister will deny it—whether it is reasoned that only radical students will join the guild, and that if all students can vote it will ensure radical students are not elected to the guild. If that is the reason it seems to me that will not happen and the very opposite is likely to happen because there will be resentment on the part of the students. Even with so-called compulsory student elections, when all students were compelled to vote for the guild—and not many did—small groups of radical students—

The Hon. D. J. Wordsworth: What do you mean by "radical"?

The Hon. R. HETHERINGTON: Radicals are people who want to produce some kind of change for better or worse. They think it is for better but we often think it is for worse. They want change. They want to undermine what is. There can be a radical left and a radical right, and for the purpose of this debate I am using "radical" in that sense. There can be radical students on either side who compete to try to seize control of guilds, and if this happens they can sweep through with a

ticket because they can organise better than the others can, and we will be worse off.

One of the things about students is they are reasonably well balanced. If they are not well balanced in one year they usually adjust themselves in another year. In other words, in the usual processes of election and representation in our tertiary institutions, students usually manage to adjust themselves from year to year. I was told—and I will have to find out more about this—that at WAIT the left wing, whoever that means, has been swept aside and there is now a right-wing guild. But this is not how everybody else sees it. It is true the president of the guild at WAIT is now a Liberal; that is, he votes Liberal. I do not know whether he is a member of the Liberal Party.

The Hon. D. J. Wordsworth: You certainly know how everyone votes down there.

The Hon. R. HETHERINGTON: I have been told about this by a member of the Labor Party at WAIT who said, "He is all right; he votes Liberal but he is quite sensible." There was no feeling on the part of this particular Labor Party student—who I suppose organised against him—that some demon had seized control or that there had been a great victory on one side or the other. He seemed to think a moderately well-balanced guild had been elected at WAIT; he would like it otherwise, but he was happy enough with it and was prepared to work with it. No doubt he will try to change its composition next time, which is what we try to do with our elections to this Parliament—at least as far as the other House is concerned. In this place we do not often succeed.

This is an undesirable provision. The Government is imposing from without provisions which none of the tertiary institutions want. Let me repeat that again and again. The University of Western Australia Senate complained about it. It might have had to accept the *fait accompli* but it did not want this legislation and would still like changes made to it. It would still at least like to see written into the legislation one amendment, which I will move later in the evening, giving guilds the right to take an interest in educational matters and giving students the right to be actively interested in education. This seems to be something which we should not find too hard to understand. I am very upset when students are not interested in education, and I certainly think we should give a student guild the right to be interested in education, make a noise about education, and criticise the Government's policy on education.

The Hon. G. E. Masters: We are not denying them an interest but they cannot spend funds on it.

The Hon. R. HETHERINGTON: They can spend funds on cultural matters but not on educational matters. It seems to me to be odd that they cannot spend funds on educational matters. Is it feared funds will be spent propagandising against the Government? I have no doubt if we were in government funds would be spent by some student guild in attacking us, and I would be quite happy to let it do that.

The Hon. G. E. Masters: With those funds?

The Hon. R. HETHERINGTON: Yes. I see no reason why a student guild which has been properly elected should not use its funds to say that the educational policy of a Government to which I belong is wrong. It seems to me to be just ordinary democracy and one of the principles we should accept if we believe in liberal democracy, which I do believe in. "Liberalism" is a technical term. Liberalism has produced both the Liberal Party and the Labor Party. We are both descendants of liberalism; one party is a party of liberal conservativism and the other of liberal socialism. They are based on the liberal principles of individual freedom.

The Hon. G. E. Masters: Are you saying that with tongue in cheek?

The Hon. R. HETHERINGTON: No. That is something I seriously believe. When I am talking about democratic socialism and individual freedom my tongue is never in my cheek because I take it far too seriously. I may be wrong.

I think perhaps I have said all I need to say. My attitude to the Bill is quite clear. I do think that the Government even at this stage should withdraw the Bill. If it does not do that, I think it should at least accept all or some of the amendments I will move in the Committee stage, because this Bill is one that does the Government no credit. I have said before, and I will repeat it yet again that the Bill was not wanted by any governing body of any of the tertiary institutions. I am sure that nobody could say the Senate of the University of Western Australia is a radical body. I have never found it to be so; as a matter of fact, sometines I have been quite bitter in my feelings towards it because it is so conservative.

It is a quiet, conservative body which I suppose is what we expect from university senates; they are there to try to keep the lid on some of the wilder students, if there are any, and to ensure that the interests of the university are protected from the radical right and the radical left outside.

So I sincerely suggest to the Minister for

Transport, representing the Minister for Education, that the Government should reconsider this Bill and if it cannot find it in its heart to withdraw it—and I suppose it will not because I assume it has the numbers—

The Hon. G. E. Masters: Yes, we have.

The Hon. R. HETHERINGTON: The Whip assures me that the Government has the numbers. However, I still ask the Government to give serious consideration to accepting all or some of my amendments. If the Minister accepts at least some of them it would make a bad Bill better, and it would be something for which I would be duly grateful.

THE HON. G. E. MASTERS (West) [9.32 p.m.]: I would like to make a few comments in respect of this Bill. I listened with some interest to the Hon. R. Hetherington, and I would assure him that the smile appeared on my face simply because I have a very good friend who addresses me in exactly the same manner in which Mr Hetherington seems to address me across the floor when he speaks. My friend is also a dedicated socialist, and he lectures me accordingly.

I am not really sure whether Mr Hetherington is in favour of the idea of voluntary membership of student guilds or whether in fact he violently opposes it. However, I would like to speak generally about the Bill rather than go into the historical background of tertiary institutions. I am sure Mr Hetherington has more knowledge of that subject than I have.

One matter to which he referred was freedom. He says he is interested in the rights of individual freedom, and so are members on this side. That is what this Bill is all about.

The Hon. R. Hetherington: I said the rights of the individual also depend on the rights of the institution.

The Hon. G. E. MASTERS: We are talking about voluntary membership of associations, and surely that involves freedom of choice.

I accept the high academic reputation of Mr Hetherington. He has been at the university for a long time and he knows something of what he was speaking about, although he is a little biased; but we expect and accept that. He has been here for eight months and it seems in that time he has given us many lessons. Tonight it seems he was telling the public what is good and what is not good for them. However, the fact that he becomes so intense and lectures us in this fashion has caused me some amusement in the past, and it was for that reason I showed some mirth tonight.

I applaud the Bill because it demonstrates that the Government is intent on following its policy document, which I am sure the honourable member has seen on numerous occasions, and the pages of which are numbered so that it is easy to pick out the various points. On page 29 under the heading of "Student Rights", our policy states that we will make membership of student guilds at tertiary institutions voluntary, and remove compulsion. That was our policy when we went to the people; and the people knew that not only did we want to make student membership voluntary, but also union membership and the membership of many other organisations.

The Hon. Lyla Elliott: Since when did this Legislative Council concede that a Labor Government had a mandate from the people? Many Bills have been introduced by Labor Governments for which they had a mandate, but which were rejected by this place.

The Hon. G. E. MASTERS: I am talking about the mandate this Government received in February of this year—a time I am sure members opposite would wish to forget. The Government has a clear mandate, and if the honourable member would like me to give her the election figures I will be happy to do so.

The Legislative Council candidates of the anti-socialist parties gained 56.11 per cent of the vote, and candidates of socialist parties scored 41.73 per cent.

The Hon. D. K. Dans: What has this to do with the Bill?

The Hon. G. E. MASTERS: I have been asked whether the Government has a mandate to carry out the intention of this Bill, and I am pointing out that it does.

The Hon. D. K. Dans: How are you going to enforce it?

The Hon. G. E. MASTERS: Just give me time. I have pointed out the mandate we have which was given to us in February of this year by the public. However, that is an aside which I introduced because obviously the Hon. Lyla Elliott was not quite clear in respect of our mandate.

The Hon. G. C. MacKinnon: This is not repressive legislation but free legislation.

The Hon. G. E. MASTERS: Yes. Our policy document was quite explicit in respect of this legislation, and now it has been introduced as was our intention.

The Hon. D. W. Cooley: What is the page number of your policy document?

The Hon. D. K. Dans: Are the pages numbered?

The Hon. A. A. Lewis: Isn't it amazing that neither of you listened to Mr Masters when he said that it is?

The Hon. G. E. MASTERS: I would like to get back to the Bill, because obviously members opposite are getting upset. I believe there should be no compulsion in respect of the membership of student guilds, unions, or other such bodies. I believe in voluntary membership.

The Hon. D. W. Cooley: You don't believe in unions at all.

The Hon. G. E. MASTERS: Do not be silly. Whenever Mr Cooley speaks and whenever he interjects, he is always dealing with unions. Let us get back to some common sense. I am saying that I, personally, and the members of the Liberal and National Country Parties believe in voluntary membership of trade unions and student guilds.

The Hon. D. W. Cooley: You wouldn't think so by the way you are acting.

The Hon. G. E. MASTERS: We gave a clear demonstration of this in our policy statement, and we have now introduced legislation in respect of voluntary membership of student guilds. We introduced legislation in November, 1976, dealing with the voluntary membership of trade unions. When we went to the public our policy was clear and explicit, and we were elected on that platform.

We have the situation today in which students attending university are compelled to join student guilds; and we say they simply should not be compelled to do so but should have the opportunity to join or not to join.

The Hon. D. K. Dans: How will they go if they are marksmen?

The Hon. G. E. MASTERS: That is facetious and it does not do Mr Dans justice. We are talking about the voluntary membership of student guilds.

The previous speaker made an interesting comment. I cannot understand why he should fear the situation because if the majority of students do not want the measure and actually oppose it, then they have the opportunity to join the guild, anyway. They will have the opportunity to show they object to the policy of the Government by joining the student guilds. Therefore, why is Mr Hetherington so worried? According to him he will have all the numbers he needs; but of course he knows that is not true. We are concerned, of course, about the usage of student funds.

The Hon. D. W. Cooley interjected.

The Hon. G. E. MASTERS: I wish Mr Cooley would listen. He will have an opportunity to discuss this later. We have grown accustomed to his telling the public what is good and what is not good for them.

The Hon. Grace Vaughan: You are telling the students what is good for them.

The Hon. G. E. MASTERS: No, I am talking now about the usage of student guild funds.

The Hon. Grace Vaughan: I am talking about the students.

The Hon. G. E. MASTERS: Well, I am talking about the Bill, which is more than Mr Hetherington did.

The Hon. Grace Vaughan: You are standing over them.

The Hon. G. E. MASTERS: We are giving them the opportunity to join or not to join the guilds.

The Grace Vaughan: They have that right already.

The Hon. G. E. MASTERS: That is rubbish, and the Hon. Grace Vaughan knows it.

The Hon. Grace Vaughan: They have the right.

The Hon. G. E. MASTERS: They have not; I can even see that the honourable member has her tongue in her cheek.

The Hon. Grace Vaughan: It is very easy to opt out.

The Hon. G. E. MASTERS: Obviously the funds of student guilds must be watched carefully. We propose that they be used on amenities and facilities and nothing else; and, of course, it is necessary that students make some contribution towards these.

The Hon. Grace Vaughan: You want to cloister them and not allow them to have anything to do with the outside world.

The Hon. G. E. MASTERS: We are concerned that there has been a misuse of funds in certain areas. We know that sometimes expenditure has been made on dubious left-wing groups. We have read all about the PLO.

The Hon. Grace Vaughan: That is a very serious allegation.

The Hon. G. E. MASTERS: As far as many of the students are concerned, they are not very happy with the use of the funds in certain areas.

The Hon. Grace Vaughan: Tell us which ones. Are they members of your party?

The Hon. G. E. MASTERS: I do not have to name the students. When they have the opportunity to join the guilds on a voluntary basis, the honourable member will find out what is happening, and that is all we are saying. We want

to give them the opportunity to join the guilds if they so desire or not to join them if they do not wish to do so; and really members opposite have no grounds on which to argue against that.

The Hon. Grace Vaughan: You haven't any grounds on which to argue for it.

The Hon. G. E. MASTERS: We know there are many areas of concern. As I understand it the student guilds in Western Australia are members of the Australian Union of Students, and when we look at the administration costs of that body we are astounded at the amount of money spent on administration.

The Hon. Grace Vaughan: Do you know how low they are? They are the fourth lowest in Australia.

The Hon. G. E. MASTERS: Does that give them the right to spend that proportion of money on administration?

The Hon. Grace Vaughan: It is a small percentage of about $2.80 a head.

The Hon. G. E. MASTERS: We are talking about a total expenditure of approximately $300 000, and I am interested to know where those funds go.

Several members interjected.

The Hon. G. E. MASTERS: We are simply stating that if students of the university do not wish to join the guild then they do not have to. That is all we ask.

The Hon. R. Hetherington interjected.

The Hon. G. E. MASTERS: There is not need for Mr Hetherington to get nasty.

The Hon. Grace Vaughan: You are standing over and interfering with them.

The Hon. G. E. MASTERS: I have not been abusive towards Mr Hetherington at any time; in fact I find him very entertaining to listen to. As a matter of fact, when a primary school visited Parliament House the other day I used some of his comments because I thought they were good.

The Hon. R. Hetherington: I am glad I am of some use.

The Hon. G. E. MASTERS: I am simply pointing out that as I am kind to Mr Hetherington, he should be kind to me.

If a student refuses to join the guild at present I understand he is deprived of his rights and privileges.

The Hon. Grace Vaughan: Nonsense.

The Hon. G. E. MASTERS: Is that not so?

The Hon. R. Hetherington: It is not so.

The Hon. G. E. MASTERS: Then perhaps I have been misinformed.

The Hon. Grace Vaughan: You have been.

The Hon. G. E. MASTERS: Then when she speaks the Hon. Grace Vaughan will be able to tell me what happens to a student who refuses to pay guild fees.

The Hon. Grace Vaughan: I will tell you when I stand up, so you can drop that for the moment.

The Hon. G. E. MASTERS: Quite obviously the Hon. Grace Vaughan is an expert, and she will explain this to my satisfaction.

We are suggesting there be a levy, and that the levy be used for certain acceptable things, such as amenities and facilities. That is all we are suggesting.

The Hon. Grace Vaughan: You are suggesting a little more than that.

The Hon. G. E. MASTERS: No we are not. I quote from line 2, page 4 of the Bill as follows—

> . . . moneys derived from these fees to the Guild upon the conditions that those moneys are applied solely for the purposes of the provision of amenities or services for students or the development of cultural, social, sporting or recreational activities . . .

I think that is quite clear and explicit. The intention of the Bill is to make sure that the funds are spent specifically for those purposes and that the spirit and the intention of the Bill are adhered to. Honourable members can hardly object to the Bill because if the guild is able to offer a service and attract the students it will get the membership, and if Mr Hetherington is right and most of them wish to continue as guild members, they will be able to do so. We are simply saying—and this is Liberal policy and my firm belief—that they have the opportunity quite easily to opt out. In other words, it is voluntary membership.

The Hon. R. Hetherington: They have to opt in now. That is what was done with unions.

The Hon. G. E. MASTERS: Let us make the situation quite clear: They have the opportunity to join the guild if they wish. The Bill is exactly in line with our policy. It demonstrates our belief that there should be freedom of choice and the right of the individual. If students are involved in a particular association their funds should be protected to a certain extent and they should have the certain knowledge of where these funds are being spent. This Bill simply points that out and makes it quite clear. Therefore, our intention is quite clear: We wish for voluntary membership of the student guild. I support the Bill.

THE HON. O. N. B. OLIVER (West) [9.47 p.m.]: I should like to comment on the remarks made by Mr Hetherington because he touched on a subject which is close to my heart also; that is, the autonomy of universities and colleges. If any legislation is brought forward in this Parliament that interferes with that autonomy I would support it provided that the bodies act in a responsible way.

The Hon. R. Hetherington: That is a little dangerous because you have to decide what is responsible.

The Hon. O. N. B. OLIVER: One cannot isolate oneself from the community. I have listened to members tonight talking about unions. Unions of what? There are all sorts of unions but Mr Cooley seems to have a copyright on unions.

The Hon. R. Hetherington: He was talking about trade unions.

The Hon. O. N. B. OLIVER: I presume he was talking about trade unions. One of the reasons I became disenchanted with unions was that one year I had to pay a compulsory annual fee to two unions in the same industry. I became fed up with having to pay two compulsory annual subscriptions to two unions.

The Hon. Lyla Elliott: Which unions were they?

The Hon. O. N. B. OLIVER: One was the Australian Workers' Union and the other was the Wool and Basil Workers Union. Both handle the same commodity but one operates in one part of the industry and the other operates in another part of the industry; and because of the seasonal nature of the industry I had to belong also to the AWU. Incidentally, I could not pay a fee for three months or six months; it had to be an annual fee. When I reverted to the other seasonal part of the industry I had to pay a fee to the Wool and Basil Workers Union as well. So members can understand why I became disenchanted.

I come back to autonomy. This is something we should fight for and jealously guard, and from the way Mr Hetherington spoke I hope he feels about it in the same way I do. But it must be within the confines of responsibility. We all know that the academia is probably the most protected industry in Australia. Some people say it is the most overpaid. I understand that from gardeners right through to the chancellor the average salary is $20 000 a year. I believe in sabbatical leave. I have many close friends who are serving in various universities throughout the Commonwealth at the moment and some of them are on academic leave in Africa and the United States. The point I am coming to is that one needs to be responsible or one will have what the Hon. R. Hetherington often tells us about, and that is the need for change and we must be prepared for change. We will be prepared to change if people do not behave in a responsible way.

Recently the Australian National University issued a questionnaire to the staff because it found it had a large surplus of money—I am not sure of the amount—but it did not know how to spend it. So the staff were asked how they thought the money should be spent. When this was announced in Adelaide the Press did not believe it. I hope the Press will continue to report our Parliament and to cover both sides of the arguments. The Press could not believe this questionnaire because the priorities in it were an Alpine village ski resort, a nudist colony, a self-help garage, a health farm, and another very nice place which I have visited, a fishing village at Jindabyne where there are excellent trout. The final priority was the possibility of the money going to charity.

If this sort of situation prevails change will occur and the autonomy which I hold dear will also suffer. It is said that this sort of situation is brought about by government. Before I was selected to stand for the electorate which I now represent I was approached by at least 20 or 30 students because I was on a board of a college; and not one of those students believes this legislation is wrong. I have received hundreds of telephone calls and letters from people saying that this is the right thing to do.

The Hon. R. Hetherington: I have the opposite experience so it is quite interesting.

The Hon. O. N. B. OLIVER: I shall invite these people to the House so that they may meet the Hon. R. Hetherington because from what I can understand they are not from any particular political persuasion. I do not delve into their privacy in this matter, but they are genuine and honest students.

The Hon. Grace Vaughan: If I invited the ones who are against the legislation we would have to go to King's Park because they will not fit in here.

The Hon. O. N. B. OLIVER: We have heard of an example of a practise sit-in at the Guild of Undergraduates. Members would know what will happen if we start bringing these two factions together. What I take exception to and what prompted these people to telephone me was that they found that unless they paid student fees, examination papers would not be marked and they could not graduate.

The Hon. Grace Vaughan: What utter nonsense!

The Hon. O. N. B. OLIVER: I made a note to take up this matter and I was informed by a departmental head that it was correct. Then this policy was announced by the Liberal Party about last November and the academic staff said, "There is about to be a change", because they thought the coalition Government would remain in power on the 19th February this year. So there was a change.

The Hon. Grace Vaughan: That is an absolute fabrication.

The Hon. O. N. B. OLIVER: So they waived this right. If anybody doubts me I would be delighted to bring these people to this House.

The Hon. Grace Vaughan: Absolute nonsense. I bet you are not game to say that outside the House.

The Hon. O. N. B. OLIVER: I shall say that outside the House and name the person too.

The Hon. Grace Vaughan: You should.

The Hon. O. N. B. OLIVER: Can we come back to the relevance of this debate?

The Hon. Grace Vaughan: That would be a good idea.

The Hon. O. N. B. OLIVER: Last night there was an incident in this Chamber and we saw this sort of thing.

The Hon. W. R. Withers: Is that the *Tribune*?

The Hon. O. N. B. OLIVER: It is called the *Tribune;* it was thrown from the public gallery onto the floor of the House.

The DEPUTY PRESIDENT: I should like the honourable member to relate his comments to the Bill.

The Hon. O. N. B. OLIVER: Yes, thank you. I shall deal with the specific aspects of the Bill and spell out where the changes are so that the Opposition is not confused as it has been on previous occasions, particularly last night. Let us deal with the facts and let us not deal with irrelevancies. In his second reading speech the Minister said—

> . . . no academic benefit, right or privilege, would be denied to, or withheld from, any student who chose not to become a member of a student body.

The second point deals with voluntary membership. The legislation provides that—

> . . . all enrolled students will be required to pay a fee for the provision and maintenance of student recreational facilities and amenities . . . .
>
> The third point is—enrolled students will be entitled to vote for the president of the student body and members of the student council, but will be unable to participate in the activities of the student body without subscribing the additional funds required for membership of the student body.

The final point is—

> . . . student bodies should be organised for, and administered by, students; not by members of the academic staff or people outside any particular institution.

I spelt out those matters because I understand people are confused. I read in the newspaper that the new President of the University of Western Australia Student Guild was uncertain about them. I hope that they are clear now and that the Opposition will understand them when dealing with this legislation. One of the principal factors which brought about this legislation is the relationship of the student guilds to the Australian Union of Students which another member referred to as costing $2.80 per year for each student.

A group of these people has been acting in an irresponsible manner and so we see the form of controls or the autonomy being affected. I would like to quote from page 4 of the *Nation Review* of the 25th August. It reads as follows—

> AUS: the reason why. People and institutions must be judged not only by what they do, but also by what they are prepared to put up with. Connivance is a species of moral and political complicity. This is the context in which the significance of the Australian Union of Students must be assessed.

The article then continues about a Melbourne student called Michael Danby, who together with a few others decided to question the administration and control of the Australian Union of Students, might I say at considerable risk. The article continues—

> Michael Danby took both the lead and the main blows, physical and political. Throughout the year Danby was singled out and subjected to a remorseless campaign aimed at his destruction in which bashing alternated with character assassination and which all communist factions, not only or even predominantly the maoists, participated. They were merely the most clumsily visible ones.

As a result, this situation was brought to light and it is now commonly known throughout the members. I will be listening to the speakers who follow me. It continues—

(1) The AUS is directed exclusively by a set of feuding communist outfits, it has close affinities with terrorist operations, and it contains a proportion of personally disturbed and potentially dangerous individuals.

(2) The processes through which the juntas keep themselves in power include outright and gross electoral frauds, crude physical terror and personal blackmail, including coercion and blackmail of alleged sexual deviants.

(3) Whenever and wherever students get a fighting chance they vote overwhelmingly against the present structure of the AUS.

May I say also that the disaster of the AUS travel followed this. If members like to look to government and, in particular at State Governments, they will find the situation is as set out in this article. It continues—

> As for the state governments, the ALP ones cannot act without triggering off destructive internal brawls with communist colonists and their associates inside the ALP.

The article concludes—

> Academic leftists are neither more nor less honest than the rest of us. They are however more political, more systematic and consistent on public issue and, in a sense, more "principled" and selfless.
>
> They hang together and look after their wounded ("solidarity"), and they are groping persistently and remorselessly for levers of political and ideological power and influence, rather than for the bill.
>
> The left has, by and large, the brighter, the bolder and the more dedicated people in universities, people skilled in the ways of power and ideological influence, rather than in the art of material acquisition and this is why they are winning. It is as simple as that.

The reason I mention these factors is that over a period of some 20 years I have examined and been involved in these strategies; and by strategies I mean the strategies of dominance by communism.

Firstly, I was trained in it, and then, secondly, I saw communism physically in action. I saw assassinations and terrorism and everything one could possibly see. I saw communism operate from the passive phase to the active phase, then to the counter-offensive phase when sometimes we picked up a few fellows and said, "Where are you going to?" and they said, "To a political rally." They did not know it, but in fact they were facing a military division. I am used to this type of situation and I understand this method of aggression. It is nothing new to me. It is a subject I have not only studied, but I have seen in practice; and what I have practised I have seen.

The Hon. Lyla Elliott: Are you a member of the Communist Party?

The Hon. O. N. B. OLIVER: No. If I used my passport I would not be allowed behind the iron curtain and if I did go behind the iron curtain I would not be allowed to come out again. What I am referring to now is the situation which prevails in the AUS which has brought about this change. If this situation continues we will need stronger legislation.

In conclusion, I come back to the point that if anybody wishes to retain membership or increase the membership of the AUS by offering improved facilities, its membership will prosper. The student bodies to which I have referred are accepting this challenge and believe they will be successful in holding students on a voluntary basis. I support the Bill.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [10.07 p.m.]: We have heard the most extraordinary statements made tonight by the honourable member who has just resumed his seat. I thought we had got over the business of the communist bogey when a communist was seen under every rose bush.

The Hon. G. C. MacKinnon: No; it is getting worse. Even the moderate unions are being taken over. They are even getting into Parliament.

The Hon. GRACE VAUGHAN: One wonders whether it is the late night which we had last night which has caused these comments to be made. I could not believe by ears. However, I will endeavour to speak to the Bill, not about communists, fascists, nuts, or weirdos, or anything else.

The Hon. G. E. Masters: You did not do too badly last night; but you had a big gallery then.

The Hon. GRACE VAUGHAN: I will try to talk about the Bill, because it is an iniquitous one; because it sets out to disrupt the law-abiding, normal functioning of a fairly conservative body. The Bill sets out to do this in a way which is full of the sort of nonsense the honourable member who has just resumed his seat has been postulating.

I would like to point out to Mr Gordon Masters who seems to be under some misapprehension about the voluntary nature of membership of the Guild of Undergraduates of the University of Western Australia—a guild about which I can speak with some authority—what the true situation is. I understand clauses are contained in

statutes relating to other tertiary institutions. The honourable member will find in statute No. 20 of the University of Western Australia calendar for 1977, which is the statute pertaining to the Guild of Undergraduates—

The Hon. G. C. MacKinnon: Do you have a copy of it there?

The Hon. GRACE VAUGHAN: Yes, I am reading from it.

The Hon. G. C. MacKinnon: Could you lend it to me afterwards?

The Hon. GRACE VAUGHAN: I will lend it to the honourable member if he promises not to disfigure it.

The Hon. G. C. MacKinnon: I would not dream of it.

The Hon. GRACE VAUGHAN: One has to be careful when one lends these subversive books. They might get burnt, because members opposite might think they obtain something which will threaten the establishment. We must be very careful about that. If we see communists under every rose bush, we might see book-burning fascists on the Government benches.

The Hon. G. E. Masters: Do you still have that little red book?

The Hon. GRACE VAUGHAN: Yes. Does the honourable member want one?

The Hon. G. E. Masters: You are not quoting from it. I am disappointed.

The Hon. GRACE VAUGHAN: I am sure Chairman Mao Tsetung would have something erudite to say on this. He usually manages to cover all statements.

The DEPUTY PRESIDENT: I would like it if the honourable member referred to the Bill.

The Hon. GRACE VAUGHAN: I am referring to the Bill by quoting from University statute No. 20 which concerns the Guild of Undergraduates. No. 5 of that statute says—

> All undergraduate students enrolled for any unit or part unit for a course for a bachelor's degree shall be ordinary members of the guild provided such a student may be exempted by the Vice-Chancellor of all obligations of membership, but not from payment of the guild's subscription on the grounds of conscience or any other grounds approved by the Vice-Chancellor.

This is when the matter of hurting one's pocket arises. If on a matter of principle one does not want to belong to the guild, one may opt out, but one must still pay the guild fees, less the $2.80 that is paid to the AUS. In other words, one pays for the services and amenities and the administrative costs of the guild, but one is not forced to pay to be affiliated with the AUS, because in fact one is not a member of the guild in the real sense. One is not a full member of the guild because one has said one does not want to belong to it and has given the Vice-Chancellor one's reasons and he has allowed one to opt out.

The Hon. G. E. Masters: This legislation will overcome this problem.

The Hon. GRACE VAUGHAN: There is no need for this legislation, because there is no problem. The facility exists already in this book.

The Hon. G. E. Masters: You have suggested they should not have to pay.

The Hon. GRACE VAUGHAN: The students will still have to pay their amenities and services fee.

The Hon. G. E. Masters: But they will not have to pay the guild fee.

The Hon. GRACE VAUGHAN: Certainly not; and they already do not have to pay it, because the $2.80 is subtracted.

The Hon. G. E. Masters: We talked about more than $2.80. You are playing with words.

The Hon. GRACE VAUGHAN: Mr Deputy President, it illustrates how little the Hon. Gordon Masters understands the financial arrangements of the guild and the university.

The Hon. D. W. Cooley: Abysmal ignorance.

The Hon. GRACE VAUGHAN: He shows abysmal ignorance; that is right. This particular guild has been very efficient and has run its business very well. It is a big business. There are 8 000 members of the Guild of Undergraduates of the University of Western Australia. We all must admit the campus of the University of Western Australia is a very beautiful one. It is very well equipped with recreational and sporting facilities. Succeeding senates have acknowledged that the guild is responsible for handling the job in a very effective and efficient manner.

The student services and guild fees paid in Australian universities range as follows: from $136 at ANU to $42 at Murdoch, which is a very new university and caters only for 1 000 students; the next lowest sum is $60 at Deakin; and $66 at James Cook. The fee in Western Australia is $70 which is $66 less than the fee at ANU and $58 less than the fee at Flinders, which is the next highest. The fees then range down the scale. There are very few which are below $100. This university, through its Guild of Undergraduates, has been able to keep those fees down to a very low level. Therefore, it can be seen that the

allegations which have been flying around that the guild is irresponsible and inefficient are not well founded.

One certainly could not call the Senate of the University of Western Australia a radical body; it is fairly conservative. As a matter of fact, I am a bit of a misfit myself because most of the people are very conservative politically. Some of my very good friends are conservative people politically and many of them would be more familiar with the arguments of business houses than they would be with shaking their fists or protesting about interference by the Government in the Guild of Undergraduates. Those people have not been shaking their fists physically, but they have expressed their great regret and annoyance at the interference with the affairs of the university.

In July, this year, the senate having considered a letter to the vice-chancellor from the Minister for Education, resolved that the Minister be informed as follows—

(i) that the long history of the Guild supports strongly the view that there should be a single body to oversee the whole area of student involvement in the life of the University and that this body should always be in a position to represent all undergraduate students of the University;

(ii) that the Senate is strongly opposed to any proposal to introduce legislation which would lead to a division or narrowing of the Guild's present responsibilities and which did not ensure that the Guild remains a truly representative body;

(iii) that in the light of (i) and (ii) above the Senate believes that—

(a) the onus should remain on the student to request exemption from membership and that such exemption should not confer a financial advantage, albeit that exemption should be granted on any reasonable grounds;

(b) the Guild should continue to have the responsibility for the adminstration of the funds collected through compulsory charges;

(c) the scale of charges and the distribution of funds over the Guild's activities should be determined, as at present, by the Senate after consideration of a resolution of the Guild.

It will be seen that the Guild of Undergraduates at the University of WA has not had a free hand on how it spends its money.

The Hon. D. J. Wordsworth: Did the member say they should not be able to opt out on reasonable grounds?

The Hon. GRACE VAUGHAN: They should be able to, but on their own initiative. At present the students are able to opt out of the guild. They are able to pay their fees, less the $2.80 for the AUS. However, the Government has seen fit to interfere in the affairs which were operating very efficiently and thoroughly over the years.

The Hon. D. J. Wordsworth: So, if a student wants to join the guild and not the AUS, he is not able to?

The Hon. GRACE VAUGHAN: It is a very simple matter. By a majority vote, the students decided they wanted to affiliate with some other organisation and pay a capitation fee for each member.

The Hon. D. J. Wordsworth: But the honourable member said that if a student opted out he did not have to pay the $2.80.

The Hon. GRACE VAUGHAN: If a student opts out he does not have to pay the capitation part of the fee. Most people who have belonged to sporting bodies and other organisations understand the situation.

I would also like to quote a colleague of the Government in Senator Carrick, who is the Minister for Education in the Federal Government. Senator Carrick agrees with this decision, and he says that is what ought to happen. In commenting on the decision of the Liberal Party Western Australian State council, in December, 1975, he said—

> The cure must originate basically from the members themselves. It is within the students hands to rectify the matter.

I will quote from a letter sent by the acting vice-chancellor at the university at the time. When this move was first mooted the Minister for Education (Mr P. V. Jones) was having some discussion with the guild, somewhat belatedly. Professor Boyle said—

> It has been suggested to me that perhaps the AUS which has been given much publicity recently may have something to do with the Government's decision. The guild reaffirmed its policy to affiliate with the AUS by a referendum of all students in 1976 and it has always been open to a small group of students to have the question put to the test at any time.

The question can be put to the test at any time by

any 12 out of 8 000 members. I cannot for the life of me understand why the Government has interfered. I cannot understand why people sitting on the other side of the House—for many of whom I have the greatest respect—can tolerate this sort of Government intervention in a community organisation which is operating effectively in a conservative way. The Government is asking for trouble. It is similar to the Electoral Act Amendment Bill to which we were speaking last night. People are being stung deliberately. The Government is standing over the people and telling them that they will do things a certain way, whether it is voting or belonging to student organisations.

There is already a very conservative group of people on this campus. The people in other universities throughout the world are not so mild. I would like to see the people on our university campus a little more active. They are conducting their organisation and running their sporting groups in a quiet way. They belong to the AUS by virtue of the fact that they held a referendum last year and the members decided they would affiliate.

The Hon. M. McAleer: About 15 per cent voted.

The Hon. GRACE VAUGHAN: A very good argument for compulsory voting, which the Labor Party supports.

The Hon. D. J. Wordsworth: Only 61 per cent wanted to join it.

The Hon. GRACE VAUGHAN: It was still a majority decision, and next week 12 members could say they want another referendum.

The Hon. R. Hetherington: When a vote is taken the majority is recognised, no matter how many vote.

The Hon. GRACE VAUGHAN: It is not possible to get a 100 per cent involvement in any organisation. I would like to see it myself. However, people do not become involved in community organisations and perhaps we should do something about it. I always exhort people to take an interest in their organisations. However, students are often struggling to keep up their studies and they do not have time to attend community organisations and become involved. A 50 per cent vote when it is not compulsory, is not bad.

The Hon. M. McAleer: The vote was 15 per cent.

The Hon. GRACE VAUGHAN: Research shows that with regard to student activities it is always dangerous to take the mean. The involvement by students in their own organisations in the western world is said to be 2 per cent.

The Hon. R. Hetherington: When I was elected as a student I was elected by 22 votes.

The Hon. D. J. Wordsworth: I am not surprised!

The Hon. R. Hetherington: But, I was elected.

The Hon. GRACE VAUGHAN: The Hon. Fred McKenzie has reminded me of the involvement of people in local government, a very important area. Compulsory voting is not present and we know how low is the percentage of voters who actually vote, let alone the percentage who are entitled to enrol and who do not. So, let us not sneer at a 15 per cent vote because that is not too bad.

The point I am trying to make is that this legislation is unnecessary. The guild has been held in high esteem during the 65 years of its existence, both by the community and by succeeding university senates.

The members of the guild are upset. They see a possibility, if the present system is disturbed, of an isolated group of radicals joining the guild and becoming the active members. It is possible to have left-wing and right-wing factions continually warring while the majority of students are left out.

It is likely that students who do not take an active part in the guild will take advantage of the opportunity to save the amount of money involved. No-one knows the amount of money involved yet, but certainly services and amenities charges will be somewhere in the vicinity of 80 per cent to 90 per cent of the total fee which will be paid. Certainly, some people will opt out. They might have belonged to the AUS, for a year, and then decide that because they did not take part in any activities they would save some money. However, they are still able to vote, which is fairly rough. They are able to vote for the executive of the organisation without belonging to it. By virtue of being a student at the university, one is made a voting member. It is almost like Alice in Wonderland to be able to vote without being a member. That is an unjust situation. Can members imagine any other situation which is similar? I cannot. It would be similar to being able to walk into a meeting and telling those present that because one is a citizen of the area, one should have a vote on decisions of that meeting.

The Hon. D. J. Wordsworth: One has to pay the service fee.

The Hon. GRACE VAUGHAN: The Minister does not seem to understand the Bill at all. Is the Minister trying to say that the students will not have to pay a service fee? What the Bill is saying is that a student does not have to be a member of the guild. This is what the Hon. Gordon Masters was carrying on about. He said, "We will tell these people they do not have to be members".

The Hon. D. J. Wordsworth: I said in the other organisation you are referring to you don't have to pay the fees. You were giving an example.

The Hon. GRACE VAUGHAN: Of course one does not have to pay the fee, but one does not vote. In this case a student would be paying the fees for services and amenities he is using at the university.

The Hon. D. J. Wordsworth: That is right.

The Hon. GRACE VAUGHAN: However, if one wants to be known as a member of the guild, one would have to pay extra. However, by virtue of the fact that a person is a student at the university, he can go along and vote for the people who will make the decisions about the money paid in by the students who join the guild. What an extraordinary situation. This is the sort of thing the Government is condoning. It is quite obvious that members opposite have not read the Bill but have simply gone along blindly with what was put up by Cabinet. It is quite obvious that some members of the Cabinet do not know of it either because certainly Mr Wordsworth does not know a great deal about it.

It seems to me that Government members are going along with what their leader has decided. He has a snout on the AUS, and a snout on students generally, and so Government members have to go along with him. I find this an extraordinary situation because Senator Carrick, the Federal Minister for Education, tells Government members how foolish they have been. He commented on the decision made in 1975, and he is really saying, "Now I have told them and put them wise, they will not be foolish enough to indulge in this little bit of nastiness to students." However, the Government has gone ahead and introduced this legislation. It is a most reprehensible move, especially as Senator Carrick said—

> Student bodies are an integral part of student life at Australian Universities and provide a wide range of services for their members including food, welfare, social and cultural activities, student and sporting representation.

Usually these guilds are established under the legislation to set up a university because it is necessary to have a guild of students so that the Senate can be seen to represent not only the academic staff, the Government, and the outside community, but also the students, who of course make up the bulk of the population of the university.

I am well aware that already Government members have made up their minds on this, as on other issues. They have been directed about it, and that is the way they will vote.

The Hon. G. E. Masters: It is in our policy.

The Hon. GRACE VAUGHAN: We saw a very weak effort from the two Government members who have spoken so far on this matter. Obviously they have not investigated it but they have simply listened to the propaganda handed out to them by the anti-student element in their party.

The Hon. G. E. Masters: Rubbish!

The Hon. GRACE VAUGHAN: Of course it is not rubbish. If the Hon. Gordon Masters had been here listening to some of the arguments I have been putting forward, he may not speak in such a derogatory manner about a body of people which has conducted—

The Hon. G. E. Masters: I am talking in a derogatory manner about the statements you are making.

The Hon. GRACE VAUGHAN: —a very efficient and effective course of action over 65 years.

It is tragic that the Government is attacking the guild at the University of Western Australia because it is unique. Maybe that is not very important to the Hon. Gordon Masters, but people in Western Australia are very proud of the Guild of Undergraduates and the way it is set up. It is quite unique in the history of Australian universities.

The Hon. R. Hetherington: Western Australians in the east used to go around boasting about it.

The Hon. GRACE VAUGHAN: Some people who went before us in this place, and obviously people who were a great deal wiser and more caring about the way the university was run and the students organised—

The Hon. W. R. Withers: Surely if they feel this way demonstrators would have turned up at the Parliament. Where are they?

The Hon. GRACE VAUGHAN: The framers of the Act in 1911 showed remarkable foresight when they established the Guild of Undergraduates as part of the university.

I have here a copy of a letter sent to the Minister for Education. This letter must surely have impressed him, and quite obviously it did because in his discussions with the various student bodies the Minister for Education saw the reasonableness of what the students were saying. However, it was seen that as soon as he went back to the Cabinet, he was told what he had to do. He would then return to the student bodies with a much harder line. Again when the people started talking to him he would realise the logic of what they were saying. He would then scoot back to Cabinet and then return to the students again with a harder line.

The people negotiating with him could see that he was amenable to their suggestions that there should be no interference with the guild, and although it seemed that some mild amendment to the Act would be satisfactory to the Minister for Education, obviously it would not satisfy the Premier and others in the Cabinet who were determined that this student-bashing would go on.

The Hon. W. R. Withers: Where are the 8 000 students you spoke of who oppose this Bill?

The Hon. R. Hetherington: They were there delivering a petition not many months ago.

The Hon. GRACE VAUGHAN: These are educated people. They publish a newspaper called *The Pelican* and students and others can contribute to that. There was plenty of publicity in that newspaper, in fact, a whole issue was devoted to the guild. There is a picture on the front page of this issue showing the guild building being buried and the caption says, "Government buries guild."

The Hon. W. R. Withers: Surely a few could have been interested.

The Hon. GRACE VAUGHAN: The students have been here; they have demonstrated in front of this building and deputations have attended the Minister.

The Hon. R. Hetherington: On the opening day of Parliament.

The Hon. W. R. Withers: Was this last night?

The Hon. GRACE VAUGHAN: If we had known the honourable member felt this way, we could quite easily have asked the students to leave their study and to come here to demonstrate. They are on study leave at the moment, but this could have been arranged had we known Mr Withers wanted it.

The Hon. D. J. Wordsworth: As you did last night.

The Hon. GRACE VAUGHAN: We could easily have had some sort of demonstration here, but we did not think it was necessary to do that to convince members of our arguments.

The Hon. W. R. Withers: Were there any here last night?

The Hon. GRACE VAUGHAN: We have such good arguments about the way the body has been operating for so long and so effectively. The guild is very much appreciated by the people who understand what it is doing, although it may not be appreciated by the people who are making libellous statements about the guild members, their communist activities, etc. That is absolute nonsense. If members knew, as I do, many of these young people, they would know that they are giving up a great deal of their time to operate the guild. Several guild members are paid. For example, the president takes a year off from his studies and he is paid to run the guild. A few people work in the office and are paid for their work, but most of those involved in administration give their time freely and happily in order that the guild should operate smoothly and that students will receive the benefit of their efficient administration.

The main idea of the guild is to provide recreational, cultural, and sporting activities. That is the principal time-consuming part of its operations.

The Hon. R. Hetherington: Educational activities—funding political clubs of all parties, too, which is educational.

The Hon. GRACE VAUGHAN: There is a great deal that could be said about this measure, but I am afraid I cannot see the Government accepting any of the logic that is being offered. It has made up its mind that it will bash these students. It is a great pity to see something that is operating effectively being destroyed by petty people; small-minded, petty-thinking people. The guild is good and wholesome and it has proved itself over the years.

In this House we are supposed to be keen about tradition and keen about things which have been established and which have been working for a long time. And yet here we are attempting to destroy something that has been of great benefit to many of the people who have gone through tertiary institutions in Western Australia. The same thing applies of course to WAIT and the Murdoch University because to a great extent their student bodies were established along the lines of the Guild of the University of Western Australia.

The Government has well and truly over-reacted to some complaints from a noisy body of young reactionary conservatives who were not

content with what they saw they had. These young people were influenced perhaps by their relatives or their parents' friends. Unfortunately we still have the situation that most of the students who attend the university come from what might be called the upper classes. Certainly these are the children of people who are considered to be advantaged on the socio-economic ladder. The probability of the children of disadvantaged people going to university is very low indeed in this day and age. Figures can be produced to show this. So in the main the students at the university will not grow up to vote for the Labor Party, although some of the cleverer ones will.

The Hon. W. R. Withers: That is a most inaccurate statement.

The Hon. GRACE VAUGHAN: Members opposite will have many of these students in their pockets anyway because they want to perpetuate their advantaged way of life. I am appealing now because I believe it is good for the country to have young people administering an autonomous body where they can make decisions and criticise the establishment.

Let us look at what is contained in the Bill. Section 28 of the parent Act relates to conditions of membership of the guild. It reads—

> Subject to the conditions of membership prescribed by Statute, all undergraduate students of the University shall be members of the Guild.

That takes up just three lines, and yet this Bill will turn that section into two pages. These are just words telling the students what to do. It is Government intervention in a private organisation; Government interference with people's rights.

The Hon. G. E. Masters: Rubbish!

The Hon. GRACE VAUGHAN: This is Government standover tactics in regard to people who are doing a really good job.

The Hon. R. Hetherington: It is not rubbish at all.

The Hon. G. E. Masters: What about free choice?

The Hon. GRACE VAUGHAN: Mr Masters is furious because these guilds have shown they can do an effective job in a complex situation. Government members get very confused with their suspicions about communists hiding behind rose bushes. It is a pity that the Government has seen fit, despite all the objections—

The Hon. G. E. Masters: Well they can all join can't they? We will see how many objections there are.

The Hon. GRACE VAUGHAN: If Mr Masters wants to interject so much, it is a great pity that he did not stay in the Chamber to listen to what I had to say—

The Hon. G. E. Masters: I will read it tomorrow.

The Hon. GRACE VAUGHAN: —about the fact that people are unlikely to be joining because they will be saving money by not doing so.

It is a great pity that we cannot carry on as previously, rather than allowing such pettifogging ideas to come into conflict with what is operating quite successfully.

Of course, I am wasting my time because the Government has already given members in this place their marching orders as to what they must do with this Bill.

The Hon. G. E. Masters: It is our policy.

The Hon. GRACE VAUGHAN: The probability that Mr Gorden Masters is always looking at—namely, crossing the floor and standing beside my chair during a vote—is not likely to happen on this occasion because he has his instructions as to the way he must vote. Therefore, he is overreacting defensively, like his colleagues, saying, "Of course we are justified in doing this" in an attempt to rationalise what essentially is irrational behaviour and an unwarranted intrusion into a very highly respected field.

The Hon. G. E. Masters: Time will tell. They will get the choice now.

The Hon. GRACE VAUGHAN: I doubt whether the guild and associations will be able to be effective bodies in the future. I believe that only those people who are interested in doing a bit of stirring or who genuinely wish to see the bodies running well will join. I cannot emphasise too strongly how I oppose this Bill; certainly the Opposition is implacably opposed to it.

THE HON. M. McALEER (Upper West) [10.46 p.m.]: Mr President, the hour is late and I am sure that if I went on at length I would not contribute very much to the debate. However, I wish to make one or two comments relating to what was said by speakers preceding me.

I very much hope the Hon. Grace Vaughan is wrong in her prognostications of the future of the Guild of Undergraduates of the University of WA as a result of the introduction of this legislation. The guild will still administer the funds at its disposal for student amenities. Certainly, if the body is no longer interested in administering the

funds, or is not responsible for this area, it would be most unacceptable to me, and I am sure, to the majority of students.

The Bill does not relate only to the Guild of Undergraduates; as the Hon. Grace Vaughan briefly mentioned, it relates also to the associations at Murdoch University, the Western Australian Institute of Technology and, to a lesser degree, the teachers training colleges. These lesser associations have not been referred to at all by previous speakers. The fact is that all these institutions vary in their statutes and constitutions.

The main purpose of the Bill, which has been reiterated many times, is to make membership of the student bodies voluntary. It is not the same thing to say that because their charter contains an opt-out clause, that constitutes voluntary membership. We believe, as the Hon. Gordon Masters said, that the bodies should be voluntary. I am not sure whether the guild has an opt-out clause in its charter; however, if I remember rightly, the associations at the teachers' training colleges do not have such a clause; there is simply no choice and the students' academic course is tied to membership of the association. This seems to be a far greater interference with students' rights than simply making membership voluntary.

The Hon. R. Hetherington had a great deal to say about interfering with autonomous institutions. However, I do not regard this legislation as interfering with their autonomy. It will not prevent students who wish to belong to these guilds or associations from jumping up and down—as he put it—over what they wish to. On the other hand, if a student is obliged to belong to such an association and in fact he is not permitted to study without being a member, there is a very serious breach of academic freedom involved. I would have thought that academic freedom would be very much favoured by the Hon. R. Hetherington.

When the guild first heard about the proposed changes, it was greatly concerned because of its extensive financial commitments. Of recent times, the associations at the teachers' colleges, Murdoch University, and, to some extent, WAIT have had money allocated to them by the Government. However, it is very likely that in the past, the guild at the University of WA undertook the responsibility of providing facilities which now are provided at modern institutions by the Government and in doing so it has had to borrow money and assume financial commitments. Therefore, it would have been irresponsible for the Government—in fact, impossible—not to make provision for the payment of moneys to these associations, including the guild.

What is rather strange is the level of amenities. The responsibility for administration of these funds will not be taken away from the guild. The guild has a very large commitment to meet, Murdoch University and WAIT practically nothing, and the teachers' colleges very little indeed. As a result, the other associations need far less funds than the guild.

In conclusion, I simply say that I support the Bill. I do not believe it infringes the rights of students or of the institutions. There is no reason at all that the guild and student bodies should not flourish and take pride in what they are doing.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.54 p.m.]: Last night we had the "Re-elect Ridge" Bill and tonight we have the "Kill the AUS" legislation. Just as the basic purpose of the Electoral Act Amendment Bill was to achieve the Government's will, so this Bill is an attempt by the Government to attack the Australian Union of Students. This situation arose because a small group of malcontents at the university—members or supporters of the Liberal Party—were not able to obtain their will by using the democratic processes available to them at that institution. They prevailed upon the Government to do the job for them, and that is the question with which we are now dealing. It is one of the reasons members on our side oppose this legislation.

We oppose it also because it will damage the efficiency of properly functioning bodies which have not really been a cause of any concern to the community or of anxiety to the administrative bodies of the institutions at which they are established.

I think it should be remembered that the Statutes as they are now written have been approved by the governing bodies of those institutions. It is recognised that these are essentially conservative bodies; certainly, they are not groups which are dominated by the politics of my party. The people who have been on these senates and councils have arrived at the decision that in order for these student bodies to function effectively, it was necessary that a fee should be collected from all students, because all students benefited from the associations.

The reasoning advanced by the Minister, assisted by his back-bench colleagues, in support of this change in the collection of fees seems most odd. We will have a situation where these facilities will be managed by the voluntary

services of members of the guild. They will be unpaid for doing this job.

If it came to a situation where there was a lack of interest on the part of students in becoming members of the guild, the people doing the administrative work would be seen to be put upon by other members of the student body who were not prepared to accept their responsibilities. I believe this would result in a deterioration of the quality of management of the associations; people would be hard pressed to carry out these tasks. Students simply would not put themselves forward to undertake these tasks while other students were loafing on them.

I believe it is natural enough that a student who is not required to pay a fee of, say, $10 will prefer to keep that money for his own use; because he does not have to pay it, he will not pay it. He will realise the facilities will still be there; it will require no effort on his part to continue the operation of the facilities, so why should he pay? That is where the injustice upon the more responsible students will occur as a result of this legislation.

The provision in the existing Statute is there for people to opt out if they wish to do so but they have to go along and give a reason. It should not be sufficient reason for them to say they do not want to pay because they do not want to carry the financial responsibility. But that will be all that is necessary under this piece of legislation.

I do not think the Government has really given any sufficient reason in any statement so far that students should be encouraged to dodge their responsibilities, yet that is what the Government is doing. The Government is encouraging people not to accept responsibility yet these are the people we look to to be leaders in the community and who should be prepared to accept responsibility. However, this is par for the course for members of the Liberal Party who do not wish to accept responsibility for the wider concerns of the community.

In his public statements the Minister for Education has accused people of being misleading and creating confusion. In a letter to the editor of *The West Australian* the Minister said, in part—

> The letter from Sandra Roe, editor of the Pelican, University of WA (July 27), is a further example of the misleading information relating to the Government's proposal on membership of student organisations at tertiary institutions, which is being spread by some of those associated either with the guild of undergraduates or the university.

It is the Minister rather than anyone else who is being misleading. It is he who is creating confusion among the public and students.

I would like to give some examples of this. In his letter to the editor the Minister said the *Pelican* was giving a confused and misleading view. He went on to say—

> It is completely fallacious for Miss Roe and others to suggest that the Government proposes to take the control of student guilds away from students; indeed, I have publicly indicated and written that student guilds should be organised for, and administered by, students.

Further on he said—

> The basis of the Government's proposals is that membership of student guilds at tertiary institutions should be voluntary and that any student who chooses not to enrol in a student guild should not be penalised for not joining, and should not suffer loss of student status because of such a decision.

Of course, we have seen that the statutes already provide for voluntary membership. As to taking away control of the student body, the Government's proposal is that all students whether members or not are entitled to vote. Instead of those who are actually members of the guild electing their own leadership it is left to a wider group who may in fact have no interest in the guild. Very clearly it could happen that the control of the guild could be taken away from members of that body. If only the members of the guild were permitted to vote they might select someone quite different. In the same letter the Minister said—

> Similarly I have made it quite clear that the university administration will not be entitled to retain student funds subscribed for student purposes.

If one reads the legislation one would find that is not the case at all. I do not imagine the senate would not convey the funds to the guild, but if we look at the Bill we see under clause 7(d) (7) that notwithstanding subsection (6) of section 20 the senate may transmit the whole or part of moneys referred to it. I repeat that the senate may transmit the whole or part of the moneys. They do not have to.

The Minister is being misleading in saying that the administration would not be entitled to retain student funds because the Bill says it may. That is the story of this legislation all the way through. In a statement reported in the *Daily News* of the 3rd August, the Minister is reported as saying—

> Student groups will still be free to give donations to outside bodies and organisations.

Anyone reading that would take it at face value that these student organisations will still be free to make gifts to outside bodies, but if we read this Bill we see they cannot.

Further down in the Minister's statement we find that he is really twisting the situation and saying something completely to the contrary. The statement continues—

> Mr Jones says contributions to outside bodies should "be as a result of a personal commitment of the student involved."

That is very different from the bodies and organisations making donations. If it is agreed that a donation or gift should be made to an outside body then the amounts have to be individually contributed by the students. It is not really coming from the organisation; it is coming directly from the students concerned. If that is not a misleading and confusing statement I would like to know what is.

That is what the Government has attempted to do all the way through; it has tried to con the public and the students to say something is happening, and flower the argument so criticism of the Government would be dispersed.

I could go on for some time but other speakers have covered the subject extremely well. Mr Hetherington and Mrs Vaughan have given the lie to what the Government says it is attempting to do and it is another example of what we have come to expect from this Government.

We have been presented with a series of measures that bit by bit chip away at what we have accepted as freedoms in this country. I can imagine that Sir David Brand would toss in his bed at night when he considers legislation such as this. Certainly the founders of the University of Western Australia would be turning in their graves to think that these attacks on our liberties are taking place in this State. Sir Winthrop Hackett would not have countenanced this sort of thing in his day. The university was established for the purpose of encouraging wide-ranging exploration of ideas and to stimulate people into thinking and exploring the liberal arts and sciences as they were commonly called in those days.

I would have hoped for a better response from members opposite, some of whom have a genuine concern for democracy, but they continue to sit silently and see a serious change take place in the accepted beliefs of our community. I know my province colleague has often gone into print accusing the Labor Party of taking away the liberties of individuals and ranting on about socialism. His ideas of socialism were imbibed years ago and he has not advanced on them. However, he is not protesting about the attacks on freedoms and liberties he pretends to support.

I am disappointed in members opposite who are not living up to the original meaning of their party's name. They have transgressed from the term of "liberal"—I use a small "l" in this case. We on this side are proud of our philosophy of being democratic socialists; we believe a change should be brought about by the free will of people exercising their rights through the accepted democratic process. We are drifting far from that principle with this legislation.

I hope that members opposite will have a change of heart and accept that there must be differences in the community; there must be different points of view if we are to progress. If we squash differing opinions as this Bill attempts to do the community stultifies and decays. It inflames community revolt and neither of those situations would be wanted by my political opponents.

For that reason I hope they will have a change of heart about this legislation and think again about the attacks they are making on a particular group in this way. There must be liberty and open expression in a democracy and it should be our role to see that it remains.

THE HON. D. J. WORDSWORTH (South—Minister for Transport) [11.14 p.m.]: I think it is disappointing that at times some of this debate has deteriorated to the stage where people have been accused of student bashing and trying to break the student union, etc. It is disappointing indeed and hardly the sort of standard we should be adopting when debating matters concerning universities and tertiary institutions.

The Hon. Bob Hetherington started off by stating the objections of his party were on two grounds. Firstly he referred to the interference of civil liberties of the institutions and their autonomy, and secondly he referred to the legislation itself and how it had been drafted.

At the beginning of his speech he said that undoubtedly there will be a university guild and that such students had two things in common. He said that the students were human beings and that they were at the university to be educated. I wholeheartedly agree with that and I hope that he will remember this and, at a later stage, will not disagree with our amendment which stipulates that only students should belong to the guild.

The Hon. R. Hetherington: I will disagree with that and I will give my reasons.

The Hon. D. J. WORDSWORTH: If he does disagree, he should not have said that one of the common aspects is that the students are there to be educated.

The honourable member seemed to come out with some strange philosophies which I found a little hard to associate with the legislation. One thing he said was that autonomous bodies should be seen to be able to bite the hands which feed them because, after all, this was a mark of freedom. I really wonder whether the general public associate that sort of quotation with the university.

The Hon. R. Hetherington: I was not talking to the general public, but to you.

The Hon. D. J. WORDSWORTH: Another statement he made was that research should be controlled by those who carry out the research. That was another odd quotation. Perhaps I might not be able to quote exactly what he said, but not having spent any time in the guild perhaps I know more about research than the guild and realise that it would be a foolish thing if all research were—

Several members interjected.

The PRESIDENT: Order!

The Hon. D. J. WORDSWORTH: —based on the desires of those who carried out the research rather than on the needs of the public.

The Hon. R. Hetherington: I am suggesting that pure research has no obvious social value.

The Hon. D. J. WORDSWORTH: I am quite sure that the public are quite happy to allow the university to be an autonomous body provided they know it is running according to their desires and philosophies.

The Hon. R. F. Claughton: You do not think the senate is a responsible body?

The Hon. D. J. WORDSWORTH: I am not saying that. I was going to point out that I think the general public have a right to know what is going on in the universities in view of the fact that a large amount of the tax they pay is used by the universities. I do not think that these institutions can be altogether holy and apart from the public, and not be interfered with in any way. After all they were established by Acts of Parliament and I believe the Parliament has a right to change the Acts if it so desires. That is exactly what we are doing now.

The Hon. Grace Vaughan: Certainly you have a right to interfere; that is your philsophy.

The Hon. G. E. Masters: You make some awful statements.

The Hon. D. J. WORDSWORTH: We heard all sorts of things about social democrats and the rights and freedoms of the individual. However, one of the objects of the legislation is to ensure that certain rights of the individual at the universities are maintained and that the students are not necessarily tied up with the activities which might be considered by many to be irresponsible. I am referring to the off-campus activities which have taken place at times, not necessarily in Western Australia, but in connection with the body with which the guild is affiliated.

The average student at the university wishes to study and not become involved in these matters. That is probably why there was such a poor response on the question of affiliation with the AUS. Only 15 per cent voted and then only some 60-odd per cent of that 15 per cent wanted the university to be affiliated. That highlights one of the fundamental freedoms which is in the legislation.

I reiterate that we do not wish to interfere with the universities if we consider they are being run in a desirable manner. However, one matter has been raised. If a student was not a member of a guild he would not be given an opportunity to sit for examinations. I am sure the public disagrees with that, and that is one of the reasons for the introduction of the legislation. Undoubtedly there is a strong feeling on the part of the university itself and it was with good reason that we wrote into our policy provision to give a student freedom to join a university guild. This is a fundamental right.

I would like to remind members that in this Parliament we had a petition from students who did not wish to be associated with the AUS. So it cannot be said that we have not been presented with evidence on this aspect.

Several members interjected.

The Hon. D. J. WORDSWORTH: There seems to be some confusion about the rights of the individual and whether because 51 per cent of a group of people want to do something it has to be done, regardless of the effect on individual liberties.

The Hon. R. F. Claughton: That is what you believe here. You have the majority.

The Hon. D. J. WORDSWORTH: That is about all one can associate with this business, which is about whether students should be forced to associate with AUS just because 15 per cent voted at a referendum and 60 per cent of the 15

per cent voted in favour of it. We are told 2 per cent is a good vote on the university campus. Therefore should we force students to pay university fees for all campus activities?

The Hon. R. Hetherington: That is fair enough. The activists are usually a small group. Most students, as you said yourself, are busy studying.

The Hon. D. J. WORDSWORTH: That is quite right.

Perhaps one other point should be made. I think it should be made abundantly clear to those organisations—whether it be the Senate of the University of Western Australia or any other—which may be tempted to pay the AUS fees from the services and amenities fee that that is not the intention of this legislation.

I assure members that we on this side of the House are not wishing to university-bash and see the destruction of the university guilds; far to the contrary.

The PRESIDENT: Order! I have previously mentioned that the reading of newspapers in the House is out of order, and I ask members to refrain from doing so. The Minister for Transport.

The Hon. D. J. WORDSWORTH: There is very good reason why all students, whether or not they choose to become guild members, should have a vote in elections to the guild. After all, as students they are responsible for the debts which the guild builds up in the name of the students. We have the amenities fee to try to cover the previous debts for the building of the facilities. So I believe it is only right and fair that if all students, regardless of whether they join the guild, have to pay that amenities fee they should have some control over who sets the fees which they are forced to pay and commits them to the various borrowings to develop the facilities on the campus.

The Hon. R. Hetherington: Let them elect an advisory committee to consult with the guild.

The Hon. D. J. WORDSWORTH: I think all members on this side of the House, as well as those on the other side, are proud of the university and the various tertiary facilities. The Opposition has no mortgage on that. My wife used to be a member of the guild council of the University of Western Australia at the time we are told it was so good, and I am often reminded of it by her. Most people become very nostalgic about their years at the university. I can assure members it is not our desire to university-bash or student-bash. Many of us have children at university and we wish to ensure they have some basic freedoms and do not have to associate with some of the undesirable campus activities we have seen in the past on the part of the AUS.

I commend the legislation to the House.

Question put and a division taken with the following result—

Ayes 18

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters *(Teller)*

Noes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. F. Claughton
Hon. R. Hetherington *(Teller)*	

Pairs

Ayes	Noes
Hon. N. McNeill	Hon. R. H. S. Stubbs
Hon. T. McNeil	Hon. R. T. Leeson

Question thus passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 28 amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 2, line 24—Delete the passage "(b) persons who are not students"

May I just say for the information of the Committee that it is my intention to deal with the first five amendments; then if the Committee accepts my amendments, we will automatically continue with the amendments to the other clauses. However, if the Committee rejects my amendments, I will not pursue the others. If I sometimes stray to another institution from the one with which we are dealing, I hope that the Chair will be lenient.

My amendment would remove the provision that people who are not students shall not be eligible to be members of the guild. I am aware that the Minister mentioned this in his reply to the second reading debate, but the Bill as it stands will have the effect of excluding nonstudents from membership of the guild.

This provision is probably more important in regard to Murdoch University than it is to the University of Western Australia. Murdoch

University is carrying out a kind of experiment. It has made specific provision in its rules for staff members to be eligible for membership of the guild. Murdoch University wants a guild of staff and students; in other words, a community of scholars very much in the medieval sense. Whether or not we like this idea, I believe it is worth while to let Murdoch University carry out this experiment and to see what happens.

A colleague of mine in another place, the member for Gosnells, has pointed out that this provision will rob him of his honorary life membership of a student guild. He is no longer a student, but he feels that the honour of an honorary life membership is worth retaining. Therefore, I believe we should delete this passage and allow the guilds to grant membership to people other than students.

I realise that this action can give rise to other problems. I have seen here and at the University of Adelaide that some members of the academic staff at times try to manipulate students and to use them for their own particular ends. This does not happen very often, and such action is not very successful for very long. It is a habit I have always deplored. When I was a member of the university staff, I never thought I should join officiously in student politics. I have never refused to advise a student of any political persuasion when I was approached with a problem. It is time some academics grew up; they should stop trying to remain students. However, academics such as this are in the minority.

For the information of members, I would like to refer to a statement made by the Hon. Neil Oliver when he said that the new president of the guild was undecided about this provision. That statement was not correct. I was going to say it was untrue, but I am not suggesting anything deliberate on the part of the member. It is just that he made a mistake. The *Daily News* of the 2nd November quotes Mr Grace as saying—

> We still do not understand why the legislation is there in the first place. We already have an exemption clause for students who opt out of membership.

He went on to say that the Bill is full of contradictions and the guild would be fighting to have these changed. He said he also wanted to see amendments.

I have been informed by a new member of the student guild that Mr Grace is anxious to see amendments to this Bill. He is not at all unclear in his opinion; he is against the Bill. At the very least he would like to see it amended. I would also like to let honourable gentlemen know that the gallery is not full tonight and one of the reasons for that is that it is now the students' "swat-vac." time. The students are just about to begin their exams. Also, the guild is newly elected, and it is just starting to feel its feet. We should not extrapolate anything from that. I would be sorry to see them here in fact. Some students have a year's work to catch up with, and others just have to put in the final touches—I have examined both kinds.

I would like to appeal to the Minister to accept the amendment. If the amendment is passed, we will benefit particularly the Murdoch University, and some members of the Parliament of Western Australia will receive some fringe benefits.

The Hon. D. J. WORDSWORTH: I believe Mr Hetherington has touched upon the reason for the inclusion of this provision. He indicated that in some areas the academics do start to participate within the guild itself. I believe there is a place for old student associations or graduates' associations, but I do not think this has to be spelt out in the Act. The intention of the legislation is quite obvious and I do not think the deletion of the passage referred to will achieve what Mr Hetherington is after, for it will in effect change the whole intent of the legislation.

The Hon. R. HETHERINGTON: If we retain the provisions, the legislation certainly will not achieve the intent of the Minister either, because unfortunately academics at the university do manage to influence students, and they do this behind the scenes anyway. I could tell members now who are the people influencing the students to act against this Bill, but I will not do that because it would be misusing parliamentary privilege. If I looked for them, I could find people who are influencing students the other way.

At the University of Adelaide I have seen people of different political persuasions doing the same thing. I believe the retention of this provision will harm the experimentation at Murdoch University and the good relationships there. It will no longer be up to the guilds to decide whether they want people who are not students but who are interested in education. So I appeal once more to the Minister to accept my amendment.

The Hon. R. F. CLAUGHTON: It would give some weight to the Minister's reply if the request for this change had come from the governing bodies of the institutions, but, of course, that is not what happened. Those governing bodies have been opposed to the legislation.

The Hon. O. N. B. Oliver: How can you make a sweeping generalised statement like that?

The Hon. R. F. CLAUGHTON: If the honourable member were more aware he would know whether the governing bodies want to change. Having regard for the way the institutions are governed, if they wanted a change they would ask the Government to table some amendments to the Statute.

The statutes of these bodies have the same force as law; they are like Acts of Parliament. The only difference is that they do not go through the process that we have here.

It is the right-wing extremists that we know about who are responsible for bringing forward this provision, which is not designed to improve these institutions but to mould them in a way of which the Government approves. The Minister cannot claim that he has any authority or approval from the institutions to include this provision in the Bill. I do not think the purpose the right-wing elements in his party wish to achieve will be affected if these words are removed.

If the aim is to get at the AUS, that will be achieved by the cutback of funds. Why destroy the philosophy of an institution such as Murdoch, which is trying to do something different and to develop a concept of the way in which a university should be managed, simply to achieve the narrow-minded purpose of a small group within the Liberal Party? Surely we do not have to go along with people of that sort. Surely in this place we should be sensible and reasonable and not assess the matter in that fashion.

This amendment will not damage what the Government wishes to achieve. Section 38(4) (c) of the statute of the University of Western Australia states that the guild may by regulation prescribe conditions upon which persons other than members may be admitted to associate memberships, associateships, and honorary life associateships. Will all those categories of people be denied continued association with the guild because of this provision? I do not know how many people are involved or what value they contribute to the university; and I doubt whether the Government knows. Probably it has not even thought about it.

There are many reasons that organisations may wish to bestow such privileges upon people. The Minister is probably a member of a number of clubs, and he would know they have similar provisions. A sporting club would have similar provisions to enable visiting sportsmen to make use of its facilities. Is this the sort of thing which will be affected? I do not think the Minister will be able to answer me because I am sure the Government has not thought about this. This sort of thing can be resolved simply by removing the words in question.

The Hon. D. J. WORDSWORTH: The clause keeps the control of the student guild with the students, and there is nothing wrong with that. The honourable member pointed out that under the statute the guild can have associate members; and Mr Hetherington said that a member of Parliament says that as a result of this Bill he will not be able to be a member of a guild, which shows he was able to participate in this activity.

I am not complaining that there are no students in the gallery, but it is interesting to note that no letters of complaint have been received about the clause. It seems Mr Hetherington has a mortgage on the ears of the students.

The Hon. R. Hetherington: I do talk to them.

The Hon. R. F. CLAUGHTON: When introducing the Bill the Minister said discussions had been held with representatives of the authorities associated with the various tertiary institutions to ensure that the intentions of the Government were understood and in order that the Government might be aware of the financial aspects and present management arrangements of the student bodies.

The Minister said the students have not protested. However, they have had more serious considerations to put forward—things that are much more vital to the continued well-being of the guild. This is merely a minor matter, and that is really the case we are making. The amendment will not affect what the Government seeks to achieve. The Minister has not really presented an argument in favour of the provision. If he wants to ensure that students retain control of the student bodies, let us do away with this Bill because at present all students are members and there is no way there will be sufficient associate members to swamp the student members. I ask the Minister to give favourable consideration to our request.

The Hon. R. HETHERINGTON: I wish the Minister would not twist my words around. I did give the example of Bob Pearce, a person who has been a member and an officer of the student guild for many years, and who has given long and valuable service to the guild. He is well thought of, and has been made a life member of the guild. It seems to me this Bill could prevent him being a life member.

I was not suggesting that if he remained a life member he would be able to manipulate the guild or control it. That is nonsense; he has more important things to do. I am suggesting there is a

whole range of people whom the students want to have as associate members.

The students at the Murdoch University want staff on the guild, and that is a good thing. In the same way, the University of Papua New Guinea has set up a staff-students club and bar where staff and students mix, and this is a fine example of staff-student and racial harmony. This amendment does nothing to destroy any of the intentions of the Bill.

If it is not there, the students will continue to run things; all the bogeys can be handled quite well by the student body—even the bogey of the academic staff, because they do not frighten students terribly much, and can be dealt with. I suppose the Minister is not going to accept my amendment. However, I just do not like it when he twists my own arguments against me in a way I find quite unacceptable.

Amendment put and a division taken with the following result—

Ayes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. F. Claughton
Hon. R. Hetherington	*(Teller)*

Noes 17

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	*(Teller)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. N. McNeill
Hon. R. T. Leeson	Hon. T. McNeil

Amendment thus negatived.

The Hon. R. HETHERINGTON: I move an amendment—

> Page 3, lines 10 and 11—Delete the passage "(whether a member of the Guild or not)", and substitute the following—
>
> who has indicated at the time of enrolment that he wishes to be a member of the Guild and has paid the requisite fee.

I canvassed this point very heavily during the second reading debate and I do not think there is any point in taking up the time of the Committee. My feelings on the matter are quite clear and I have no doubt the Government's feelings also are quite clear. So, as far as I am concerned, the sooner we get the vote over, the better.

The Hon. D. W. COOLEY: There would be something wrong with the Government if it did not agree to this amendment. Clause 2, in part, states—

> (2d) Any student (whether a member of the Guild or not) may vote at any election held to fill a vacancy in the office of the President of the Guild or the office of a member of the Council of the Guild or any other elective office in the administration of the Guild, but a person shall not hold any office mentioned in this subsection unless he is a member of the Guild.

That means a person who is not a member of the guild can vote for a position on the guild. I do not know of any organisation anywhere, whether it be right-wing, left-wing, or whatever else, which would tolerate such a situation, and I do not think the Minister explained the rationale behind the Government's intention in this regard. The proposal seems hardly to be logical, and I believe the Committee should accept the amendment moved by Mr Hetherington. No organisation would tolerate such a situation.

The Hon. O. N. B. Oliver: Yes they would.

The Hon. D. W. COOLEY: Would the Liberal Party support such a proposition?

The Hon. O. N. B. Oliver: It has all been explained.

The Hon. D. W. COOLEY: Mr Oliver is a very erudite person and he knows how these things work. However, I am at a loss to understand why a person who is not a member of the guild should have the right to vote an officer into that association. He pays no fees to the association, but will have this right.

I know there are right-wing people in the Liberal Party who will support this sort of proposal. In fact, they think this sort of situation should apply in the trade union movement, where some people expect trade union members to battle for improved wages and conditions without paying one pennypiece towards the organisation's costs in winning the conditions for them. This is a preposterous proposal; but at least if a person does not belong to a union, he does not get a vote. The Government has not got onto that one yet, but it may, later. I do not think this is a reasonable proposition, and I urge the Committee to support the amendment.

The Hon. R. F. CLAUGHTON: The Government really is deluding itself in this matter. It is saying that because students must pay an amount which allows them to use facilities at the university it gives them some sort of membership of the guild. However, that is not so. If a person wants to be a member of the guild he must pay a fee to belong to it. One would assume

that anyone who does not pay a fee has no rights in that organisation. The body of students who choose to take on that burden and responsibility, and pay a fee and thus acquire the right to vote and participate in the affairs of the association should not be freeloaded upon by those who are not sufficiently responsible to pay the fees and take any part in the day-to-day running of the association.

That amount that they pay by way of a services and amenities fee accords them the right to use the facilities, and nothing further. What Mr Cooley was saying is quite correct; nowhere would we find somebody who does not pay acquiring a right of this nature. The argument used by the Minister is quite fallacious and I would have hoped that when the matter was brought up in their party room members opposite would have argued against it, laughed it out of the room, and not tolerated it. It is still not too late for members opposite to change their minds but I have no doubt we will see them lined up and behaving in the disciplined way we are so used to seeing them behave.

Mr Pratt, Mr Moore, Mr Pike, and Mr Lewis claimed to be respecters of people's rights but they trample all over them. Does Mr Lewis have a right to vote when he does not pay?

Mr Lewis interjected.

The Hon. R. F. CLAUGHTON: The member cannot name one organisation but he still wants to poke his nose in and interfere where he has no right to interfere. I can imagine he considers doing this with great joy.

The DEPUTY CHAIRMAN (The Hon. R. J. L. Williams): Would the member please address himself to the Bill.

The Hon. A. A. Lewis: You are addressing yourself to me.

The Hon. R. F. CLAUGHTON: I was using Mr Lewis as an example of a person who would be very keen to take advantage of rights for which he does not pay. I have not seen any other members on their feet trying to defend what the Government is doing and I can imagine many of them are shrinking back in their seats.

The Hon. A. A. Lewis: At the moment we have nothing to defend.

Several members interjected.

The DEPUTY CHAIRMAN: Order! These interjections will cease. The member will address the Chair and will speak to the amendment I have before me which is to delete the passage.

The Hon. R. F. CLAUGHTON: People of conscience certainly would not support this sort of measure whereby people who do not pay for rights will be permitted to exercise them.

The Hon. O. N. B. Oliver: They do.

The Hon. R. F. CLAUGHTON: They do not. Students who pay only the services and amenities fee do not pay the fee to join the guild. The services and amenities fee gives them the right to use the facilities, and that is all.

The Hon. A. A. Lewis: It is too early in the morning. Your blood pressure is going up.

The Hon. R. F. CLAUGHTON: My blood pressure can stand it. I expect Mr Lewis to be evasive.

The Hon. A. A. Lewis: I am not being evasive. I am looking after the honourable member's health.

The Hon. R. F. CLAUGHTON: I can understand the member's concern that I should be waxing a little strong with regard to this matter because I think it is the sort of proposition that we in this Chamber should feel strongly about and should strongly oppose. People of conscience should be shrinking back in their seats and I can see some members opposite shrinking back while others are smirking with glee because they see themselves as achieving a magnificent victory. I strongly oppose the proposition contained in the Bill and support the amendment moved by Mr Hetherington.

The Hon. D. J. WORDSWORTH: I have explained, and I shall explain again, that if the students do not have to pay a services and amenities fee I would agree with honourable members opposite. But they are forced to pay a fee regardless of whether or not they are members of the guild. For that reason they should have a say in who builds up the debts and what fee they have to pay as an amenities fee.

The Hon. D. W. COOLEY: That is a completely fallacious argument because buildings have nothing to do with this matter. The clause talks about electing people to office in the guild and we are being told that because they pay a fee they are members. But the writing in the clause says that they are not members. The clause reads in part—

> Any student (whether a member of the Guild or not) may vote at any election held to fill a vacancy—

Members opposite say that whether or not they are members of the guild they are allowed to vote in an election. We are breaking completely new ground here. If I did not pay my fees to the Commonwealth Parliamentary Association would members of this House permit me to vote in that

organisation? Of course they would not, and nowhere in organised society would people who are not members of an organisation be permitted to vote people into office.

I simply cannot believe that people of the intelligence and understanding of members opposite would propose such a proposition because it does not apply in any other part of our society. Mr Lewis said by way of interjection that members opposite have nothing to defend. There is a very old adage that he who pays the piper calls the tune and if these people are not paying—

The Hon. A. A. Lewis: Obviously the honourable member does not understand what is in the Bill.

The Hon. D. W. COOLEY: Tell me.

Several members interjected.

The DEPUTY CHAIRMAN (The Hon. R. J. L. Williams): Order! The hour is late and I suggest that members stop interjecting and that the member on his feet addresses the Chair.

The Hon. D. W. COOLEY: I shall sit down now and allow Mr Lewis to tell me, through you, Mr Deputy Chairman, the rationale behind this clause and whether any other organisation in Western Australia or in Australia would tolerate such a position.

The Hon. A. A. LEWIS: Is it not fascinating that we have been playing around with this for some hours and even now—

The Hon. D. K. Dans: You are easily fascinated.

The Hon. A. A. LEWIS: I am because I can never get over the fact that I am told by members opposite that I lack conscience and do not understand; and it is said with regard to so many Bills. I am beginning to wonder how I have ever done anything in life because I have not had the guidance of trade unions or academics.

The Hon. D. W. Cooley interjected.

The Hon. A. A. LEWIS: I will talk about it and it is about time the Hon. Don Cooley sat down and read the Bill. The Minister has explained it to him time and time again but he will not listen.

The Hon. R. Hetherington: I would listen to you if you explain it.

The Hon. A. A. LEWIS: He has told the member.

The Hon. R. Hetherington: I want to hear it from you.

The Hon. A. A. LEWIS: He has told members opposite that every student will pay an amenities fee.

The Hon. Grace Vaughan: What has that to do with voting in the guild?

The Hon. A. A. LEWIS: The Hon. Grace Vaughan knows more about the matter than I do although she did not explain it to us, but I understand that the reason students have to pay an amenities fee is that they have to pay for the capital improvements at universities because of the borrowings made by the guild. Is that right or wrong?

The Hon. Grace Vaughan: Not quite.

The Hon. A. A. LEWIS: But it is very close to it?

The Hon. Grace Vaughan: It is part of it.

The Hon. A A. LEWIS: So every student should have a part in doing that. Whatever other activities the guild wishes to undertake is its business. If it wishes to join the AUS and send money to the PLO and all these other—

The Hon. D. K. Dans: What is the PLO?

The Hon. A. A. LEWIS: I am sorry for the Leader of the Opposition, but the letters stand for the Palestinian Liberation Organisation.

The Minister has often explained to the Hon. Don Cooley that the students have to pay and it is often said that the person who pays the piper pays for the tune.

The Hon. D. W. Cooley: It should be "plays the tune".

The Hon. A. A. LEWIS: In this case he is going to play and pay. He is going to play because he has paid towards the capital going into the guild—the capital buildings paid for by the guild. If a person wants to join the guild as an active member and join all the things that happen in guilds he has to pay the fee.

However, if a person at a university pays towards the upkeep of the guild buildings then he has a vote for the guild. That is what he will do with the amenities fee and if he then opts to join in the other activities of the guild, such as debates on the rise in cost of loving, he may do so. Students get a vote because they pay that initial fee. This is so simple it staggers me that at this time in the morning the Opposition cannot understand it.

The Hon. GRACE VAUGHAN: I was not going to speak on these amendments but I cannot let the Hon. Sandy Lewis get away with his simplistic rationalisation of what the Government is trying to do. What we have is a gap which the Minister obviously does not understand. This is so of the rest of the Government members; they either cannot understand or do not want to understand.

There is a gap between the services and amenities fee and the membership of the guild. That gap has to fill what is still in the Bill and has not been taken out. Heaven knows why the Government did not do it because it is trying effectively to do it with the other parts of the Bill amending the Act. Section 28(3) of the Act states that the guild shall be an organised association of students for furthering of their common interests.

We could argue of course that services and amenities and taking a vested interest in paying for the capital costs of the buildings would give students equality. There is more; there is the maintenance of buildings and further programmes that will be carried out in the way of service amenities, and there is the administration involved. The administration cannot be effected unless there is a guild.

If the senate simply takes a services and amenities fee then the registrar will have to undertake the administration and I can assure the House that it will cost a lot of money. Simply paying a fee will not get the work done. One cannot take money and pass it over to a body that will not be there. What happens if no-one decides to join the guild; who will run the whole affair then? At the moment it is run by dedicated and enthusiastic people.

If there is no guild the registrar will have to do what is required. He does not want to do it and neither does the senate want him to do it. Administration costs are very high and these people do not want to add to their already great burden of administration by taking on the administration of the guild. As I have explained before, the running of the guild is a very big business indeed.

If we do not have people joining the guild there will be only two types involved. They would comprise people who are dedicated and people who want to get in and stir. We will not have the ordinary run-of-the-mill students who are now members, because they will have to be members to take part in the guild activities.

I will quote subsection (3) of section 28 of the Act which reads as follows—

> The Guild shall be an organised association of such undergraduates for the furthering of their common interests, and shall be the recognised means of communication between the undergraduates and the governing authority of the University in accordance with such Statutes as the governing authority may prescribe.

This Act says we have to have a guild so that we can have communication between the students and the governing authority.

What happens if no-one joins the guild? The possibility is there! If one finds oneself in a position where something has to be done, and one has the authority, the autonomy, and the respect that is due to a member of that body running an organisation, one would get to and do it. However, the people who are at present enthusiastic about it will say, "Blow it, we will not get any respect. We have already been castigated in the Legislative Council; called communists, ratbags, and inefficient; and said to be lacking in responsibility. Who wants to be in such a position? Who wants to be in a position of doing all that work for nothing except to be castigated?"

What will we do if we do not have a guild? People may not join it and the registrar will have to take on this extra burden which will mean more money would be needed. Most of the people running the guild are doing it on a voluntary basis. A few, such as the president and the editor of *Pelican*, are paid but most of the workers are volunteers.

The Government should not be interfering with people who are doing a good job. It is proven in the Act that the guild is needed as a communication medium between students and the governing authority, yet the Government is doing its best to get rid of the guild. The Government wants its cake and it wants to eat it as well. The Government is indicating that it wants all students in the guild but it does not want them to belong to it; that is complete gobbledygook. The Government is saying it does not want them to pay their extra few bob but it wants them to be seen as belonging to something that communicates with the governing authority.

Although I am saying the services and amenities are the greater part of what the guild does as far as consumption is concerned, I shall not allow to go unchecked in this House the idea that that is all a guild is; that is, a services and amenities body. A guild is a body that communicates to the governing authority what the students are feeling and wanting. It is given great respect by the university senate. The president is an *ex officio* member of the Senate.

The DEPUTY CHAIRMAN (the Hon. R. J. L Williams): I think I must remind the member that she should speak to the amendment we are debating.

The Hon. GRACE VAUGHAN: Mr Deputy Chairman, I feel this amendment to the clause is the very crux of the whole Bill. In fact, it is the

crux of that part of the Act which provides that we need to have a guild; but we are doing our best to destroy it by saying there will be no autonomy and there will be membership by people who do not pay. There will be no respect for these people when they are able to spring up and say, "Yes, I want to belong to this body which has already been castigated in the Legislative Council of this State". Who would want to belong to this body? They would say, "Let them get along with it themselves". Why should that body be castigated for the hard work it is doing? The Government is making an effort to destroy this body. The Government has no compunction in destroying it.

The Hon. A. A. LEWIS: The Hon. Grace Vaughan, out of her own mouth, has proved how sensible this measure is. She said the main idea was to run the amenities; but there were other facilities involved. Now this Bill allows the other facilities to be paid for by the people who will use those extra facilities. As for the honourable member saying nobody would enter the guild, a few seconds earlier she said, "The stirrers and those who are concerned will be the only people who will join the guild."

The Hon. Grace Vaughan: They would be the likely people. I am talking about possibilities.

The Hon. A. A. LEWIS: Then the honourable member said the registrar should run the business.

The Hon. R. Hetherington: She said he might have to. Why do you not listen?

The Hon. A. A. LEWIS: That has been repeated and the Hon. Robert Hetherington agrees.

The Hon. Grace Vaughan: Who else would do it?

The Hon. R. F. Claughton: If there is no guild the registrar would have to do it.

The Hon. A. A. LEWIS: May I finish? There is no doubt that private enterprise would not lose $9 000 in the tavern in the first year. If private enterprise ran the catering section and the tavern it would make a profit. The registrar does not even need to enter into it. It is a fact that members opposite think along one line and will not allow their imaginations to deviate. It is like some of the situations the Leader of the Opposition and I have seen in this place in one of the jobs we undertake. I do not believe this would ever come back to the registrar. I do not believe the Hon. Grace Vaughan believes in her heart of hearts that everybody would opt out of the guild.

The Hon. Grace Vaughan: It is possible; that is what I said.

The Hon. A. A. LEWIS: But it is possible that not one of us will get home tonight; it is about as possible as that.

The Hon. Grace Vaughan: What rubbish!

The Hon. A. A. LEWIS: It is about as possible as that. Let us deal with probabilities and what will happen when we look into the future. I agree with the Hon. Grace Vaughan that the people concerned should have the right to use those extra facilities. I did not intend to involve myself in this debate. I was challenged by the Hon. Don Cooley.

The Hon. Grace Vaughan: It is a perfectly voluntary gesture for you to get on your feet.

The Hon. A. A. LEWIS: The Hon. Don Cooley will not deny he challenged me to get up and explain the situation, mainly because he thought I did not know anything about it.

The Hon. Grace Vaughan: Well, he was right; wasn't he?

The Hon. A. A. LEWIS: No; he was not right, because even the Hon. Grace Vaughan said I knew a little about the situation. It is seldom that members opposite say that I know anything about anything. I have sufficient knowledge to deal with any challenges the Opposition likes to raise, and if members opposite wish to keep challenging me about the situation I will be able to answer their challenges. I know the Hon. Robert Hetherington will get up with a new theory—

The Hon. R. Hetherington: I am not going to get up with theories; I am going to get up with facts.

The Hon. A. A. LEWIS: It will be the first time in the debate that the Hon. Robert Hetherington has done that. The honourable member has not looked at what this Bill intends to do. Members opposite have taken a certain line and they have restricted their vision and have not looked at what this Bill will offer to students. I believe the students can opt out and still have a vote for the reasons I have given.

The Hon. R. HETHERINGTON: When this Bill was first mooted the Minister found a number of problems which resulted in the production of the final Bill. The university administration was appalled when it first thought the guild would be a voluntary body and the services and amenities fees would have to be administered by somebody else, because they had to face the fact that if the services at present administered by the voluntary work of guild members had to be administered by the university, the fee would have to be increased. This was a very real concern. It was a practical concern; not an ideological concern. It was a

practical concern of the university administration and it is very worried about the situation. It immediately entered into negotiation to see if this could be avoided, and a form has been produced whereby it has been avoided.

We are now at the stage—I am not going to venture to predict, I am going to consider the possibility—where the work has to be done by members of the guild. In other words, if one wants the responsibility one has to pay the fee. One has to pay the fee in order to be elected to do the work. I do not know how many students will join. When this sort of thing happens, one does not know whether a large number will prove to be disinterested and will not join; whether people will not join as a protest; or whether everybody will join. It is possible a minority of students will join and it is then possible they can be outvoted for the membership of the guild council—

The Hon. D. J. Wordsworth: How can they be outvoted?

The Hon. R. HETHERINGTON: —by the people who are not members of the guild.

The Hon. D. J. Wordsworth: They are only voting for the president, and if someone is not a member he cannot vote.

The Hon. R. HETHERINGTON: One may be outvoted as far as the person he desires to be elected. The students vote for the president of the council.

The Hon. D. J. Wordsworth: That is right.

The Hon. R. HETHERINGTON: In other words, I am suggesting that if the people who have taken the trouble to join the guild wanted certain members elected because they knew a certain person's worth—Sue Boyd had some worth and I do not mean that in the way in which it came out, because she was a very good president and I wish we could have more women presidents of the guild—and they showed by their vote that somebody should be president, they could be outvoted by a majority of non-guild members. This could be very disenchanting and it might bring about the very situation which we do not wish to bring about, which is that guild members would say, "What the hell!" and opt out.

I do not know whether it will happen; probably it will not. I think the students will continue to battle on although they will not be happy with the situation; but I do not know.

This is not a good provision. People who are not prepared to join the guild should not have a right to vote, even if they do pay amenity fees. If the Government wants to put something in the Bill about it let it provide for them to elect a consultative council to liaise with the guild council.

The Hon. A. A. Lewis: Would you think that because it is not a compulsory election the people who are concerned would be those who are voting and that they would also be members of the guild?

The Hon. R. HETHERINGTON: One never knows with the elections. They may or may not be. It would be a possibility.

The Hon. A. A. Lewis: And a fairly good one, because they are the concerned people involved.

The Hon. R. HETHERINGTON: Of course it is quite likely to happen, but may not. Sometimes in elections we have people organising from outside in order to get the numbers to overthrow a good member because for some reason they do not like him.

There are dangers here, and in theory it is a bad clause. For this reason I am opposed to it despite the explanations by the Minister, despite the explanations by Mr Lewis, and despite Mr Masters' worried look. I do wish that Mr Masters would listen and join us on this one.

The Hon. G. E. Masters: I am not allowed to smile so I had better look worried.

The Hon. R. HETHERINGTON: It would be a good idea if Mr Masters voted for the amendment. This time I will sit down and I will not speak any further no matter what anyone else says.

The Hon. D. W. COOLEY: Two things are certain. One is that Mr Lewis is aspiring to be a Minister and has taken over. This is the second occasion I have seen him take over from the Minister and give the explanation. However, he has done much worse than the Minister.

The Hon. D. K. Dans: Impossible.

The Hon. D. W. COOLEY: We have an amendment before the Chair. What I want to know—from the Minister this time—is why the Government will not agree to the amendment. I want the Minister to give us his rationale for the clause. I know it is late and I know that members opposite are not thinking as well as they should. Perhaps that is the reason we are not getting through to members opposite.

The Hon. D. K. Dans: That isn't the reason.

The Hon. R. G. Pike: Even when we are only half awake, we are better than members on your side.

The Hon. D. W. COOLEY: Another aspect on which I would like the Minister to comment is

why a person cannot hold office if he is not a member of the guild but can vote? What is the reason behind that? Why is the Government precluding such a person from holding office? I hate to say this, but I think the Government is being dishonest by being evasive in respect of the matter.

A vital principle is involved and I think we should all stay here until we get a satisfactory answer from the Minister. As I said before, no organisation in Western Australia would tolerate a situation under which a person, not a member of the organisation, is allowed to vote in elections. As I said, I would like the Minister to explain why, if they are allowed to vote, they are not allowed to hold office.

The DEPUTY CHAIRMAN (The Hon. R. J. L. Williams): The question is that the amendment be agreed to.

The Hon. D. W. COOLEY: I gave the Minister an opportunity to give an explanation, but obviously he does not intend to do so.

The Hon. D. J. Wordsworth: I have explained it twice and Mr Lewis has explained it once.

The Hon. D. W. COOLEY: He cannot explain the situation. Mr Lewis has now left the Chamber so he has lost Mr Lewis and he is lost altogether. This is a disgraceful situation.

I see the acting Minister is now returning to his seat. It is disgraceful when we cannot get an answer from the Minister. No-one has yet asked him why these people cannot hold office. It is an affront to us when the Minister will not answer.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. F. Claughton
Hon. R. Hetherington	*(Teller)*

Noes 17	
Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	*(Teller)*

Pairs	
Ayes	Noes
Hon. R. H. C. Stubbs	Hon. T. McNeil
Hon. R. T. Leeson	Hon. N. McNeill

Amendment thus negatived.

The Hon. R. HETHERINGTON: As my next amendment was consequential upon the one just defeated, I will not move it but will deal with the following one. I therefore move an amendment—

Page 4, line 6—Insert after the word "of" the passage "educational,".

I will be brief on this, but I do appeal to the Government to accept the amendment because it is one which all the people to whom I have spoken—the administration staff of both the University of WA and the Murdoch University—want inserted. It is illogical that a student guild, comprising people who are at a tertiary institution to be educated and who are interested in education, cannot spend money on education.

The guild can spend money on the development of cultural or social or sporting or recreational activities. I was speaking to a person on the administration side of the university who asked me not to play politics in any way at all with this amendment, and I am trying not to. He asked whether, if there was any chance of my making a noise before he had a chance to talk once more to the Minister, I would keep quiet and I promised I would.

It seems to me, and it seemed to him—and to a whole number of other people—that the student guild should be able to spend money on educational matters. Whether cultural activities can be separated from educational activities, I do not know.

After all, the students are there to educate themselves. They are interested in education, and they are critical of Governments and their policies on education. Why should that not be? As a teacher I learnt a great deal about the needs of students by their criticisms of me, which they made to my face because they are like that, and I did not mind. So, why should not they spend money on educational purposes, whether to educate themselves, whether to hold lunch-hour courses, or whether to invite speakers. The students should be able to do any of those things which a student guild might properly do in the field of education. I thought we would want to encourage the students to be interested in their temporary profession of being educated. It is a proper activity.

The provision of services and activities is not the main activity of a student guild. This is a historical accident which has worked well and which the tertiary institutions want to keep, but that is not the prime purpose of the student guild. Certainly, the guild is more likely to know about the needs of the students, and is more likely to have long and bitter debates when getting money together, as was the case when the guild sought to provide a swimming pool. A small militant group,

which wanted to build a creche moved in, and they got it.

For a student guild not to be able to spend money on education seems to me to be a contradiction, and I appeal to the Minister and the Government to accept this amendment. I did not really expect the Government to accept any of the other amendments. I am sorry because I thought they were sensible and good, but this is a highly desirable amendment. It is wanted by the student guild members, and by members of the tertiary administrations. At times I wish I had the oratory of Mark Antony so that I could persuade members opposite about something which seems to me to be so patently obvious. I ask members to consider this amendment, and to pass it.

The Hon. D. J. WORDSWORTH: The Government does not believe this amendment is necessary. There is ample provision for the activities of the guild.

The Hon. R. F. CLAUGHTON: I ask the Minister whether the term "cultural" is interpreted by the Government to include education. If it does, will it embrace the educational activities of the guild which have been undertaken at this time?

The Hon. D. J. WORDSWORTH: I think the Minister for Education has indicated to the guild that it has the scope, within its own budget, to decide how it will break up its cultural expenditure. I think it is self-explanatory, and it does not completely exclude anything that can be associated with education. I think the terminology is quite adequate.

The Hon. R. HETHERINGTON: I can only say I am bitterly disappointed with the Minister's reply. I know a number of people at the universities and at tertiary institutions will be bitterly disappointed also. They hoped this amendment might be passed.

Obviously, it is no good pursuing it further, but I do express my bitter disappointment.

Amendment put and a division taken with the following result—

Ayes 7

Hon. R. F. Claughton	Hon. R. Hetherington
Hon. D. W. Cooley	Hon. Grace Vaughan
Hon. D. K. Dans	Hon. F. E. McKenzie
Hon. Lyla Elliott	*(Teller)*

Noes 17

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. H. W. Gayfer	Hon. R. G. Pike
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. G. E. Masters	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. T. Knight
Hon. N. F. Moore	*(Teller)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. N. McNeill
Hon. R. T. Leeson	Hon. T. McNeil

Amendment thus negatived.

Clause put and passed.

Clauses 5 to 9 put and passed.

Clause 10: Section 44 amended—

The Hon. R. HETHERINGTON: It was brought to my attention rather by accident just before the luncheon suspension that the proposed new subsection (9) in this clause, which says that every student will vote for the guild council, would cut across the way the guild council is voted for at WAIT because there they vote in schools with a certain proportion from each school going into the guild; then the guild so formed elects its own officers. Concern was expressed that this clause would cut across their method of electing the guild, and it was thought this was quite unintentional on the part of the Government. I would like to hear from the Minister on this matter.

The Hon. D. J. WORDSWORTH: If this were the effect, it would have been unintentional. I have discussed the matter with Dr Haydon Williams and he assures me he considers the elections will continue at WAIT as previously. Mr Hetherington pointed out that at WAIT there are eight schools and each school elects representatives. The whole student body does not vote on the guild, only as members of each of the eight schools. I gather that because of the manner in which they are able to do this by their own regulations and statute they feel they are capable of continuing to do it in that manner in spite of the legislation.

The Hon. R. HETHERINGTON: I accept the Minister's explanation. I ask whether he would promise us that should it be found for any reason that this clause does interfere with the way WAIT elects its officers—somebody might challenge it and find it cuts across the way WAIT does it, although it is a remote possibility—the Government will then consider an amendment.

The Hon. D. J. WORDSWORTH: I think I can give that assurance on behalf of the Minister for Education.

Clause put and passed.

Clauses 11 and 12 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. D. J. Wordsworth (Minister for Transport), and passed.

BUSH FIRES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney-General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [12.57 a.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to 42 of the 67 sections of the existing Act. A large number of these are consequential adjustments following from amendments to other sections, and four new sections are proposed.

The amendment proposals have resulted from three sources: firstly, recommendations from the Bush Fires Board based on requests from local government and the Country Shire Councils' Association.

Secondly, amendments were proposed in the report of Mr F. J. Campbell, Forests Department Fire Superintendent, following his extensive investigation and his report of May, 1972. The Bush Fires Board initiated this move and the Minister for Lands endorsed the inquiry. During the process of his investigation Mr Campbell solicited written submissions from local authorities and attended 15 regional meetings at which representatives of local government and their fire control organisations made further representations to him.

Finally, amendments were recommended by the board following a review of the Act as a whole.

The general purpose of the amendments is to provide greater flexibility in the operation of the Act by further decentralising controls governing the use of fire.

Local authorities will have a greater part in the day-to-day administration of the Act to meet the widely varying conditions of weather, vegetation, topography, etc. Certain provisions currently in the Act are to be more efficiently administered as regulations.

Simplification of the paper work required to declare and vary restricted and prohibited burning times and to eliminate duplication of records relating to volunteer bush fire brigades is proposed. Some annual declarations are now sufficiently stabilised as to allow permanent arrangements subject to variation in the abnormal season.

It is proposed that petty offences will be handled by a system of infringement notices, and monetary penalties have been adjusted in line with current values.

The Bureau of Meteorology should play a greater part in fire preparedness. Firstly, the bureau should be represented on the board itself; and secondly, the "hazard" forecasts currently used should be changed to "danger" forecasts. Briefly, the "fire hazard forecast" refers to combustibility of fuel but "fire danger forecasts" introduce the factors influencing fire behaviour such as strength and direction of wind, topography, and availability of fuel. Western Australia will no longer be disadvantaged by use of a less effective system. Current practices in this State relating to harvesting restrictions already follow assessments of local "fire danger".

The Act currently authorises bush fire control officers and local people adjacent to Crown land and reserves to enter and take measures to provide themselves and the community with protection against fires. Recent provisions in other Acts have interfered with these rights.

Amendments to the Bush Fires Act seek to preserve the right of individuals and the community to provide for their own protection, whilst at the same time providing proper protection to those reserves where adequate alternative arrangements in the interest of the reserve and the local community have been approved.

For example when an area of vacant Crown land, fire protected by hazard reduction carried out by the local community, becomes a national park or wildlife reserve, the community will retain the right to protect itself until such time as the controlling authority produces a suitable fire protection scheme for the land.

Regional committees and development of regional fire plans to meet major threats and outbreaks requiring the co-ordinated efforts of several local authorities are other new proposals. Some regional co-ordination authorities have been formed but their formal recognition is desirable.

Much of the detailed alteration relates to the important questions of firebreaks, permits, restricted burning times, and prohibited burning times. These are the matters where the Bush Fires Board prefers to set down guiding principles and leave their interpretation in each district to local government. Greater streamlining of these essential control features has been attempted to facilitate administration at all levels from the Governor downwards without sacrifice of responsibility or efficiency.

The appointment of a superintendent, as the board's chief executive officer, is to be recognised. At present the detailed duties of field staff are expressed in the Act itself but this is not considered desirable or appropriate.

Although it is difficult to secure unanimity among country shire councils, farmer organisations, and people from widely-separated centres with different interests, it is believed that undue contention is unlikely to arise over the proposed amendments. Certainly a strong body of opinion exists in support of the changes proposed.

I would like to indicate also that I intend to move some amendments during the Committee debate. Notice of these amendments will be given tonight. The amendments will deal with the constitution of the board. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

House adjourned at 1.03 a.m. (Thursday)

QUESTIONS ON NOTICE

FLOUR

Government's Stocks

239. The Hon. D. K. DANS, to the Leader of the House:

(1) Is it correct that the State Government has 300 tonnes of flour on hand following the flour millers' dispute in Perth?

(2) If so, where is it being kept?

(3) How is it proposed to dispose of this flour?

The Hon. G. C. MacKINNON replied:

(1) No. There is not a vestige of truth in the reports. Every single bag was disposed of to small bakeries and pastry-cooks. If there had been, there would have been no problem as it would have been used in Government institutions.

(2) and (3) Answered by (1).

PRE-PRIMARY CENTRES

Funds, and Non-Government Schools

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

(1) What annual supplies and per capita funds are available for children attending pre-primary centres?

(2) Are these supplies and funds available to independent schools in respect of pre-school age children attending these schools?

(3) What subsidies are specifically available to pre-primary centres only?

The Hon. D. J. WORDSWORTH replied:

(1) and (3) Two annual allowances are provided per head of enrolment, one of $3.00 for programme planning, and the other of $4.20 for consumable equipment. New centres receive a standard issue of furniture and equipment, plus an initial equipment grant of $300. A dollar for dollar subsidy to a maximum of $500 is available for the development of playgrounds in new centres.

(2) Independent schools have recently been allocated a per capita grant of $110 for enrolled five-year-olds. These schools do not receive the allowances listed under (1) and (3) above.

DENTAL THERAPY CENTRES

Non-Government Schools

241. The Hon. LYLA ELLIOTT, to the Leader of the House:

(1) Is the School Dental Service available to children attending independent schools?

(2) (a) If not, why not;
(b) if so, on what basis?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) (a) Not applicable;
(b) independent schools are covered in exactly the same way as Government schools which do not have a clinic, i.e. they are serviced by the clinic established to cover that area or locality.

Clinics are built on the principle that they service 1 200 primary school children. The schools to be covered by a clinic are selected on the basis of enrolment and their distance from the clinic.

Every effort is made to ensure that the extension of the programme is systematic so that there are no unused pockets within serviced areas.

TRAFFIC ACCIDENTS

Motor Vehicle Repairs

242. The Hon. Tom McNeil, for the Hon. N. E. BAXTER, to the Leader of the House, representing the Minister for Police and Traffic:

Further to the answer to question No. 231 on Thursday, the 3rd November, 1977, relating to traffic accident damage—

(1) Would the Minister endeavour to give me a more specific answer to part (2) of the question?

(2) As the answer to part (3) of the question indicates that the provision in relation to not having to report accidents where the damage is estimated to be less than one hundred dollars, has little, if any, application, does the Minister consider section 55 of the Road Traffic Act should be amended to repeal the provision?

The Hon. G. C. MacKINNON replied:

(1) The only advice available to me is that the average cost of claims met by the State Government Insurance Office increased by 236.79 per cent from the year ended 30th June, 1969, to the year ended 30th June, 1977.

(2) Whilst I did not say "that the provision in relation to not having to report accidents where the damage is estimated to be less than $100 has little if any application", I did agree there is some inconvenience.

Further consideration will be given to the matter raised.

RAPE

Trial Evidence

243. The Hon. LYLA ELLIOTT, to the Attorney-General:

(1) Will the Attorney-General give consideration to amending the Evidence Act to place the defendant in a rape trial on the same basis as the victim, namely that where evidence of the former person's past sexual history is considered relevant to the case by the presiding judge, it be permissible evidence before the Court?

(2) If not, will be introduce an amendment to the Act to preclude all evidence concerning the victim's past sexual history?

The Hon. I. G. MEDCALF replied:

(1) No. As the law now stands there are already two bases upon which such evidence could be admissable—

(a) whether or not evidence of the complainant's previous sexual history has been admitted, evidence of the accused's previous history will be admissable if it is directly relevant to the issues of the trial.

(b) where evidence of the complainant's previous sexual history has been admitted as bearing upon her credibility then evidence of the accused's previous history will be similarly admissable for the same reason.

(2) Answered by (1).

ELECTORAL

Kimberley Election

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

(1) Is the Minister aware that Justice J. Smith, in his judgment in the Court of Disputed Returns on the Kimberley by-election, has stated that the telegram, which he instructed the Crown Solicitor to draft, was advice or guidance for which there was no authority in the Electoral Act?

(2) Is he also aware that Justice Smith states that "It was no part of the Minister's function to usurp the exercise of the statutory discretion which the legislature invested in the Chief Electoral Officer"?

(3) On whose advice did the Attorney-General decide to instruct the Crown Solicitor to draft a telegram?

(4) Will he table all the correspondence between himself, the Crown Solicitor, the Minister for Justice, the Chief Electoral Officer, Mr K. Broomhall and Mr R. Rowell, on the subject of instructions to illiterate electors?

(5) Did the Minister check whether he had the power, under the Electoral Act, to usurp statutory discretion which the legislature invested in the Chief Electoral Officer?

(6) Will he ascertain whether the Crown Solicitor's advice to the Chief Electoral Officer on whether he was obliged to send a telegram to presiding officers in the north was in written form?

(7) If "Yes" to (6), will be table it?

(8) Will he also ascertain the basis on which the Crown Solicitor reached the decision that the Chief Elctoral Officer had no alternative other than to obey the instruction of the Minister for Justice with respect to sending the telegram?

(9) Will he also table advice that the Crown Solicitor gave to the Chief Electoral Officer in December, 1976, in relation to instructions to presiding officers concerning section 129 of the Electoral Act?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) Yes.

(3) The Minister for Justice, who was the Minister in charge of the Electoral Act, requested me to confer with the Crown Solicitor after the Chief Electoral Officer had informed the Minister for Justice that acting on the advice of the Crown Solicitor he felt he should not give the instructions to Presiding Officers which the Minister had asked him to give.

In the discussions with the Crown Solicitor I agreed with his view that it would be unwise for the Chief Electoral Officer to give the particular instructions as set out in the Minister's memorandum in relation to certain proposed positive action by Presiding Officers in respect of the method of taking instructions from illiterate electors. However, we agreed that advice in negative form as distinct from the firm instructions requested by the Minister could be given by the Chief Electoral Officer, and the telegram was thereupon drafted by the Crown Solicitor and subsequently the draft was settled by us jointly. I refute any suggestion that the Crown Solicitor was coerced in any way in relation to the contents of the telegram or in relation to the advice he was to give to the Chief Electoral Officer. The following is the text of the telegram:

TO ALL PRESIDING OFFICERS IN THE KIMBERLEY, PILBARA, GASCOYNE AND MURCHISON-EYRE ELECTORATES:

Because of the recent amendments to section 129 of the Electoral Act it is suggested that when taking instructions from illiterate electors it would be advisable to avoid—

(1) Asking the elector to indicate his preference by reference to a party named by you.

(2) Asking the elector whether he desires to vote for a particular candidate named by you.

(3) Marking on the Ballot Paper any preference not specifically indicated by the elector.

The telegram in the view of both the Crown Solicitor and myself was couched in such a form as to proffer helpful advice to presiding officers in relation to difficulties which it was anticipated might arise. In our joint view we considered it to be in proper form to be sent by the Chief Electoral Officer to Presiding Officers.

It is understood that some Presiding Officers misinterpreted the second item in the telegram. This is regretted and it was certainly never believed nor intended by me or the Crown Solicitor that this should or would cause any confusion.

(4) I have no such correspondence. All communications between myself, the Minister for Justice and the Crown Solicitor were, to the best of my recollection, of an oral nature. If there is any other correspondence it is presumably held by the Electoral Department or the Chief Secretary who now administers the Electoral Act.

(5) This question apparently refers to the Minister for Justice and I am not in a position to answer it. It should be pointed out that section 5 of the Electoral Act provides that the Chief Electoral Officer administers the Act "under the Minister". It follows that the Minister can hardly be said to usurp functions where the Act contains such a provision. The view of the Crown Solicitor is that in such a case the Minister has the ultimate authority. The learned Judges' views in this matter have been carefully considered and it is regretted that we cannot agree with them.

(6) The advice was not in written form.

(7) Not applicable.

(8) See answer to (5). The Crown Solicitor did not simply advise the Chief Electoral Officer that he had to send the telegram; he also told him that he thought the telegram was quite proper in its terms.

(9) This advice was oral.

WANNEROO ROAD

Upgrading

245. The Hon. LYLA ELLIOTT, to the Minister for Transport:

In view of—

(a) the probability of a heavily increased traffic flow along Wanneroo Road during the 150th Anniversary Celebrations in 1979 because of special tourist attractions in the Shire of Wanneroo; and

(b) the resulting traffic hazards on the northern section of the road between Wanneroo townsite and the Yanchep turn-off;

will the Minister give urgent attention to the upgrading of that section of the road?

The Hon. D. J. WORDSWORTH replied:

Funds have been provided this financial year to extend the upgrading to 2.3 km north of Karoborup Road and consideration will be given to complete the upgrading next financial year to the entrance of the National Park, just north of the Yanchep Beach turn-off.

HOUSING

Funds

246. The Hon. D. K. DANS, to the Attorney-General, representing the Minister for Housing:

(1) Has the Minister seen a report on page 19 of the magazine *Economic Activity*, of October, 1977, in which Professor Gordon Murray is reported to have said, with reference to housing problems, "to exacerbate the situation, national funds for State welfare housing (WA) rose by only 4 per cent in money terms this year—about $25 million to $30 million less than would be required to maintain the same level of building activity"?

(2) Is this assessment correct?

(3) If "Yes" to (2), what specific actions has the Minister taken to seek more funds for State welfare housing in Western Australia?

(4) If "No" to (2), why not?

The Hon. I. G. MEDCALF replied:

(1) Not until it was brought to my attention by the Honourable Member's question.

(2) No.

(3) Answered by (2).

(4) Firstly, the assessment implies an inflation rate in excess of 100 per cent in 1976-77, whereas the actual experience of the Housing Commission in that year was only of the order of 13 per cent on construction contracts.

Secondly, the Housing Commission capital programmes are not totally funded through advances under the Commonwealth/State Housing Agreement.

Thirdly, the planned programme of the Housing Commission for 1977-78 is intended to maintain physical activity at the same level as was achieved in the preceding year.

SCHOOLS

State Flags

247. The Hon. LYLA ELLIOTT, to the Minister for Transport, representing the Minister for Education:

(1) Did the Director General of Education write to schools on the 22nd September, 1977, concerning the State flag?

(2) If so, will the Minister table the letter?

(3) In view of the fact that the Commonwealth Government provides Australian flags to schools at no cost, will the State Government make the Western Australian flag available to any school desiring it free of charge?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) The letter is tabled herewith and provides all the details being sought by the Honourable Member.

(See Tabled Paper No. 340).

MULLEWA-MEEKATHARRA RAILWAY LINE

Cost of Report

248. The Hon. D. K. DANS, to the Minister for Transport:

What was the cost of the report by Maunsell and Partners into the condition of the Mullewa-Meekatharra railway line?

The Hon. D. J. WORDSWORTH replied:

$4 885.75.