Having thought about it, I realise that decision could quite easily have been wrong.

Motion (dissent from Acting Speaker's further ruling) put and negatived.

Debate (dissent from Acting Speaker's ruling) Resumed

Mr. BICKERTON: The original remarks I was making when exception was taken to comments I had made was that the Leader of the Opposition, when he raised his point of order, realised beyond doubt that the practice which was being adopted at the time—namely, the Speaker giving a ruling on certain things—has been adopted in this House over the years.

As far as I know a point of order should be a point of order which is raised against a Standing Order under which we operate. In other words, my idea is that a member would rise to his feet—in conformity with a certain Standing Order—and indicate to the Speaker that a member is contravening our Standing Orders. However, it is fashionable now, as has been displayed by the Leader of the Opposition, for members to rise simply to question the Speaker about what he should do on a certain matter.

The custodians of the Standing Orders of this House are the members of the House. It has been pointed out by previous Speakers that if a member is not prepared to quote the number of the Standing Order in regard to which the objection is raised, there is no point of order.

Mr. E. H. M. Lewis: Did not the member for Swan raise a point of order about a speech being read?

Mr. BICKERTON: Over the last three or four weeks in connection with a matter the Leader of the Opposition raised, it has become fashionable for members to rise on points of order when they have no point to make against one of our Standing Orders.

I think that if a member raises a point of order he should, first of all, find out which Standing Order is being contravened by the member who is speaking.

Mr. E. H. M. Lewis: That was the origin of the trouble this afternoon.

Mr. BICKERTON: Otherwise, we will reach the situation where we will not need Standing Orders. A member will be able to get up on a point of order against almost anything.

Mr. E. H. M. Lewis: As did the member for Swan.

Mr. BICKERTON: A point of order has to be taken against something which is considered to be contravening Standing Orders.

Mr. Rushton: That is what I am doing.

Mr. BICKERTON: That is the main point and when we return to the situation which existed many years ago, when members knew their Standing Orders sufficiently to be able to draw the Speaker's attention to any breach, we will be getting somewhere.

Mr. Hutchinson: What is the Standing Order which has been contravened?

Mr. BICKERTON: The Leader of the Opposition has pointed out that this was a point of order raised by another member.

Sir Charles Court: The member for Swan.

Mr. BICKERTON: I am not responsible for what someone else has said in this Chamber. I am speaking against the point raised by the Leader of the Opposition in reply to the member for Swan.

Mr. Hutchinson: But the member for Pilbara knows all about Standing Orders. He knew jolly well at the time he was covering up, and in no way helping the member for Dale.

Debate (on dissent from Acting Speaker's ruling) adjourned, on motion by Mr. T. D. Evans (Attorney-General.)

MUSEUM ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 6.09 p.m.

Legislative Council

Tuesday, the 20th November, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (8): ASSENT

Message from the Lieutenant-Governor received and read notifying assent to the following Bills—

1. Church of England (Diocesan Trustees) Act Amendment Bill.
2. Legal Practitioners Act Amendment Bill.
3. Aerial Spraying Control Act Amendment Bill.
4. University of Western Australia Act Amendment Bill.
5. Education Act Amendment Bill (No. 4).
6. Censorship of Films Act Amendment Bill.
7. Co-operative and Provident Societies Act Amendment Bill.
8. Mine Workers' Relief Act Amendment Bill.

QUESTIONS (8): ON NOTICE

1. LAND

Aboriginal Fishtraps Area, Albany: Subdivision

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) What person or persons, bodies or authorities, were notified when an application for subdivision was made of land in the vicinity of the Aboriginal Fishtraps at Albany recently?

(2) Were any objections raised to the subdivision by any of the persons, bodies or authorities notified?

(3) If so, what objections were raised?

(4) Was the National Trust of Australia (W.A.) in which the Aboriginal Fishtraps are vested, notified of the subdivision or application?

(5) If so, was any objection raised by the National Trust to the subdivision?

(6) If the National Trust was not notified, why was it not notified?

(7) Is it not considered likely that development in the vicinity of the Aboriginal Fishtraps will constitute a danger to this anthropological site?

(8) Does the Government propose to take any additional precautions to protect the Aboriginal Fishtraps in view of the additional hazard which the development may entail?

(9) Have the owner and the purchasers of the various lots been informed that it will not be possible to moor boats or launch boats from the reserve on which the Fishtraps are located?

(10) If not, will steps be taken to ensure that all such persons are so informed?

The Hon. J. DOLAN replied:

(1) The application for subdivision referred to was lodged with the Town Planning Board in 1970; the Shire of Albany and the Department of Public Works were formally notified. In addition to the advice of these authorities, the board had communications from the National Trust of Australia (W.A.) and the Western Australian Museum (Registrar of Aboriginal Sites). Discussions took place with the latter.

(2) Yes.

(3) The Registrar of Aboriginal Sites expressed concern at the concept of a foreshore road along the edge of the Fishtraps Reserve No. 28277; it was considered that the construction of such a road could cause spoil to spread over the shoreline and result in damage to the anthropological site. As a result, the road was deleted and the subdivisional design modified to the satisfaction of the board and the Registrar of Aboriginal Sites.

(4) Yes.

(5) The National Trust in March, 1968, drew the attention of the Town Planning Board to the possibility of subdivision in the vicinity of the Fishtraps, and requested assurance that the Fishtraps would not be interfered with. In reply, the Board advised that it had no knowledge of any pending subdivision at the time, but it considered in any case it could do little more than ensure that subdivision provided a reserve above high water mark.

(6) Not applicable.

(7) No. It is considered that the subdivision does not have an adverse effect on the Fishtraps Reserve which is protected under the provisions of the Aboriginal Heritage Act, and the site is marked accordingly. The subdivision does not add to the likelihood of vandalism.

(8) Although additional precautions are considered unnecessary, the Government will examine any recommendations made by the National Trust, in which the Reserve containing the Fishtraps is vested, or any other appropriate authority.

(9) Not by the authorities having direct control of the site, nor so far as can be ascertained by any other authority.

(10) This suggestion will be forwarded to the National Trust of Australia (W.A.) and the Aboriginal Cultural Materials Committee.

2. MILK BOARD

Staff and Costs

The Hon. N. McNEILL, to the Leader of the House:

(1) What is the total number of persons employed by the Milk Board of Western Australia?

(2) What increases in staff have occurred during the ten years to 1973?

(3) What was the total cost of operations of the board for the 1972-73 year?

(4) For the years—

(a) 1971-72;

(b) 1972-73;

(c) 1973-74;

what was the fee prescribed by the Board for a—

(i) dairyman's licence;

(ii) milkman's licence;

(iii) cream vendor licence;

(iv) milk shop licence;

(v) milk store licence;

(vi) treatment licence?

The Hon. J. DOLAN replied:

(1) 27.

(2) 30th June, 1963—28
30th June, 1964—30
30th June, 1965—30
30th June, 1966—28
30th June, 1967—28
30th June, 1968—27
30th June, 1969—28
30th June, 1970—29
30th June, 1971—28
30th June, 1972—28
30th June, 1973—27.

(3) $250,173—subject to audit.

(4) (a) The license fees payable per gallon on the average daily quantity of milk sold or treated for the year ended 31st March, preceding the date of commencement of the license applied for, are as follows:—

	1971/72 per gal. $ c	1972/73 per gal. $ c	1973/74 per gal. $ c
Dairymen	1.35	1.35	1.69
Milkmen	.80	.80	1.00
Cream Vendors	2.00	2.00	2.50
Treatment—			
(i) with pasteurising, bottling or packing in the metropolitan area	.60	.60	.75
(ii) with pasteurising, bottling or packing outside the metropolitan area	.30	.30	.38
(iii) without pasteurising, bottling or packing	.15	.15	.19

(b)	Per annum $ c	Per annum $ c	Per annum $ c
Milk Shops	5.00	5.00	5.00
Milk Stores	2.00	2.00	5.00

3. LAND

Canning Vale Industrial Area

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

(1) What was the average price per acre paid for the Canning Vale industrial area land?

(2) What is it costing per acre to develop?

(3) On a quoted selling price to applicants of $14,000 to $16,000 per acre, what is the estimated profit to the Government?

The Hon. J. DOLAN replied:

(1) Acquisition has not yet been completed but to date offers have been made or acquisition effected of a total of 759 acres for a total of $1,993,312, which is an average of $2,625 per acre.

(2) An engineering appreciation of the development has been commissioned but estimates of cost are not yet available as the study has not been completed.

(3) No selling price has been determined as acquisition has not been completed and development costs are not known.

4. ABATTOIR

Esperance: Finance to Establish

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) Has Esperance Meat Exporters received a guarantee from the State Government to raise a loan of $1.5 million for the building of an abattoir at Esperance?

(2) With such a guarantee, what interest rates and length of repayments would the Government expect this company to be able to negotiate?

(3) Would the Government consider such funds are obtainable at such terms from within Australia?

(4) If such a loan is difficult to raise in Australia, and in view of overseas banking interests in Esperance, would a loan negotiated overseas have to deposit one third of these loan funds with the Reserve Bank?

(5) If so, will the State Government—

(a) raise the Government guarantee by half to make amends for this Australian Government legislation; and

(b) subsidise interest rates to counter such deposits not earning interest with the Reserve Bank?

(6) If overseas investors who own farming properties in the Esperance district, wish to take up their portion of shares in this company, will they have to deposit equivalent of one third of the value of these shares with the Reserve Bank without interest?

The Hon. J. DOLAN replied:

(1) A guarantee of $1.5 million has been offered the company, subject to certain conditions.

(2) This is a matter for the company to negotiate with the lender. However, the terms of any proposed borrowing are subject to the approval of the Hon. Treasurer who, in considering them, would have regard for their effect upon the viability of the undertaking.

(3) Yes.

(4) It would appear so.

(5) (a) No.

(b) No.

(6) Unknown.

5. MENTAL HEALTH

Orthomolecular Psychiatry Treatment

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

(1) How many patients in our mental hospitals are being treated for schizophrenia?

(2) Under what International Classification of Disease do they fall?

(3) Do any of these patients have treatment by anyone versed in the technique of orthomolecular psychiatry?

(4) As orthomolecular psychiatry is a field in which Professor Linus Pauling, Doctors David Hawkins, Kaufmann, and Osmond, all of the United States of America, and Doctor A. Hoffer of Canada, are well versed, and have done considerable research and practice, and as our present Director of Mental Health Services is well known for his advanced techniques in treating mental illness, will the Minister, as a matter of urgency, arrange for the director to visit these eminent medical specialists and evaluate their programme, with a view to introducing it into Western Australia if it is practicable?

The Hon. J. DOLAN replied:

(1) 311 in hospital.

662 on after-care.

(2) Schizophrenia is not a single entity. The International Classification of Diseases recognises ten types. These fall under the following classifications—

295.0 Schizophrenia, simple type.

295.1 Schizophrenia, hebephrenic type.

295.2 Schizophrenia, Catatonic type.

295.3 Schizophrenia, Paranoid type.

295.4 Schizophrenia, Acute episodic type.

295.5 Schizophrenia, Latent.

295.6 Schizophrenia, Residual.

295.7 Schizophrenia, Schizo-affective type.

295.8 Schizophrenia, Other type.

295.9 Schizophrenia, Unspecified type.

(3) No.

(4) No. The Director of Mental Health Services does not consider it is necessary for him to visit overseas.

Orthomolecular Psychiatry refers to a theory that many psychiatric disorders are related to a deficiency, particularly of Vitamin C, in certain definite sites in the brain. The theory is related to work done by Hoffer and Osmond some 20 years ago, which followed upon work by Maudsley done in England in the 1920s, which attempted to link the causation of schizophrenia with infective foci. These workers used large doses (megadoses) of Vitamin C and Niacin in order to alter the metabolism of copper in the brains of schizophrenics. The megadose theory has been the subject of several recent investigations by Canadian workers; these show that the ingestion of large amounts of Vitamin C produced no psychiatric response; in fact some patients became worse because of the side effects of the nicotinic acid (Vitamin C). They had severe symptoms of vaso-dilatation (flushing, sweating, giddiness, and postural hypotension) which often rendered them more difficult to manage. There is some evidence to show that very large oral doses of Vitamin C leads to uptake by the white blood cells, enhancing their anti-infective role.

6. INCOME TAX

Farm Improvements: Deductions

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) In view of the Australian Government's decision to review withdrawing tax deductions for the mining industry, has the State Government made submissions on the effects of withdrawing tax deductions on—

(a) vermin and weed control;

(b) soil erosion control;

(c) investment allowances;

(d) depreciation schedules;

(e) land clearing; and

(f) provision of water supplies?

(2) If so, will the Minister table such submissions?

The Hon. J. DOLAN replied:

(1) The Minister for Agriculture has made written representations to the Minister for Primary Industry on soil conservation, water storage, noxious weed control and vermin control.

He has also had verbal discussions recently with the Minister for Primary Industry on the same matters.

A further submission is being prepared for presentation to the Federal Treasurer.

(2) Copies of submissions which have been made are in the form of letters from one Minister to another and, as such, are not considered appropriate for tabling until replies have been finalised.

7. HEALTH

Pharmaceutical Chemists

The Hon. R. F. CLAUGHTON, to the Leader of the House:

How many persons encompassed by section 36 (2) (d) (i) of the Pharmacy Act, 1964, remain in business as a pharmaceutical chemist?

The Hon. J. DOLAN replied:

None.

8. LAND

"The Rocks": Use

The Hon. D. J. WORDSWORTH, to the Leader of the House:

With reference to the property known as "The Rocks", overlooking Grey Street, Albany, and which was the former summer residence of Western Australian Governors—

(1) Who is the owner of the property?

(2) For what purpose is the property used?

(3) How long is it anticipated that the present use will continue?

(4) (a) Does the Government have any plans for the use of this area for the same or any other purpose in the future; and

(b) if so, when?

The Hon. J. DOLAN replied:

(1) The property is vested in the Country High School Hostels Authority.

(2) Student accommodation.

(3) At least until completion of the new hostel which will probably be early next year. Depending on the number of applications for accommodation in 1974, it might be necessary to consider extending the period of use as a hostel.

(4) (a) and (b) No plans have been made at this stage.

MINISTER FOR HOUSING

Lack of Confidence: Motion

THE HON. W. R. WITHERS (North) [4.52 p.m.]: I move—

That because of inconsistencies in public statements and the avoidance of answers to Parliamentary questions, the Legislative Council expresses lack of confidence in the Minister for Housing.

This is a most unpleasant motion to put before the House, and it is not one I like moving. In fact, I would prefer not to move it. However, it is my duty to the people in the province I represent, and also, I believe, to the people in the State of Western Australia, to move the motion even though I enjoy the company of the Minister concerned.

In the last 12 days I have asked several questions about housing, and in that time I have not been given answers by the Minister for Housing; and yet, the Minister should have been able to answer the questions I asked. In the first instance I asked a question containing eight parts, only one of which was answered. I then asked a question in 24 parts on much the same subject, and this question was not answered. The Minister replied that the questions would be studied and that he would give me an answer in writing at a later date.

The point that disturbs me is that in the first question I asked for clarification of a statement made by the Minister at a public meeting in South Hedland. At this meeting the Minister said he would send an officer from his department and an officer from the C.S.I.R.O. to South Hedland to look at the problems of State housing. I asked the Minister the names of these officers. One answer—and the only answer—that he gave to the questions I asked was to the effect that one or two officers from his department would be sent to the area. I was given this answer at a time when one officer had already departed for South Hedland. Accordingly this was confusing to the people in the area.

I then asked in one part of my second question whether it was a fact that only one officer was going to South Hedland. This was the question the Minister said he would have to study; and yet that morning on the A.B.C. news we heard the Minister had issued a statement that one of his officers was going to South Hedland, as well as another person who had been appointed—Dr. A. Comar—to investigate the situation in regard to errors in the South Hedland complex which is controlled by the State Housing Commission. In other words, to have the position investigated the Minister had appointed the man who had designed this South Hedland complex. To me it is not an act of a responsible Government nor of a responsible Minister to appoint the man who designed

the complex to do the critique. He is to give a critique on his own work! I cannot imagine anyone making an appointment such as this.

I would like to refer to my speech to the Supply Bill on the 14th August, 1973. At that time I pointed out what I thought the State Housing Commission should be doing in this area. I related my experience in regard to housing in the north, and particularly my practical experience in the use of aluminium material. The State Housing Commission could have followed up the remarks I made. However, I heard nothing from the Minister on the subject, except one reference in a Press statement he made. The Minister pointed out that I was in error, but in actual fact in the debate in this House I indicated where the Minister was wrong. Not only were his facts incorrect, but in my opinion he had dreamt up some of the facts. He accused me and Opposition members of saying things we had never said. This disturbed me.

On the 22nd August I asked the Leader of the House a question about the use of aluminium material. The reply would have been supplied by the Minister for Housing, and it reads as follows—

> The subject matter is too wide in its scope to be dealt with by Parliamentary Question (May—Page 329 (g)). When the Hon. Member's submissions have been considered he will be advised by letter in due course.

It is now the 20th November and I still have not been advised by letter; yet last Wednesday the Minister for Housing issued a Press release concerning this matter. He still has not replied to my question, and his statements in the Press release were not correct. He said that wooden windows had to be used in houses in the north because aluminium is not suitable in cyclonic conditions. This is absolute rubbish. It is an irresponsible remark for the Minister to make.

Why did not the Minister reply to my question? The Leader of the House said that I would be notified by letter, and although I have not received this letter, the Minister for Housing has issued a Press release in reference to the matter. It is not true that wood has to be used for windows in areas where cyclones occur. It is a fact that mining companies and private enterprise companies are using aluminium windows for houses in the north.

Last Saturday I went to inspect a house of a new design being built in Newman by the Mt. Newman Mining Company Pty. Ltd. This company has changed the external design of its houses as it has found a cheaper and better way to build houses for this area. However, the houses will still have aluminium windows because these have proved to be the cheapest and the best for the cyclonic conditions in the north.

I would like to point out that I have two letters which I have received this week. The first letter is from a person who criticised the Minister in regard to housing in this area, and who has received a report from the Minister about these criticisms. He is not happy with that report and he has advised the State Housing Commission accordingly. He agrees with me that aluminium windows are the best for houses in the north.

The second letter is from a woman who lives in a State Housing Commission home. She says that wooden windows are practically useless in the north and that aluminium windows should be used. These letters were unsolicited.

The people have lost confidence in the Minister because of the confusion he has created with his comments. I attended a public meeting in South Hedland 2½ weeks ago. At this meeting I saw the Minister for Housing sell a State Housing Commission house to a person in the audience; and he did this without attempting to look into the matter of priorities.

A person in the audience, in front of 200 people, said to the Minister, "I cannot purchase a State Housing Commission house", and the Minister, in a disparaging way, said, "You could buy a house if you were willing to pay a cash deposit". This man replied, "Thank you, Mr. Minister, I will do that, because I have my cheque book here." The Minister was embarrassed; he had tried to be too smart and, to avoid further embarrassment to himself, he said to the audience, "All right, all right", and to the gentleman who had spoken to him the Minister said, "You have the house; we will tidy up the details later." The Minister did that without making a search or checking priorities.

At the same meeting a complaint was made about the new Government policy of installing only two ceiling fans in State Housing Commission houses and of the necessity to provide a medical certificate if the tenant desired to have more than two fans. The Minister got up and said that this was nonsense. He said this at a meeting held 2½ weeks ago. The policy in regard to fans was pased by the present Government and the approval was signed by the Minister on the 22nd August, 1973. The Minister also said to the woman who raised the complaint, "You can have as many fans as you like if you are willing to pay extra rent for the use of them."

Apparently the Minister did not learn from his first mistake in replying to the gentleman in the audience who wished to purchase a home. The Minister did not know what his department had done and what he had approved. He was telling this woman she could have as many fans as she liked when, in fact, he was acting contrary to the policy of his department; a policy which he had approved.

I would also like to mention that at the same meeting the Minister was asked: If the council of Port Hedland objected to the building methods of the State Housing Commission would the Minister tell the Port Hedland Shire Council he would remove the houses to a place where the council wanted them and not build them in the Port Hedland Shire? When this question was put to him the Minister replied, "No". That reply was made one day after a statement appeared in the Press indicating that he had taken such action at Mandurah. What is so different about Port Hedland, when the Minister will do something in Mandurah and yet tell the people of Port Hedland he will not do the same thing in Port Hedland?

Why have the people of Port Hedland been selected to receive this kind of treatment? This is another instance where the people of Port Hedland could not believe the Minister, particularly after they had read in the Press that he had agreed to something being done in another town but would not allow it to be done in Port Hedland. I can only come to the conclusion that in regard to housing the Minister is not observing the opinion of the people in the north. He has had representations made to him, not only by myself but by Captain David Perry who was representing the people in Port Hedland. Not only is Mr. Perry a Salvation Army Captain, he is also a graduate engineer; and he has not been impressed by the answers he has received from the Minister in reply to representations he has made.

One woman wrote to me saying she has no fans in her State Housing Commission home at the moment, for the simple reason that the State Housing Commission has run out of fans and refuses to purchase them locally although they may be available. The commission has placed an order for them in England. I would point out that this is the attitude adopted by the State Housing Commission towards people who, from time to time, experience temperatures such as that which was announced yesterday; namely, a temperature of 47.4C. In fact, at South Hedland the temperature would probably have been 48C, the same as that at Marble Bar and Goldsworthy, because more often than not South Hedland is hotter than Port Hedland.

The woman who complained that she had no fans in her State Housing Commission home has stated that she had to buy an air-conditioner to place in the master bedroom because the building and the design are so shocking that the ground can be seen between the floor boards. Therefore she needs a fan to move the cool air around before it is dissipated through the floor boards. She has complained about the design but the Minister has taken little notice of the advice from local people.

Although the State Housing Commission should be blamed for a great deal of what has happened, I am obliged to place the blame on the Minister's shoulders because he is the ministerial head of that commission. The commission is still using hopper windows and windows made of timber. It is still using roofs made of corrugated iron and, in the odd case, of fibro. The commission is still erecting timber-framed houses and even though I have raised the question of aluminium roofing, nothing has been done. I raised the question of aluminium studs in this House on the 14th August last but I still have not received a report; and I think the reason is that the commission and the Minister know they cannot criticise my statements, because those statements are correct. My statements are backed by those in the building industry, even as they relate to the question of price. They are backed by tests and the actual conditions of the buildings. That is why I have not received a report in answer to the statements I have made against the Minister, and it is for this reason—and others I have expressed—that I must move a vote of no confidence in the Minister; he is not doing his job properly.

Debate adjourned, on motion by The Hon. J. Dolan (Leader of the House).

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

MARITIME ARCHAEOLOGY BILL

Third Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.08 p.m.]: I move—

> That the Bill be now read a third time.

When I moved the second reading of this Bill, I gave an assurance to Mr. Medcalf that I would approach the Premier and would endeavour to obtain his assurances concerning two matters in respect of the Museum.

These were, firstly, whether some protection could be provided so that the Bill would not be employed beyond its intended purpose in order to give the Museum control over such places as Cossack, Onslow, and Port Gregory. Secondly there was the question as to whether or not the Government would agree to an inquiry to establish whether any recognition should be given to the finders of the wrecks contained in the first schedule to the Museum Act Amendment Act, 1964, which were vested in the

trustees by that Act and in respect of which no rewards were payable for services rendered to the State.

I thank the honourable member for drawing our attention to the fact that such places as the Port of Cossack, Onslow, and Port Gregory could be vested in the trustees of the Western Australian Museum as archaeological sites if the director gave his opinion that they fall within the definition.

It is not the intention of the Government that such an action would be appropriate under the powers conferred by the Act which has as its purpose, and I quote from the long title of the Bill—"the preservation on behalf of the community of the remains of ships lost before 1900, and of relics associated therewith, and for other purposes incidental thereto."

I am sure the honourable member is in full sympathy with the problems of the draftsmen in this matter. As he pointed out in his speech in support of the Bill, it is very desirable that the Museum should have power to protect campsites, fortifications, archaeological sites, and other structures like those which he pointed out occur in the Abrolhos Islands and which were associated with ships wrecked before 1900. The problem is where and how to draw the line in definition between such things as stone huts erected by survivors of a wreck and more permanent structures which were not the products of a wreck and the protection of which might more properly be regarded as the legitimate concern of some such body as the National Trust.

We believe that the safeguard here must be common sense in application in relation to the purposes of the Bill, but, in order to put the matter beyond any doubt, the Government will send a directive to the trustees informing them that it is the policy of the Government that in any case of doubt as to whether or not the director is likely to exceed the purpose set out in the long title, the director is to seek the advice of the Solicitor-General in the matter.

If, in due course, it is shown that the occurrence of the Statute in its present form has led to abuse, I am sure the Government of the day would endorse my present opinion that it will introduce amending legislation. But in view of the difficulties in the definition referred to above—with which the honourable member will, I have no doubt, agree—the Government would prefer to leave the matter open to reasonable interpretation for the present with the added safeguard I have mentioned above.

I turn now to the other question; namely, as to whether some of the persons who discovered wrecks and who have notified the Museum—and were not eligible for rewards under the Museum Act Amendment Act, 1964—should be rewarded for their services to the State.

For some months now, there has been discussion between the trustees of the Museum and the Minister as to whether it would be wise to conduct an inquiry into matters connected with the discovery of this special category of historic ships. Following the questions raised by Mr. Medcalf in this Chamber during the second reading debate the Premier has informed me that he has decided an inquiry would be desirable and that I can make the following statement on his behalf—

(1) The concept that rewards should be paid to persons who had discovered the wrecks included in the first schedule to the current Maritime Archaeology Bill was rejected in the first Act in 1964 where the *Zuytdorp, Zeewyck, Batavia, Gilt Dragon, Tryal* and the Cottesloe wreck—*Elizabeth*—were the wrecks listed in the schedule. It is probable that the Parliament considered that the finders of most of these wrecks had had opportunity to obtain relics for themselves before the Act came into operation and that, since the Act did not disturb the possession of that material already recovered, there was no need to provide for rewards. Moreover, it is important to recognise that the purpose of these rewards is to acknowledge valuable services rendered to the State and they are not recompense for action taken by the Crown in taking possession of the material discovered.

(2) However, it has since become apparent that some of the discoverers received little of value from the wrecks and for the services they may have rendered to the State. Moreover, in the absence of formal recognition by the State, conflicting claims by individuals as to the relative parts they played in discovery have remained unresolved. These matters have produced major areas of discontent and division among those involved.

(3) The Premier has decided to appoint a judge to make certain inquiries independently of the Museum and of the trustees in exercising their responsibilities under this Bill, or under previous Acts. The judge will inquire—

(i) to determine who were the discoverers of the wrecks contained in the schedule to the Museum Act Amendment Act, 1964;

(ii) to make recommendations to the Government as to whether any *ex gratia* payment—to total not more than $2,000 in respect of any one wreck—should be made to any person applying for such a payment on the grounds that he was the discoverer or a person who acted in the interests of the State in the matter;

(iii) in reaching a conclusion the judge would be asked to consider the role played by the applicant up to the 18th December, 1964, in the discovery of the wreck, in preserving the wreck, his personal gains from the wreck, and the costs of his endeavour directed towards benefiting the State, and such other matters as he may consider to be relevant.

I hope that these decisions by the Premier will satisfy the honourable member in respect of the questions he raised.

Certain matters were raised by The Hon. W. R. Withers in connection with the Bill. While the honourable member did not seek assurances, I am happy to be able to comment for better understanding of the House in these matters.

Firstly, on the matter of the preservation of iron cannon, the question is a very complex one and Dr. Pearson and his colleagues in the conservation laboratory have the matter constantly under review. For the information of the honourable member, the Museum is in touch with overseas authorities, and is very concerned about the problems of successfully treating iron objects. The Curator in charge of the Museum's conservation laboratory is Dr. Colin Pearson who was awarded an M.B.E. for his work in treating the cannon recovered from Captain Cook's ship *Endeavour* when he was working for the Department of Supply in Melbourne. Dr. Pearson is in the process of establishing, with funds from the Australian Research Grants Committee, a research unit to study the processes in the corrosion of iron on the Dutch ships off our coast; he already has a metallurgist and assistant appointed to this project, and is in the process of appointing a physical chemist on a grant from the Commonwealth Government. The work which our own conservation laboratory has done and is doing makes it one of the foremost laboratories in this field of conservation of material from underwater archaeological sites.

Dr. Pearson is a member of a working party set up by the International Council of Museums Committee on Conservation to study and report on problems in the conservation of marine archaeological material. This committee met in Madrid in October, 1972.

I am sure that Dr. Pearson and his staff would welcome a visit from the honourable member or any of our colleagues who wish to make themselves better informed on this subject.

On the matter as to whether the Museum might raise funds by selling ballast bricks; while the question is reasonable, the answer to it is governed by the agreement between the Government of the Commonwealth of Australia and the Netherlands Government. By this agreement—which was made with the concurrence of the Government of Western Australia—the distribution of all material resulting from the Netherlands East India Company wrecks on the Western Australian coast is to be a matter for decision by a committee set up jointly by Australia and the Netherlands. Professor Bolton, chairman of our own advisory committee on marine archaeology to the Director of the Western Australian Museum is one of its members.

The proper use to which the ballast bricks will be put will be a matter for discussion by this committee and the Premier has assured me that he has asked the Director of the Museum to send a copy of the honourable member's address to the committee for its consideration when it meets to discuss this matter.

I commend the Bill to the House.

THE HON. I. G. MEDCALF (Metropolitan) [5.18 p.m.]: I very much appreciate the comments the Minister has made on the subject of the public inquiry the Government seeks to institute in answer to a suggestion I made last Thursday.

I am gratified to see the Government intends to appoint a judge to preside over this public inquiry and that certain terms of reference have been suggested by the Minister; namely, to determine who were the discoverers of the wrecks named in the schedule to the Museum Act; and to make recommendations to the Government as to whether any payment should be made to any person applying for such a payment on the grounds that he was the discoverer or a person who acted in the interests of the State in the matter.

I do believe it is important that some weight be given to the last portion of that term of reference; in other words, working out whether a person is entitled to a reward on the ground that he was the discoverer or the person who acted in the interests of the State. I say this because it is not always the discoverer who should necessarily receive sole recompense in cases such as this. My information on this aspect has been largely supplied by people who have been concerned in the discovery of wrecks; that frequently there are a number of people who may be concerned in the discovery of such wrecks.

For example there are those who may have translated the Dutch documents in the first place, and who drew attention to

the existence of wrecks; there are the people who have written about such wrecks—authors and journalists—and those who have taken part in expeditions to discover the wrecks—whether they be officials of the Government or private persons. In some cases there was a large number of people involved.

I am not suggesting it would mean *pro rata* payment being made by the Government to all these people, but I do believe it is important that this aspect be weighed up by a judge and that he be able to allot to people credits for the work they may have performed in the discovery of the wrecks. In other words, I believe it is important that the proposed inquiry should be directed to allotting credits to those who have effectively contributed to the discovery or recovery of any historic wrecks in the interests of the Australian public. I am now referring not only to the discoverers of the wrecks but to those who contributed in some tangible way to the recovery or discovery of such wrecks.

I thank the Minister for his careful and lengthy explanation. I appreciate the care taken by the Minister in investigating the suggestion I made on Thursday last. I believe this will be a most worth-while inquiry which the Government proposes to institute and I give it my wholehearted support.

Question put and passed.

Bill read a third time and passed.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.23 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House has been framed to authorise a variation agreement to effect a number of alterations to the Iron Ore (Cleveland-Cliffs) Agreement Act, 1964.

Alterations and amendments in the variation agreement seek to achieve three main objectives:—

(1) To include new development conditions in the agreement providing for a substantially increased output of iron ore pellets from the Robe River iron ore project;

(2) to make several temporary reserves, over which the joint venturers in the project have been granted occupancy rights, subject to the terms, conditions and obligations of the principal agreement;

(3) to bring other conditions of the principal agreement into line with present standards or new terms negotiated in more recent major development agreements.

The variation agreement seeks to give the Robe River joint venturers the umbrella protection of the principal agreement with respect to eight new mineral reserves in return for a new obligation to establish a second pellet plant.

The second plant is to have a designed capacity of 5,000,000 tons of iron ore pellets per annum and the joint venturers are committed to a capital cost of not less than $100,000,000 for the construction of the second plant.

A further matter of importance both to the joint venturers and the State, is that the additional iron ore reserves give this major industrial undertaking a longevity for which it has been striving since its inception.

The obligations on the joint venturers introduced in the variation agreement will bring significant new benefits to the State by way of additional royalties and in terms of new capital expenditure in the Pilbara.

The second pellet plant will also introduce a requirement for a greater workforce in the Pilbara with consequent added population which will allow the more economic provision of services for both existing and new population.

The requirement in the variation agreement for the establishment of a second pellet plant will have a most significant effect in increasing the degree of processing of Western Australian iron ore before export.

The current Robe River pellet plant has a capacity of 4,200,000 tons of pellets a year. It is apparent that the doubling of this capacity through construction of a second plant will require very much greater supplies and reserves of iron ore than previously if the two pellet plants are to operate over an economic life span.

Eight new temporary reserves to meet this requirement have previously been allocated to the joint venturers. However, it is logical and reasonable that the joint venturers should seek the security of tenure provided in their agreement with the State before proceeding to commit themselves to a new capital outlay in excess of $100,000,000. The variation agreement has been framed to provide that security.

It is equally reasonable that the State should seek new development commitments in respect of these temporary reserves and these commitments are covered in the variation agreement on terms and conditions similar to those applicable in the principal agreement.

During the framing of the variation agreement the opportunity was also taken to introduce other amendments providing for a revised royalty escalation clause, revised conditions applicable to water rights and revised provisions relating to environmental protection. I will explain these in detail in a minute or two.

Through the amendment of clause 1 in the principal agreement the variation agreement alters the definition of "mining areas" to include eight new temporary reserves, and to delete from that definition two other temporary reserves which the joint venturers agreed to exchange for two of the eight.

Subsequent to the enactment of the Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Act, 1970, Cliffs International applied for and was granted occupancy rights in respect of temporary reserves numbers 4321H, 4323H, 4324H, 4981H, 4982H, 4983H, 5733H and 5845H.

Of these temporary reserves, numbers 4321H, 4323H, 4324H, 4981H and 4983H situated in the West Angela region were recommended for allocation to Cliffs International by the iron ore committee in a general allocation for which Cabinet approval was granted on the 15th May, 1972.

Occupany rights in respect of temporary reserve 5733H were granted following Executive Council approval on the 8th March, 1973.

Temporary reserves 4982H and 5845H, also in the West Angela region, were exchanged following negotiations with the Mines Department, for two reserves previously held by Cliffs International under the terms of the Iron Ore (Cleveland-Cliffs) Agreement Act Amendent Act, 1970. The reserves relinquished by Cliffs International were situated within the area of the Public Works Department Millstream water reserve. Executive Council approved the allocation on the 11th September, 1973.

Temporary reserve 5845H, in point of fact, comprises the land formerly contained in temporary reserve 4322H, which has been cancelled, together with a small area of unallocated land situated adjacent thereto and adjoining temporary reserve 4323H.

The obligation on the joint venturers to construct a second pellet plant and provision for further expansion of the project's capacity is contained in two new clauses, 7A and 7B. Clause 7A requires the submission of additional proposals to the Minister vested with the responsibility for administering the agreement Act in respect of any future modification or expansion beyond that already approved. This clause clearly gives the Minister the right to ensure that any such proposals are consistent with the State objective before approval is granted.

Clause 7B requires the joint venturers to forthwith proceed to complete their feasibility investigation aimed at establishing a second iron ore pellet plant with a designed capacity of 5,000,000 tons of iron ore pellets per annum at a capital cost of not less than $100,000,000.

Further, this clause requires the joint venturers to submit to the Minister, by the 31st December, 1974, or within such extended time as the Minister may allow, detailed proposals for the establishment of a plant of the capacity described in the clause.

The project managers, Cliffs Western Australia Mining Co. Pty. Ltd., have advised me of their anticipated construction timetable which provides for detailed engineering design to commence in March, 1974, and construction to commence by August, 1974.

I must point out that, as is the case in other agreements dealing with the construction of iron ore processing facilities the development obligations have been made subject to the joint venturers' securing satisfactory contracts for the sale of the output of the proposed pellet plant. This provision has been included to allow the joint venturers the necessary flexibility to deal with fluctuating market conditions and to provide for the sensible and economic management of the whole operation.

Other terms and conditions of the principal agreement have been revised to bring them into line with current practice and the main matters affected are royalties, conditions relating to power and water, and environmental protection.

The royalty escalation clause in the Iron Ore (Cleveland-Cliffs) Agreement 1964 provides for the adjustment of royalties based on variations of the average prices payable for foundry pig iron f.o.b Adelaide. As price schedules issued in respect of pig iron produced in South Australia only give the prices covering delivery F.O.R./F.O.L. works or C.I.F., Australian capital city ports it is not possible to apply the royalty escalation clause in its present form.

Clause 9, (2) (j) as amended in the variation agreement provides for the escalation of royalties in accordance with the announced C.I.F., prices capital city ports and reflects a basis for escalation which is consistent with the intent of the original agreement, and is also identical with the basis of royalty escalation featured in all the iron ore agreements entered into over the last three years.

The variation agreement separates the provisions of the principal agreement relating to power and water. This was done to allow amendments to be made to the provisions of the agreement relating to water supplies for the joint venturers' port, port town, and port processing facilities.

The principal agreement permitted the joint venturers to explore, drill for water, and use water from the Fortesque Valley to supply their industrial and town water requirements at Cape Lambert.

However, these needs are being met at company cost from the Millstream water supply scheme under separate agreement

and there is no longer any need for the joint venturers to have separate rights to additional supplies of water. Adequate provision has been made in the Millstream water supply agreement for additional water to be supplied to meet reasonable demand caused by any future approved expansion of the joint venturers' operations.

For these reasons, and because of the State's desire to conserve and allocate water resources for the most appropriate use, paragraph 4 (a) (iii) has been inserted into the variation agreement to negate any specific rights the company had under the principal agreement to sink bores and take water from the Fortescue area for its industrial and town supply needs at the port.

A standard clause has been included in the variation agreement to cover the full protection of the environment. This clause has been included in all other recently negotiated and varied agreements.

Under new clause 11A the joint venturers are obliged to comply with any statutory requirement for environmental protection made by the State, or any State agency, instrumentality, or local or other statutory body.

In conclusion, I would like to point out that the variation agreement requires significant new development to be carried out by the joint venturers. It also provides for the revision of the principal agreement to bring its provisions into line with changed conditions and current practice.

As these variations to the principal agreement are essential to facilitate new development, and to ensure the economic use of the facilities already established by the joint venturers, I believe this Bill must receive the support of all members of this House. I commend the Bill to the House and I would also add—

1. A plan is tabled which has been prepared by the Mines Department and shows temporary reserves held by Cleveland-Cliffs under the original agreement and the 1970 amendment in the Robe River area. The temporary reserves which are now a subject of this Bill and generally located in the West Angela area are marked in green. To facilitate a general appreciation of the relationship of these latter temporary reserves to other reserves in adjoining areas, the plan has been marked to indicate some of the rights of occupancy held by others.

2. A list is attached hereto stating the reserve number, the previously registered occupant, and the relevant dates in regard to rights of occupancy.

3. Temporary reserve 4322H has been cancelled. This was made necessary as survey had shown that there was a small area of unallocated land adjacent to 4322H which has been incorporated to establish the new temporary reserve 5845H. The two temporary reserves held adjacent to the Robe River areas and numbered 4271H and 4272H were in fact in possible conflict with the ultimate development of the Millstream water reserve. The company had no objection to the cancellation of these two temporary reserves.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

The plan was tabled (see paper No. 415).

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading: Defeated

Debate resumed from 15th November.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.37 p.m.]: This Bill really has three main provisions. The first is contained in proposed new subsection (3a) which, in part, is as follows—

> . . . that for the purposes of the determination of any appeal made to the Tribunal as referred to in subsection (3) of this section, the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency of any applicant who is not a member of the Union.

Before I deal with each of the matters provided for in the Bill I would like to refer to a couple of institutions which we have in this very institution of Parliament. I would refer, first of all, to the Parliamentary Sports Club to which members may belong, if they so wish to, by paying an annual subscription. I pay my annual subscription to the Parliamentary Sports Club, and that subscription entitles me to certain privileges.

The objects of the sports club are to enable Western Australian members to participate in ordinary sporting fixtures, such as bowls, cricket, golf, and any other sports in which the members of the club wish to engage. The second, and perhaps the main purpose, of the sports club is to assist its members to participate in interstate parliamentary bowling carnivals which are generally held, in rotation, in the various capital cities.

If any nonmember of the Parliamentary Sports Club wishes to accompany the team on a trip to another city he is required to pay a levy of $10 to the interstate fund. That is the first institution to which I wish to refer, and there is a certain principle contained in what I have said.

The Hon. A. F. Griffith: And the Minister draws that analogy to support this Bill?

The Hon. J. DOLAN: I have done nothing yet; I have just referred to it.

The Hon. A. F. Griffith: You have done nothing, all right!

The Hon. J. DOLAN: That is right. I will answer questions raised by the Leader of the Opposition in due course.

The second institution to which I will refer is the Commonwealth Parliamentary Association. Nearly every member from both Houses of Parliament belongs to that association. Members are entitled to certain privileges, but they must be members of the association. In other words, they must have paid the fees which are applicable. Members of the association may attend interstate and overseas conferences, on behalf of the Western Australian branch. They also become eligible to participate in study tours. But, on each occasion, it is a prerequisite before they are eligible that they must be members of the Commonwealth Parliamentary Association.

The Hon. A. F. Griffith: It is a prerequisite that they get 51 per cent. of the votes in the electorate which they contest.

The Hon. J. DOLAN: All right. That is the first principle.

The Hon. A. F. Griffith: Good gracious, fancy trying to draw that as an analogy to the amendment now before us!

The Hon. J. DOLAN: I have not reached that stage yet. I am putting a few thoughts into the head of the Leader of the Opposition for consideration.

The Hon. A. F. Griffith: My brain is in a whirl.

The Hon. J. DOLAN: Good. Membership is an absolute necessity before any member can participate in any of the privileges associated with the association to which I have referred.

The Hon. A. F. Griffith: We agree on that point.

The Hon. J. DOLAN: Many members from this House have been to conferences, and some have been on State tours. I can remember my colleague, the Minister for Local Government, going overseas to America and Canada, and to other places, to study the nickel industry. In fact, I can also recall Mr. Williams going to a conference. Of course, it was a prerequisite—before he was entitled to attend that conference—that he should be a member of the Commonwealth Parliamentary Association.

The second provision contained in the Bill provides for a definition of "eligible applicant", and is as follows—

> "eligible applicant" means an applicant for a position which has been advertised in accordance with the regulations who possesses the special qualifications, if any, required for appointment to that position as defined in the regulations or referred to in the advertisement of the position.

That is the first requisite. If a position is advertised any teacher can apply for it, and the decision is subject to appeal. The applicant, of course, must be qualified under the conditions which are laid down. The position may stipulate that the applicant has to be proficient in certain special subjects, or that he must hold a degree, perhaps, with a major in languages for appointment as a language master. If the applicant does not have those qualifications he is rejected out of hand, and the question of whether or not he is a member of the union has nothing to do with it. So if a member of the union did not have the qualifications he would no longer be eligible to apply for that particular job.

There are exceptions. Some people do not belong to the union on the grounds of religious conscience. There are quite a number of such people who work in the Education Department. There is no harm in mentioning the religion, which is the Seventh Day Adventist Church. It is one of the beliefs of a Seventh Day Adventist that he should not belong to an organisation such as a union.

The Hon. A. F. Griffith: What percentage, Mr. Minister?

The Hon. J. DOLAN: Not a big percentage, but I understand there are quite a number.

The Hon. A. F. Griffith: Bearing in mind the number of school teachers in the State, how many of them would be conscientious objectors?

The Hon. J. DOLAN: Not a big number, but there are some.

The Hon. A. F. Griffith: In fact, a very small number.

The Hon. J. DOLAN: I would say a small number, weighed alongside the total number of members in the union.

The Hon. A. F. Griffith: I agree with that. A small number is not a big number.

The Hon. J. DOLAN: That is good; I am pleased we have agreement on one thing anyhow, even if it is only a word.

The people who belong to the religion to which I have referred do not really go along with the union principle, and I can appreciate the fact that they are entitled to hold those views. They are entitled, of course, on a matter of conscience to object to this. Those people will have no problems under the provisions of the Bill; there is nothing against them at all. They can apply for any job as long as they are eligible; in other words, they must have the qualifications which are required when applications are called. Such a person is treated in the same way as any other applicant, whether or not he is a member of the union.

The third person to whom reference is made in the Bill is an applicant who has been recommended for the position by the director-general and who at the time of applying was not a member of the Teachers' Union.

The Hon. G. C. MacKinnon: Not eligible to be a member.

The Hon. J. DOLAN: That is right. He was not a member because he was not eligible to be a member. The Teachers' Union, under its constitution, could not accept him as a member because he was not a teacher under the Education Act. He could be from another State or from overseas, or he could be a teacher from an independent school. As long as such a person is an eligible applicant, there is no barrier whatever to his applying for an advertised position, and the applicants are then considered on their merits. Such a person is treated just like anyone else. I want members to be clear about those points.

The point was raised that the Teachers' Union should not be concerned about this matter because only 1 per cent. of teachers are not members of the union. I obtained the relevant figures from the union and I was informed that 93.61 per cent. of teachers are members of the union.

Mr. Williams said that in no other State of Australia have teachers been the subject of a Bill like this. I will inform the House of the position obtaining in Queensland. In that State the teachers' union has an agreement with the Government, which is not the subject of legislation. We could say it is a gentlemen's agreement. When there is an increase in salary it is given only to those who are members of the teachers' union; so non-unionists miss out. The result is that anybody who wishes to guard his interests as far as salary increases are concerned becomes a member of the union. There is a difference.

The Hon. A. F. Griffith: That is one way of forcing them to join the union, and I suggest this Bill is another way.

The Hon. J. DOLAN: That was done by a Queensland Government of the same political persuasion as that of the Leader of the Opposition.

The Hon. A. F. Griffith: I knew you were going to tell us that.

The Hon. J. DOLAN: The Government of this State is always being accused of doing these things but the Queensland Government set us the example. It considered that was a good way to ensure this desirable objective was achieved.

Tasmania has legislation which is similar to the measures contained in the Bill now before us. Promotion goes to union members, and when applications are sent to the promotions board they are first compared with the list of union members. If an applicant is eligible for union membership but is not a member of the union, he is not considered for the position.

The Hon. J. Heitman: You say they do not have to be union members but if they are not they will not get anything. Is that what it amounts to?

The Hon. J. DOLAN: I have told members what the position is in Queensland and Tasmania. We feel the same position should apply in Western Australia.

The Hon. A. F. Griffith: Mr. Claughton does not think so. He has a different idea.

The Hon. J. DOLAN: Mr. Claughton and I probably have differing ideas about many subjects, as the Leader of the Opposition may have gathered on other occasions.

The Hon. A. F. Griffith: I can mention one occasion.

The Hon. J. DOLAN: There is no need to mention it. I would not have much of an opinion of Mr. Claughton if his ideas were not different from mine because I have some peculiar ideas at times; but not in respect of this Bill.

The Hon. A. F. Griffith: We, too, think you have some peculiar ideas.

The Hon. J. DOLAN: I put it to the House that it is most desirable for people to belong to appropriate organisations. Members of Parliament should belong to the Commonwealth Parliamentary Association, of which I have been a member ever since I came here. I have always been a member of the Parliamentary Sports Club because I felt I had certain obligations. Some of the members of that club do not play any sport. I played with the cricket team for years; it was a lot of fun. I felt I had an obligation to be a member and pay my fees.

The Hon. A. F. Griffith: If you have to give the Parliamentary Sports Club as an example, it must be a very weak argument.

The Hon. J. DOLAN: That is the Leader of the Opposition's opinion. I do not interject when he is speaking.

The Hon. G. C. MacKinnon: Not much you don't! We all read *Hansard*.

The Hon. J. DOLAN: I might ask a question occasionally but I certainly do not interject. The point I make is that the Teachers' Union fights for the rights of teachers as regards salary and conditions. I can give an example of conditions as they applied to primary school teachers. I can remember when primary school teachers and secondary school teachers had different holidays. Primary school teachers had a week less each term and a week less at Christmas time. I felt it was an injustice to primary school

teachers, and parents were upset about it because they had difficulty in planning their holidays when they had children at both primary and secondary schools, and particularly when their holidays had to fit in with the husband's leave. Now all groups have the same length of holidays.

In those circumstances, I feel every teacher has an obligation to belong to the organisation which fights for him and does its work at great expense. Of all the people who do not believe in compulsory unionism, I have yet to find one who has refused a salary increase which has been gained by the union whose funds are obtained through the fees of other teachers.

The Hon. J. Heitman: They have had plenty of those.

The Hon. J. DOLAN: That is arguable.

The Hon. A. F. Griffith: If this Bill goes through, a teacher who is not a member of the union will have to join the union in order to get promotion.

The Hon. J. DOLAN: If members of Parliament were making contributions towards improvements and one or two members refused to contribute but were prepared to accept the ensuing advantages, I would not think much of them. I do not think such people deserve a great deal of consideration. The Bill has much to commend it. Although I have heard criticism about one part of it, there are two clauses which ensure that people who have religious convictions will not be affected in any way by the legislation, and that people from other places who are not eligible for membership of the union before making application for positions will be considered.

The Hon. W. R. Withers: How about moral convictions?

The Hon. J. DOLAN: I could think of about 20 adjectives one could use with the word "convictions". In making my selection, I consider all those things. So the answer to the question is that that is always considered in the appointment of any teacher, and when teachers step out of line they are dismissed.

The Hon. W. R. Withers: Do you not realise it is immoral to pay for promotion, and that is what you are suggesting?

The Hon. J. DOLAN: The honourable member puts forward abstruse and peculiar arguments. I think I have explained what is in the Bill, and I commend it to the House.

Question put and a division taken with the following result—

Ayes—8

Hon. R. P. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans *(Teller)*

Noes—16

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. J. Heitman *(Teller)*

Pairs

Ayes	Noes
Hon. L. D. Elliott	Hon. Clive Griffiths
Hon. R. H. C. Stubbs	Hon. C. R. Abbey

Question thus negatived.

Bill defeated.

DAIRY INDUSTRY BILL

In Committee

Resumed from the 31st October. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 65 had been agreed to.

Sitting suspended from 5.59 to 7.30 p.m.

Clause 66: Vesting of milk in the Authority—

The Hon. N. McNEILL: I indicated earlier in the debate that the provision in this clause is one of the major bones of contention. I said previously that it was my intention to persuade the Committee to agree to some necessary amendment to the clause. The fact that clause 66 provides for the vesting of all milk supplied in this State requires me to give some explanation to those who are not used to dairying legislation or are not aware of the full significance of the term "vesting". For the purposes of the debate I shall refer to vesting as being the compulsory acquisition of all milk supplied in this State. In that regard the provision is quite mandatory, and no discretions are given to the authority because the provision lays down that all milk shall be vested absolutely in the authority.

This has been a matter of great controversy in the industry, and for some 20 years I have been aware of this controversy whenever the matter was discussed or vesting was advocated in some quarters.

It is not my intention to oppose the vesting of milk as such. I agree that the power of vesting shall be made available to the authority to ensure the successful operation of the dairy industry, but subject to certain qualifications. In view of the comments that were made in the second reading debate and earlier in the Committee stage relating to the interpretation of other provisions in the Bill, I shall make reference to those provisions now, and point out that some qualification of vesting is already laid down in the

Bill. No doubt, members will recall the considerable amount of debate that took place in respect of clause 7 which provides for power to be given to the Minister to grant certain exemptions. It was indicated that the reasons given to the Committee were not satisfactory, and did not show the effect which clause 7 would have, particularly in respect of the vesting provision contained in clause 66.

Consideration was also given in the Committee stage to the provision in clause 45. This seeks to confer on the Minister very wide powers; these are virtually to prohibit certain activities or functions of the authority. There is a limitation placed on the Minister in the exercise of the powers contained in clause 45, to the extent that they do not extend to the provision relating to vesting. The reason given is that the vesting provision is mandatory, and no discretion is allowed.

In view of the fact that clauses 7 and 45 might have some bearing it is vital that further thought be given to the interpretation of those two clauses. Perhaps the Minister may be able to give some clarification of the powers of the Minister, particularly in relation to vesting, because such powers could possibly be exercised under the authority granted to the Minister in clauses 7 and 45.

I move an amendment—

Page 52, lines 7 to 13—Delete subclause (1) and substitute the following subclauses—

(1) The Governor may at any time, if requested so to do by a petition signed by not less than fifty per centum of the holders for the time being of licences for the production of milk for human consumption, other than milk produced or supplied for the manufacture of dairy produce, provide and declare by proclamation that all milk supplied in the State for human consumption as milk, or for use by humans, as milk, shall forthwith, upon the date of publication of the proclamation, or on or from some other date specified therein, be absolutely vested in and become the property of the Authority, and may at any time, if requested so to do by a petition signed by not less than fifty per centum of the holders for the time being of such licences, amend or revoke any proclamation made under this subsection by a subsequent proclamation.

(2) The Governor may at any time, if requested so to do by a petition signed by not less than fifty per centum of the holders for the time being of licences for the production of milk for the manufacture of dairy produce, provide and declare by proclamation that all milk supplied in the State for use in the production or manufacture of dairy produce, shall forthwith, upon the date of publication of the proclamation, or on or from some other date specified therein, be absolutely vested in and become the property of the Authority, and may at any time, if requested so to do by a petition signed by not less than fifty per centum of the holders for the time being of such licences, amend or revoke any proclamation made under this subsection by a subsequent proclamation.

(3) Any petition made under this section shall be in the form prescribed.

I shall defer my explanation of the amendment until the Minister has given his clarification of the provisions in clauses 7 and 45.

The Hon. R. THOMPSON: I oppose the amendment. Before I give my explanation of the reasons for opposing it I should point out that I have circulated to members the reasons relating to the vesting provision in clause 66. There has been some confusion on clauses 6 and 7, but we tidied up the confusion by pointing out that clause 6 was intended to be clause 7. I think the Clerks were directed to rectify this error which was made by the Parliamentary Counsel.

Mr. McNeill wanted me to obtain some clarification of the provision in clause 45, and I undertook to obtain the opinion of the Parliamentary Counsel. About a fortnight ago I made available to members a copy of the reply of the Parliamentary Counsel. I did that to enable members to study it.

In context what the Parliamentary Counsel said was that in his opinion the clause authorised the Minister to direct the authority to do a certain act or to refrain from doing a certain act, or as to the manner in which it is to perform a certain act, but subject to these limitations—

(a) the clause would not authorise a direction which was contrary to law; in other words, if the authority is specifically required by the Act to do a certain thing the Minister cannot direct the authority not to do that thing; and

(b) conversely if the authority has no power under the legislation to do a certain thing, then a direction by the Minister requiring the authority to do it would not be lawful or effective.

The Parliamentary Counsel went on to say that in his opinion the Minister could only effectively give directions under proposed section 45 in cases where by the terms of the legislation the authority has

a discretion as to whether it may do or refrain from doing a particular act, or where the authority has a discretion as to the manner in which it will do a certain act. It is important to recognise also that proposed section 45 is couched in terms which permit the Minister to direct the authority in the purpose of its functions under the legislation.

The Parliamentary Counsel also said that there were many provisions in the legislation which could take effect without the authority actually doing anything or refraining from doing anything. He pointed out the best example of this was the vesting provision in clause 66.

He indicated that an examination of clause 66 shows quite bluntly that certain milk is, by force of the clause, absolutely vested in, and becomes the property of, the authority. Accordingly there is nothing which the authority does or refrains from doing in connection with the vesting of the milk. The milk automatically becomes vested by force of the clause. There is, in the opinion of the Parliamentary Counsel, little doubt that clauses like clause 66 are completely beyond the scope of a direction under clause 45, since clause 45 merely authorises the Minister to direct the authority in relation to its functions. It does not authorise the Minister to set aside the provisions of clauses of the Bill. That is the opinion of the Parliamentary Counsel.

Some time ago members argued about whether or not the Minister could do something which the Act did not provide. This is not so. For instance, I could not direct the police to do something unless the Police Act authorised me to do so. A Minister is responsible merely for the operation of the Act, and it would be contrary to law if a Minister directed that something be done if the relevant Act did not empower him to do so. I think that explanation should be sufficient to assure members that the Minister can act only within the framework of the legislation.

I would now like to deal with notes I have circulated concerning clause 66 to which Mr. McNeill has moved an amendment. If the Committee rejects this clause we may as well give the legislation away. The amendment really would have the same effect as did the legislation concerning the marketing of onions. That legislation provided that a 50 per cent. poll could make the Act inoperative. Members who were in the Chamber in approximately 1965 or 1966 will recall that that is exactly what happened at the time. A poll of growers—some were disfranchised because they were not naturalised—revealed that so great was the discontent that the growers did not want the Act to remain in force and, as a result of a referendum, the Act was declared inoperative.

Onions are a two-crop-a-year proposition, but milk is a 365-day-a-year proposition and we must take this fact into consideration. For the record I will read the notes I have circulated on clause 66 and the amendment. They are as follows—

> The vesting of milk in the Authority from the very beginning of its operations is necessary not only to enable the Authority to obtain funds but also to make possible the performance of many functions vital to the Authority's successful operations on behalf of the dairy industry.
>
> The Authority could not operate without the vesting provision in the Bill as there is no other satisfactory means whereby the Authority could raise adequate funds. Although the Authority would be able to collect licence fees it could not use these as its sole source of funds as the licence fee must be uniform within each category of licence. The basing of licence fees on the volume of production or sale is a practice which is of very doubtful legality in view of decisions concerning receipts duties. Advice from the Crown Law Department is that legislation of this type would be open to successful challenge.
>
> The definition of a levy or licence fee as an excise, which may be collected by the Commonwealth only, may occur when such fee is based upon the volume or value of production or sale. The Authority would therefore have to charge the same licence fee for a producer of 100 gallons of milk a day as it charged for a producer of 500 gallons of milk a day. It would have to charge a small manufacturer of a few tons of cheese a year the same licence fee that it charged a multi-purpose factory producing a few thousand tons of various dairy products.
>
> The fact that it may be possible to indicate existing Acts which provide for the collection of levies or licence fees on a volume or value basis is no justification for introducing further legislation which may be similarly at risk of challenge. Such Acts which may be indicated would have been passed before the receipts duty case was decided and apparently no one has since felt it in his interests to challenge them.
>
> Apart from consideration of sources of funds—including funds to carry out promotional or investigational activities—vesting of milk in the Authority is necessary to enable it to deal with such problems as the over purchasing or under purchasing of milk by treatment plants. This problem has existed for many years and arises from the fact that the amount of liquid milk a particular treatment

plant can sell may be more or less than the amount supplied to it as quota milk. If it sells less than it has purchased it is in an over-purchased position and suffers financially unless it is able to arrange a satisfactory deal with a treatment plant which is in an under-purchased position.

When the milk treatment industry generally is in an over-purchased position as it has been for some time recently, a plant which has over-purchased has to bear the financial burden until such time as cuts in producer quotas restore the balance.

With all milk supplied being vested in the Authority it would be able to achieve the necessary balancing on behalf of the treatment plants.

The application of premiums or penalties in relation to the quality or composition of the milk received can only be really effective through vesting of milk in the Authority. If the individual dairy companies had to undertake this action themselves they would face the risk of losing suppliers to another company which might pay a higher premium or exact a lesser penalty as the case may be. This could lead to suppliers switching to and fro from one factory to another, causing a chaotic collection situation which would add to transport costs and be generally detrimental to the industry. If the Authority itself is the purchaser of the milk, through all milk supplied being vested in it, the supplier would receive the same premium or penalty whichever factory or depot he supplied and there would not be any reason from this source for him to wish to switch his supply to another factory.

It could be shown similarly that the effecting of economies in the operations of the industry would be facilitated by the vesting of milk in the Authority.

This vesting of milk is not seen as being at all detrimental to the interests of manufacturers or treatment plants to whom the milk would be sold back so that they could carry on with their normal commercial operations.

There seems to be no reason why the present relationship between the dairy companies and their suppliers should not be able to continue. In so far as such a matter as security for finance is concerned the sale of the milk first to the Authority is little different from sale direct to the dairy company. Clauses 72 and 73 of the Bill allow for mortgages or liens on the proceeds of the sale of the milk to be recognised by the Authority and arrangements made for interested parties to be paid their share.

So much of the Authority's functioning is dependent on the vesting in it of all milk supplied that this principle is vital to its operations from the very outset. Vesting cannot be delayed or left in doubt while a majority of producers make up their minds whether they want it or not. Neither could the Authority operate in a situation wherein its vesting powers could be taken away at any time upon a majority of producers petitioning the Governor to take such action. The amendment proposed by Mr. McNeill is completely unacceptable as it would destroy a major intention of this Bill which is to provide for the unification of the two sections of the dairy industry under one effective industry organisation.

I trust I have satisfied the Committee in respect of clauses 45 and 66. It is common sense that clause 66 should remain in the Bill because, if it does not, what would the authority do? It would be a useless organisation. The situation will be back to that which existed in connection with the onion board because at any time the producers could act in such a way that the authority would have very limited power. I therefore oppose the amendment.

The Hon. N. McNEILL: I am grateful to the Minister for his explanation concerning the purpose of clause 66, and I am also grateful for the fact that he has circulated his explanatory notes. I can say quite a deal about the contentions in the Minister's explanation, but before doing so I would like to indicate that I have been endeavouring to establish the fact that because clause 66 is quite mandatory and appears to allow no discretions at all in its implementation, we had to ascertain whether or not any other provisions in the Bill would give the Minister certain powers to restrict, limit, or otherwise influence the authority in relation to clause 66. One of such clauses was clause 45, and, as I have said, I am grateful to the Minister for his interpretation of that clause.

We have therefore clarified the point that the Minister would have no power whatever in relation to clause 45, so we can forget that one. However, I am still concerned about the provisions of clause 7. We must clearly establish whether, in fact, the Minister has the power, under clause 7. to limit the operations of the authority in relation to vesting. I believe this is vital to the consideration of the whole question of the mandatory provisions contained in clause 66.

The Hon. R. THOMPSON: We have established that clause 45 will not be used to direct the authority contrary to law. As vesting of milk does not depend upon the action of the authority, the powers

of the Minister under clause 45 could only be used to effect the provisions of clause 66, as it is printed in the Bill.

The Hon. N. McNeill: Clause 45 cannot be used to effect the provisions of clause 66.

The Hon. R. THOMPSON: Clause 45 could only be used to effect the provisions of clause 66.

The Hon. G. C. MacKinnon: What the Minister is now saying does not concur with what he said previously.

The Hon. R. THOMPSON: Let me read on. I was interrupted before I had completed the sentence. The powers of the Minister under clause 45 could only be used to effect the provisions of clause 66, as it is printed in the Bill, under the powers of clause 7. These are wide and could be used at the discretion of the Minister in relation to exemption from the vesting of milk under clause 66.

Previously, when we debated clauses 6 and 7, I said that a dairy in Laverton, or some other remote area, could be exempted. I am sure Mr. McNeill accepts that this is the intention of the measure.

This power, used generally, would be contrary to the real purpose of clause 7, which is to enable the Minister to exclude farms, premises, and dairy produce produced or handled in remote areas from coming under the provisions of the Act. It was always envisaged that the Minister would exercise these powers after consultation with the authority in the interests of the dairy industry as a whole. It is not intended that the powers provided under clause 7 will be used for effecting discriminatory or arbitrary controls over any particular section of the industry, or of the legislation, such as clause 66.

Any Minister is responsible to Parliament for his decisions and actions. Consequently, it is unlikely that a Minister would misdirect his powers to favour or penalise any particular section of the industry. Such powers would be used only for the wellbeing of all sections of the industry.

I realise that, at first, I may not have read this out as clearly as I could have done. Let us suppose the authority does not put the vesting provisions of clause 66 into effect, even though this is mandatory under the legislation. My understanding is that the Minister could then direct the authority to do this.

The Hon. G. C. MacKinnon: Could he do the contrary?

The Hon. R. THOMPSON: No, the Minister could not do the contrary. He can only direct the authority to act in accordance with the provisions of the legislation. I thought I had made that point abundantly clear earlier on. Mr. MacKinnon would know that it is not possible for a Minister to direct anything to be done which is contrary to the provisions of the legislation. The honourable member has administered a number of portfolios from time to time. When he was Minister for Health he could not direct one of his executive officers to do something which was contrary to the Act.

The Hon. G. C. MacKinnon: They were good hearted and did what I asked.

The Hon. R. THOMPSON: They may have done what Mr. MacKinnon asked, but he could not direct them.

The Hon. G. C. MacKinnon: That is right. It seems to me that, under clause 7, the Minister could, in fact, say, by virtue of paragraph (d) that manufacturing milk will not be vested. Is this the case?

The Hon. R. THOMPSON: I would say that the Minister could, if it were deemed necessary. This comes back to the question of manufacturing milk in remote areas. We have dealt with the standards provision in other clauses. If it were thought that the milk was not suitable, or that this was not necessary in a remote area, I would say the Minister would have the powers under paragraph (d) to do exactly that. However, this is not the intention. The provision is a safeguard which will probably never be used. I do not think any member of the Committee could envisage that milk would not be accepted or would not come within the vesting provisions simply because those concerned did not like the look of the farmer's cows, because they were all black and white instead of being red.

In all probability Mr. Wordsworth's milk from Esperance would not be accepted because there are no treatment plants at Esperance.

The Hon. D. J. Wordsworth: Because the cows do not belong to a union!

The Hon. R. THOMPSON: As I have said, it could be used for that purpose, but it is not envisaged that it will be except in a remote circumstance.

The Hon. N. McNEILL: The Minister's explanation has now clearly established the point for my purposes. Certainly this applies in relation to clause 45, to which I will make no further reference. The Minister has no powers under that provision.

Presumably the Minister has given us Crown Law opinion in the notes he has just read out. It is stated that the powers in clause 7 are wide and can be used at the discretion of the Minister in relation to the vesting of milk under clause 66, but this would be contrary to the real purpose of clause 7, which is to enable the Minister to exclude farms, premises, and dairy produce produced or handled in remote areas from coming under the provisions of the Act. A later passage states that it is

not intended that the powers provided under clause 7 would be used for effecting discriminatory or arbitrary controls over any particular section of the industry or over the legislation; such as the provisions contained in clause 66.

It has now been made perfectly clear to us that Crown Law opinion is that the provisions of clause 66 are completely mandatory. There are no discretions, and a Minister, on Crown Law advice, would be most unwise to exercise the powers of clause 7 in relation to vesting or to provide for any limitation of the powers in relation to vesting. This is extremely important. I repeat: We are dealing with the compulsory acquisition of a product.

To demonstrate that there are grounds for disagreement, reference has been made on many occasions during the progress of the measure through the Parliament to the situation which applies in New South Wales. I wish to quote from the Diary Industry Act of New South Wales and I refer, in particular, to section 23 on page 26 of the New South Wales Act. It is headed, "Division 2: Vesting of Milk in the Authority" and reads—

> 23. (1) Milk—
>
> (a) supplied for human consumption, as milk, or for use by humans, as milk, in New South Wales; or
>
> (b) supplied for use in the production or manufacture, in New South Wales, of dairy products,
>
> is absolutely vested in and is the property of the Authority.

I ask the Committee to compare that wording with the wording of clause 66 of this measure. Although it will be found that the wording is not absolutely identical, it is, in essence, absolutely the same. In other words, the powers in the provisions are the same.

During the debate it has been said—indeed, I made reference to this—that not all milk in New South Wales is vested despite the powers contained in the New South Wales Act. New South Wales has a great deal more experience than Western Australia in the administration of the vesting of milk.

It has been clearly established that the New South Wales provision is also absolutely mandatory and no limitations are placed upon it. There are no discretions, because of the existence of section 7 of the New South Wales Act which, once again, is identical with clause 7 in this measure. Section 7 of the New South Wales legislation is of great significance in the administration of that Act.

The Minister in giving us the Crown Law opinion said that it would be inappropriate to use the powers of clause 7 in relation to the powers of vesting, but section 7 of the New South Wales legislation is the provision which enables the industry not to vest all milk.

I wish to clarify that point further. It has been stated—technically, a little incorrectly—that not all milk in New South Wales is vested. In fact, it is all vested in New South Wales simply by the force of section 23. All milk in New South Wales is vested in the same way as all milk in Western Australia will be vested by virtue of the provisions contained in clause 66.

The question arises: How can New South Wales exclude certain milk? It is excluded under the powers available to the Minister under section 7 of the New South Wales legislation. I wish to refer the Committee to a copy of an order which was published in the *Government Gazette* of New South Wales, No. 109, of the 28th August, 1970. It is headed, "Dairy Industry Authority Act, 1970—Order under Section 7". It reads—

> WHEREAS in section 7 of the Dairy Industry Authority Act, 1970, it is provided that the Minister may, by Order published in the Gazette, declare that all of the provisions of the said Act, or any of the provisions of the said Act specified in the Order, do not apply to or in respect of—
>
> (a) any dairyman or any dairyman of a class;
>
> (b) any milk vendor or any milk vendor of a class;
>
> (c) any person or any person of a class;
>
> (d) any dairy premises or any dairy premises of a class;
>
> (e) any milk store or any milk store of a class;
>
> (f) any milk or any milk of a class; or
>
> (g) any part of the State,
>
> specified in the Order:
>
> Now I, the Minister aforesaid, do, pursuant to section 7 of the said Act, by this Order declare that the provisions of subsection (5) and subsection (6) of section 24 of the said Act do not apply to or in respect of milk (other than milk supplied for human consumption, as milk, or for use by humans, as milk, in the areas comprised in milk distributing districts as in force under the Milk Act, 1931, immediately before the commencement of the said Dairy Industry Authority Act, 1970) supplied by a registered dairyman and produced on dairy premises in New South Wales.
>
> And do specify the twenty-eighth day of August, 1970, as the date from which this Order shall take effect.

This is the order which is used in New South Wales to exempt certain people, milk, classes of persons, and premises, from the operations of the vesting provisions.

I was particularly concerned, and have been for some time, about this very question. So I forwarded a telegram to the Dairy Industry Authority in New South Wales. I asked, amongst other things, the date on which the Dairy Industry Act was proclaimed, the date of the vesting of whole milk, and the present policy of the authority regarding vesting of manufacturing milk. I asked for brief reasons why such vesting was not implemented. I would like to read the telegram in reply, which I received from Mr. Hoad, Secretary of the Dairy Industry Authority of Sydney. He says—

> The Dairy Industry Authorities Act 1970 continued from 1st July 1970 vesting of milk for major liquid milk market previously operating for over 25 years under Milk Act stop vesting for liquid market for increasing number of country centres and eventually the whole State is progressing stop milk for two ten milk already vests and milk for flavoured milk under consideration for vesting stop vesting for manufacture purposes facilitate supervision of milk quality but unless controlled by an authority or the products themselves can command improved prices in a competitive market benefit to dairymen may be minimal stop present thinking but not determined policy is progressively to vest milk for such products as yield good retail price but for which milk dairymen may not receive commensurate price.

This gives rise to some very important considerations. As a result of the telegram, I had a telephone conservation with Mr. Hoad for further elaboration, and the information I received relates significantly to my amendment.

The first thing is that the vesting of milk for milk purposes in New South Wales is simply a continuation of the previous activities of the Milk Board, but not all liquid milk is vested. In other words, the authority proposes to progressively bring more country areas in under the provision. Secondly, milk for manufacture is not vested. The authority for this is an order gazetted under the powers of section 7 of the New South Wales Act. However, I refer particularly to that portion of the telegram when it says—

> . . . vesting for manufacture purposes facilitate supervision of milk quality but unless controlled by an authority or the products themselves can command improved prices in a competitive market benefit to dairymen may be minimal stop present thinking but not determined policy is progressively to vest milk for such products as yield good retail price . . .

Mr. Hoad, emphasised, in discussion with me, that the only real virtue in vesting is in a competitive market where there is a price advantage to the producers. Remarkably enough, there is not one word in the telegram of the legality of production levies, license fees, or anything else. As I say, the virtue in vesting is the capacity to command a better price, a better return, for the dairy farmers.

Let us take the situation whereby the milk in Western Australia, by force of clause 69, will be vested in the authority. The authority then owns all the milk supplied, and has to dispose of it. No problem is presented by the liquid milk produced for whole-milk consumption because of the established market and quotas. However, the manufactured products are to go onto a highly competitive market, even within the range of dairy foods and products. Even more competition occurs with products such as margarine and other foods which may be used instead of dairy products.

Clearly the situation which faced New South Wales was that if the authority became the owner of all this milk and had to dispose of it, it had to be able to negotiate with manufacturers and treatment plants to take the milk and cream. If the authority could not satisfactorily negotiate with those companies, it would clearly be landed —and I use that expression advisedly— with all the milk which could not be disposed of. The authority could not negotiate at a satisfactory price to bring an improved return to the farmers; and I refer back to the telegram from New South Wales which said in effect that the virtue in vesting is in a competitive market where there is a price advantage to the dairymen.

I now want to go a little further afield because Mr. Hoad also mentioned the situation in the United Kingdom. My reference to the 1947 Act of the United Kingdom in my second reading speech was commented upon rather disparagingly. In Great Britain following the war, milk and all milk products were compulsorily acquired—in other words, all milk was vested in the Milk Marketing Board. Apart from the fact that in the United Kingdom the unsatisfactory practice of determining production on price reviews operates, the Milk Marketing Board is required to accept all the milk supplied. Having received that milk, in certain instances the board is unable to negotiate prices for its sale, and it has to find alternative uses for the milk.

I wish to refer to an article in *The Financial Times* of England, of Thursday, the 17th May, 1973, in the farming and raw materials section headed, "Dumping milk in the sea 'unavoidable', says board".

I will not read the whole article written by Godfrey Brown. It refers to the fact that publicity had been given to the dumping of milk in the sea and the relevant portion reads—

> The Board's move followed reports that some 20,000 gallons of skimmed milk were dumped in the sea off Llandudno, North Wales, at the week-end due to a mechanical breakdown at one of the Board's creameries, and that whey, a by-product of cheese-making, was being regularly dumped at sea at other points around the coast.

And later on it says—

> Milk production will reach its peak some time next week, after which supplies will follow their normal seasonal decline. But according to a Board spokesman, the "wastage" next week-end "may amount to a few hundreds of thousands of gallons." This was, however, only a marginal part of current production, with farms in England and Wales producing nearly 9m. gallons a day in May.

This is a practical example of vested milk being controlled by one authority. On advice I have received—unconfirmed at present—because of the board's difficulty to be able to negotiate prices with manufacturing concerns, it had to establish its own treatment plants to do something with the milk. The board had to produce butter, cheese, etc., and also dump some hundreds of thousands of gallons in the sea when it could not dispose of it.

The Hon. R. Thompson: Could you envisage that happening here?

The Hon. N. McNEILL: What I am attempting to show, for the Minister's benefit, is that it could well happen here with the breakdown of the acquisition system in Australia. For instance, Victoria was able to flood Western Australia with dairy products, and if this happened again, the Western Australian authority could find itself landed with all the milk produced in Western Australia. It would be unable to negotiate a satisfactory price for its disposal because it would all be vested in the authority.

The point that concerns me is who pays for the milk that is dumped? Clearly it is the dairy farmers who pay for the wastage. In Western Australia also it will be the dairy farmers who will pay.

I want to refer now to the remarks made by the Minister in his justification, so-called, of clause 66. This relates to the question of cost and the burden which may be borne, and I believe unnecessarily borne, by the dairy farmers and the dairy industry.

In the notes he circulated, the Minister said—

> Although the Authority would be able to collect licence fees it could not use these as its sole source of funds as the licence fees must be uniform within each category of license.

In other words, it is envisaged there will be some other source of funds obtained from within the industry apart from the license fees. I do not believe the dairy farmers of Western Australia are so enthusiastic about a system, and particularly a new system of which we have no experience here, that they will accept something which is likely to be an increased charge upon them even under normal circumstances, quite apart from the abnormal circumstances which may occur as a result of the overall situation of dairy production in Australia. So I repeat, cost is a very important consideration, and because it is important, I believe the producers must have a great deal to say—if not the ultimate say—in whether their product should be vested or not. I do not believe it is appropriate for the Minister to state, as he has stated in the notes circulated—

> Vesting cannot be delayed or left in doubt while a majority of producers make up their minds whether they want it or not.

I just want to ask: Whose industry is this? The Government says we must not wait for the producers to be given the opportunity to say whether or not they want these vesting provisions. I believe it is absolutely fundamental that they should have a say. Do I need to refer again to a matter which has already been discussed in the Committee stage; that is, the very definite expression of opinion which was given by the dairy farmers at the Brunswick meeting at which they clearly and overwhelmingly supported the contentions of the Opposition in relation to the four major amendments? These includes the amendments appearing in my name on the notice paper in relation to vesting. What the farmers decided at the meeting has been well reported in the Press. Let me refer again to the remarks of the Minister. He says—

> The fact that it may be possible to indicate existing Acts which provide for the collection of levies or licence fees on a volume or value basis is no justification for introducing further legislation which may be similarly at risk of challenge. Such Acts which may be indicated would have been passed before the receipts duty case was decided and apparently no one has since felt it in his interests to challenge them.

That may be true, but I am also inclined to the view—although I have been unable to substantiate it—that some legislation has been enacted with these provisions since that receipts duty case.

I repeat I cannot confirm that, but I believe it to be the case. Nevertheless I also repeat it has not been challenged anywhere and clearly the statement that, "no-one has since felt it in his interests to challenge them" is true. I emphasise that at no stage in the discussions I had with the New South Wales authority was the subject of production levies and so on mentioned.

I will pass on to the Minister's remarks in connection with control over the "balancing" procedures. The Minister said—

> This problem has existed for many years.

We all know it has existed for many years and well do I recall the time the regulations were gazetted which, in fact, formalised the "balancing" procedures between treatment plants. Today that is an established part of the flexibility of the industry. Whilst there has been a certain amount of dissatisfaction on occasions between treatment plants, a great deal of that has now been obviated because of the rationalisation that has already taken place with an evolution of economies in the industry as a result of mergers being entered into by certain treatment plants. So balancing is a procedure which has virtually grown up. I am quite sure the dairy farmers of Western Australia would give the "horse laugh" if that were used as a reason for the vesting, because this is simply a procedure that is adopted between manufacturing companies or between treatment plants. The Minister continued—

> When the milk treatment industry generally is in an over-purchased position as it has been for some time recently, a plant which has over-purchased has to bear the financial burden until such time as cuts in producer quotas restore the balance.
>
> With all milk supplied being vested in the authority it would be able to achieve the necessary balancing on behalf of the treatment plants.

I have never been aware of any representation or agitation by milk treatment plants for the authority to have vesting powers or even any powers to enable that to happen. Let us analyse the last words of the statement I have just quoted to the House. The Minister said—

> With all milk supplied being vested in the authority it would be able to achieve the necessary balancing on behalf of the treatment plants.

In other words, there would be direction of supply. I agree that this is virtually inherent in the legislation and it is practised in the industry.

The Hon. R. Thompson: If warranted.

The Hon. N. McNEILL: That is power of direction of supply and the Minister has given this as a further reason for the need for balancing to take place at the behest of the authority. The Minister continues—

> The application of premiums or penalties—

I question the words "or penalties"—

> —in relation to the quality or composition of the milk received can only be really effective through vesting of milk in the authority.

I do not know the penalties to which the Minister is referring.

The Hon. R. Thompson: I think I explained earlier. I am referring to penalties that would be imposed if the milk were not up to standard in regard to solids-not-fat.

The Hon. N. McNEILL: At present the milk authority is the Milk Board and it is my understanding that whenever prosecutions are proceeded with and penalties invoked they are taken under the Health Act and perhaps made through the Milk Board or the Department of Agriculture. But, in fact, the penalties are not imposed by the milk treatment plants. The premiums are—and this is one of the virtues in the minds of a great many dairy farmers—and the milk treatment plants and the manufacturers have a discretion they can use in regard to premiums on milk at certain times or on milk of a certain standard. I am speaking now of over-quota milk. This is regarded by dairy farmers as being one of the virtues.

It is quite clear from the Minister's own words that, with the implementation of this legislation, no longer would it be within the power of the treatment plants or the manufacturers to provide for premiums. In regard to this, the Minister says—

> If the individual dairy companies had to undertake this question themselves—

That is, paying for premiums or penalties—

> —they would face the risk of losing suppliers to another company which might pay a higher premium or exact a lesser penalty as the case may be.

We are really getting down to the question now. In other words, the whole intention is to deny to the producers that opportunity to take advantage of the existing competition within the industry. I continue to quote the Minister's words—

> This could lead to suppliers switching to and fro from one factory to another, causing a chaotic collection situation which would add to transport costs and be generally detrimental to the industry.

That is absolute rubbish, because that position has existed ever since the milk industry began in Western Australia; that is, the right of a supplier to supply the treatment plant of his choice. Certainly there is some changing around. Some suppliers do not like the milk carter because

he is engaged by one company so they change to another company. This is one of the prices the producer is prepared to pay in terms of economies and rationalisation. He has been able to exercise a choice between treatment plants; he has even been able to obtain finance from one company to build his dairy, or finance from another to provide funds for his daughter's wedding, which is a case I instanced on one occasion.

This is one of the great attributes of flexibility available in the industry and clearly it has been used by the Minister as further justification for vesting. We must take all that away now because of the chaotic state of the industry. We have not had a chaotic situation up till now because this system has operated quite reasonably and it indicates the desire of the milk treatment plant operator to look after the interests of his suppliers. A milk treatment plant operator is dead scared of losing his suppliers so he makes it a great public relations exercise to retain them by looking after them.

The Minister went on to say—

> If the authority itself is the purchaser of the milk, through all milk supplied being vested in it, the supplier would receive the same premium or penalty whichever factory or depot he supplied and there would not be any reason from this source for him to wish to switch his supply to another factory.

True there would be no advantage to him there at all, because all choice would be gone and all premiums would be the same.

Other comments made by the Minister justify some explanation, but I will defer my remarks in regard to them for the moment, because I want to return now to my amendment. I have indicated that I am not opposing the implementation of vesting. It simply means that vesting will not be an automatic and absolute mandatory acquisition of milk supplied. It means that there will be the necessity, first of all, for the producers themselves to make a decision as to whether or not they want their product vested, and the amendment refers particularly to liquid milk consumption as against milk produced for manufacturing purposes.

Also contained within the wording of the amendment is the obligation upon the authority to make its own study and research of the vesting of any particular sort of milk.

The fact that this is necessary has been well and truly illustrated by the experiences I have recounted of the industry authority in New South Wales. That authority has not found it necessary, in its interests, to use the powers of vesting in relation to all the manufactured milk in the circumstances I have outlined. I believe that when the authority is established it will need to have time to make a study of the entire situation and if it finds that vesting is necessary for any class of milk or for any class of persons it can make its own representations in this respect.

The wording of the amendment reads—

> The Governor may at any time, if requested so to do by a petition signed by not less than fifty per centum—

And so it goes on. So we can have the situation where the authority, having been formed, is able in its own time—not automatically and in a mandatory fashion—to decide that it shall be in the interests of the industry to vest milk for liquid milk consumption. In fact it can so inspire a petition, and the petition having been circulated and submitted to the Governor —provided it contains the names of not less than 50 per cent. of the holders of licenses—it is within the Governor's power to declare that that class of milk shall be forthwith vested in the authority. I believe these are the safeguards which the industry needs.

I have explained the vesting provisions and the machinery which I believe would be far more suitable rather than have the authority being placed in what could be an embarrassing position of having all milk being vested in it when it has no experience and no know-how of what to do with it or even how to sell it. Having received all that milk it could then find that, through lack of experience and lack of staff, it needs to increase its financial resources by some means.

Members will recall that only today in this Chamber I obtained answers to questions in relation to the Milk Board itself. Those answers illustrated that for 10 years the Milk Board has been able to conduct this industry without any increase in staff. The staff it has today is much the same as it had 20 years ago; that is, 27 as against 29.

The cost of operating the Milk Board is some $250,000 per annum. From the figures that were given it was seen that there has been a 25 per cent. increase in the license fees even this year, and bearing in mind that a license fee for a dairyman was quoted in accordance with his gallonage, the full significance of this should be known by the Committee. The answer that was given in reply to my question today was that the license fee of a dairyman would increase by 25 per cent. for this financial year of 1973-74 to $1.69 per gallon. Bearing in mind that the average quota in Western Australia for whole milk is 116 gallons that works out, in round figures, to $180.

That is the license fee that is paid by the average dairyman who is on 116 gallons. Clearly, increased staff and facilities would be required to handle the additional administration involved in vesting, and there would need to be a very considerable

increase in charges on the industry to implement the whole of the vesting operation.

I want to avoid the authority being placed in an embarrasing situation by force of law by its not being able to administer properly the milk that would be vested in it.

It may not be the wish of the bulk of the producers at present to have their milk vested, but if clause 66 is carried the authority must then try to negotiate all prices to the producers, particularly in the manufacturing side of the milk industry. I hope the Committee will accept the arguments I have put forward in support of my amendment. I am sincere about this.

I believe the explanation I have given is not understood, and the industry itself is not aware of the circumstances; more particularly it is not aware of how the industry operates in New South Wales by virtue of the ministerial power exercised under section 7 of the Act.

The Hon. L. A. LOGAN: I think most of us appreciate that when setting up an authority such as this a provision for vesting is essential. I emphasise that aspect. What concerns me is that we set up an authority to perform certain functions and before it starts operating we tell it how to run its business.

That is exactly what is happening under the Bill, because immediately it becomes law and is proclaimed, and immediately the personnel of the authority are announced, all milk will be mandatorily vested in the authority.

Mr. S. T. J. Thompson: Is this not the case in New South Wales?

The Hon. L. A. LOGAN: No. There is a difference in the attitude of the producers and the Ministers in the two States.

The Hon. N. McNeill: And the Crown Law opinion.

The Hon. L. A. LOGAN: I am coming to that. There is a difference between New South Wales and Western Australia, because Crown Law has told us that clause 66 is mandatory. We have been told that under clauses 45 and 47 Crown Law would not advise the Minister to do what has been done in New South Wales. Now as a Parliament we propose to tell the authority how to work out the problem once the milk is mandatorily vested in it. There is not one person in Western Australia who has had experience in vesting in so far as the other types of milk are concerned.

The Hon. N. E. Baxter: Only in New South Wales.

The Hon. L. A. LOGAN: That is so. That State has had three or four years' experience. We have not been told what this is likely to cost the authority by way of vesting. I would point out that what is set out in clause 68 (3) will have to be worked out before we start to pay the producer. To my knowledge nobody has told us what it wil cost the authority for the vesting of all the milk that is produced and forwarded to it. To me this smacks of shocking mismanagement and as a Parliament we should have a greater sense of responsibility.

Mr. McNeill has submitted an amendment. To get the feeling of the producers a referendum should have been held before the Bill was introduced.

I believe Mr. McNeill's amendment would create a division in the industry which would not be in its best interests, and which the industry has been trying to avoid; because even though it set out in the first place as two sections the Farmers' Union is now trying to get it together as one. That is the nucleus of the Bill. The other provisions have been put in since. It was the full intention of the Farmers' Union at the time to join the two sections as one.

It would be better for us to write into the Bill the provision adopted by the Minister in New South Wales; to make it lawful to exempt certain types of milk until such time as the authority has an understanding of the situation and knows where it is going.

I feel we should put in a new clause 2A and state that part II of division 4 of the Act will not be proclaimed except on the recommendation of the authority. If that were done and we altered clause 7—if we want to give the Minister the right to take out of clause 66 the milk we did not want vested immediately—I think we would overcome our problem. We will run into a lot of difficulty if it is left in its present form. Even the Farmers' Union has now had second thoughts on the control of the industry. First it told us to keep out, that it wanted to run its own industry; but when my suggestion was transmitted to the Farmers' Union it said, "Oh no, other influences may take over and we will not have control of our industry". It has at last woken up to the fact that it has not got control of the industry and it is not likely to have such control under this Bill. The only way to give it that control is to give it extra representation on the authority. I suggest the Minster look at clause 7 and follow my suggestion that we make it legal for the Minister to do what is done in New South Wales. It is wrong for us to set up an authority and before it takes over to tell it how to run its business.

I do not like Mr. McNeill's amendment because I think it will split the industry. The other reason for my not liking it is that tomorrow one could go out and obtain

a petition signed by 51 per cent. in favour of the proposition, and in 12 months' time one could get a petition signed by 51 per cent. saying they did not want vesting. It is a haphazard method in which to control an industry such as this. It would be too late in four or five months' time to say we do not want the milk vested because the damage will have been done. I plead with the Minister to have a look at my suggestion. It will hurt nobody and will not delay anything, but it will give the authority a chance to become an authority and look at the situation. If the Minister likes he can vest the milk for human consumption immediately.

The Hon. A. F. Griffith: Under your suggestion is there any chance that the milk would not be vested by this Government?

The Hon. L. A. LOGAN: I am worried at the moment. In the present attitude of the Farmers' Union and the Minister they would vest all milk immediately. That is why I put forward the proviso that the milk would not be vested and this part would not be proclaimed except on the recommendation of the authority. That is the only safeguard I could put in the Bill.

I am sure the Minister does not want to run the industry into trouble.

The Hon. R. Thompson: That is for sure.

The Hon. L. A. LOGAN: I hope members will see whether there is anything that can be done to help us out of our problem.

The Hon. R. THOMPSON: I thank Mr. Logan for his comments. I would refer the honourable member to clause 2 of the Bill.

The Hon. L. A. Logan: I have looked at it.

The Hon. R. THOMPSON: It states—

> 2. This Act or any provision of this Act shall come into operation on such date as is, or on such dates as are, respectively, fixed by proclamation.

I think everyone is trying to do something for the benefit of the industry, and no politics are involved in trying to create an authority. My direct concern in the industry, apart from appreciating that it is a very good primary industry, is similar to that of many other members: I buy two pints of milk a day!

The authority will not be set up and take control of the industry overnight. It would be unfair to even suggest such a move. The authority will have to be set up and it will have to request the Minister to proclaim certain sections of the Act on a progressive basis.

The Hon. A. F. Griffith: What the Minister is saying is that he is convinced that although the milk would be vested under the provisions of the Bill, the provisions of clause 2 would, in fact, save it from being vested.

The Hon. R. THOMPSON: Clause 7 sets out that the authority would request the Minister to do certain things. The Minister is only the figurehead for the authority. When the authority has reached the stage where it can take control, it will make a request to the Minister and he will proclaim various sections of the Act.

There has been reference to the situation in New South Wales but I think we all appreciate that the position there is different from that in Western Australia. Our milk industry is confined to the south-west sector of the State. Because of the problems of distance, the authority in New South Wales deals only with whole milk.

I would not like to be accused of even thinking of taking any action detrimental to the producers in Western Australia. I think that from what I have said over the years, while speaking to various other Bills, it will be appreciated that I consider the producer to be paramount.

The Hon. A. F. Griffith: If what the Minister says in respect of the operation of clause 2 is correct, surely it should have been mentioned in the second reading speech as an important factor in the legislation. It should not come up while debating clause 66, after four days of debate.

The Hon. R. THOMPSON: I cannot recall whether or not this was mentioned during the second reading speech. Being a normal provision, it could have been overlooked. If so, I apologise.

The Hon. A. F. Griffith: That is the longest bow I have looked at this week.

The Hon. R. THOMPSON: It is a fact, and the Leader of the Opposition knows it. I think Mr. McNeill drew the long bow when he referred to the English scene, and compared it with Western Australia. We have no problem regarding any over-supply of milk at the present time. The manufacturing industry can take all the milk which is produced. The balance referred to by Mr. McNeill presents no problem at all. We, as politicians, do not determine this matter; the authority will have the say. Everybody who has spoken desires to see that the authority does have the say.

The Hon. N. McNeill: It does not need to have vesting powers to provide for balance.

The Hon. R. THOMPSON: The intention of the legislation was to bring the authority into existence for the purpose of regulating the industry in the interests of the producers. If we are not prepared to provide that authority with some power it will have very little else to do. This is of some importance to the industry.

In view of some of the comments that have been made, I want to make one point quite clear and I am not being critical. There was a delay, and it was caused by

me. I contracted the flu, which has been prevalent, and I was not available which meant a delay of over a week. When I returned to the House the head of the dairying industry, from whom I have had to seek advice, was attending a conference in the Eastern States. I ask members to accept my explanation of the delay. It has not been a deliberate delay.

The Hon. A. F. Griffith: I think we all accept that but I wish your colleague, the Minister for Agriculture, would accept it because his insinuations have been most unfair.

The Hon. R. THOMPSON: I am not responsible for what the Minister for Agriculture says, does, or writes. I want to get the record clear as far as my handling of the Bill in this House is concerned.

The Hon. G. C. MacKinnon: Does the Minister intend to report progress?

The Hon. R. THOMPSON: No. I hope, if the Committee agrees, to clean up the Bill tonight because I consider we have had sufficient time to study it.

The Hon. G. C. MacKINNON: To start with, I want to thank Mr. Ron Thompson for clearing up a matter which caused some grave concern to members representing the south-west. I refer, of course, to the matter of his colleague, the Minister for Agriculture (The Hon. H. D. Evans), who stated through a newspaper article that we on this side of the House were frustrating the passage of this Bill.

The Hon. R. F. Claughton: You are not perpetuating what was suggested?

The Hon. G. C. MacKINNON: The Minister for Agriculture said that the purpose of the Government was being frustrated because this Bill had been delayed for some two weeks in the Legislative Council. I think it was very courageous and honest of Mr. Ron Thompson to stand up in this Chamber and take the blame upon himself—if it could be called blame. We were all aware of his indisposition and he knows we are sympathetic towards him in his sickness.

I think it would have been remiss of me had I not expressed our sincere thanks to the Minister for clearing up the matter. I do so now and I want to make it official so far as I am concerned.

The only other matter I wish to discuss briefly is that I am concerned with regard to the vesting provisions. There has been a shift in the advice which has been tendered by the Minister on the matter of vesting, even this evening. We all received a copy of a paper headed "Dairy Industry Bill, clause 66". We appreciate the opportunity given to us to study it. However, it is the most inept statement of the situation with regard to vesting which any Minister has been asked to convey to the Chamber. It is stated, on the last page of the statement, that the principle of vesting is vital to the operation of the authority from the very outset.

We move from there to a confirmation of a statement with regard to clause 45, which we all accepted. We then moved to another statement regarding clause 7 of the Bill in which it was said that clause 7 would not, and should not, be used to control the vesting provisions. I think that was a silly statement because the clause, to my mind, is included in the Bill specifically to allow for the flexibility which might be required. From there we moved to the last statement by the Minister which was conciliatory and placatory. He referred to the possibility of using clause 2 as a means of not proclaiming any particular section. If that is not a complete switch in one evening I do not know what is.

We have moved right through to the situation where the Minister has pointed out that the Act, in fact, need not be proclaimed. That is the whole implication and purpose of clause 2. Surely, at some stage, we should have been told that this was the purpose of the clause. We have been told that clause 45 may not be used; we were told that clause 7 should not and never could be used—which strikes me as being silly; and we were then told that clause 2 could mean, and probably did mean, that it could be used for the purpose we are discussing. Surely this Committee should be quite concerned about the advice which has been tendered. I am sorry to have had to say that, after commencing my remarks by complimenting the Minister. I am concerned with the shift of emphasis which has been evident in the discussion from the Government's side of the Committee tonight.

Although the Minister is totally responsible for the actions on the other side, he cannot be held completely blameworthy in this respect but I hope the Committee will accept Mr. McNeill's amendment, and if Mr. Logan can improve upon it later in conference, perhaps the matter could be recommitted for reconsideration. I believe at this stage the Committee should give an indication of its dissatisfaction with the existing situation by supporting Mr. McNeill's amendment.

The Hon. R. THOMPSON: I think what I said has been twisted. We appreciate that vesting is most necessary. As I said, certain clauses of the Bill will come into being as requested by the authority.

The Hon. G. C. MacKinnon: You said it was vital to the authority's operations at the very outset.

The Hon. R. THOMPSON: That is true. I said that under clause 2 portions of the legislation could be proclaimed. Let us go back to what I said about the authority. The authority has to be set up; it must get its house in order because experience

will be required. When the authority takes charge of the industry, vesting will then be vital to it. That is not to say the authority will be set up today and all milk will necessarily be vested tomorrow.

The Hon. A. F. Griffith: Up to this point of time, do you think you have given the Committee any indication that that will be the position?

The Hon. R. THOMPSON: I think it is clear. When the Grain Pool was set up, I do not suppose it took charge of all wheat the very next day.

The Hon. J. Heitman: There is a big difference between wheat and milk. Wheat can be stored but milk cannot be stored indefinitely.

The Hon. R. THOMPSON: I appreciate that.

The Hon. G. C. MacKinnon: Onions can be stored—you can hang them up.

The Hon. R. THOMPSON: There was a very good reason why I brought the Onion Board into it. The Onion Board legislation was in the same terms as the amendment. That is why I drew the analogy.

The position is quite clear in my mind. If I am not conveying it clearly enough, I apologise. The authority will be set up. It will be acting on behalf and in the best interests of the industry, and when its book work is in order vesting will be vital. That is the sequence which any reasonable person would expect. I do not see how the authority could work in any other way. It will request the Minister to do certain things when it is geared up.

Mr. McNeill mentioned milk between manufacturing concerns. There will probably not be any change in that. I understand at the present time milk goes into treatment and manufacturing plants and it is virtually a book entry. It will continue to be a book entry as far as the authority is concerned. However, I do not think that is vital or that the honourable member suggested it was a vital provision. It deals with the machinery of the authority and the co-ordination rather than the direction of supplies. I pointed out in the paper I distributed that there would probably not be any change in the present system from plant to plant.

I leave it in the Committee's hands. I have explained to the best of my ability what I understand the provisions of the Bill, and this clause in particular, to mean.

The Hon. L. A. LOGAN: At no stage during the course of this debate or in the representations of the Farmers' Union and the producers has anything been said about vesting of milk, full stop. That is why I raise the query about what will happen if this Bill becomes law without making provision for the Minister to have the right to declare manufacturing milk and dairy milk to be not subject to vesting. Milk for human consumption is now vested in the Milk Board. Immediately the Milk Board goes out and the authority commences, it must carry on. At no stage has anyone said milk for human consumption should be vested at the outset and the rest left until a later stage. To my mind, the Bill requires vesting of all milk immediately, and that should not happen.

The Hon. A. F. Griffith: That is what the Bill provides.

The Hon. L. A. LOGAN: Yes. I think we should hold up the Bill until we are given an assurance by the Minister in this House that all portions of the Bill will be enacted at one time and that the Minister will have power under clause 7 to do what is done in New South Wales. I think it is vital to the working of the legislation. If we are given that assurance, I think we can proceed.

The Hon. R. THOMPSON: I am expressing a personal view at this stage. In the best interests of all concerned in the industry, I suggest we should pass the Bill, amended as the Committee desires, and then let it go to a committee of managers which could iron out all these matters because the responsible Minister would be present and could explain them.

The Hon. A. F. Griffith: In those circumstances, the best thing to do would be to accept Mr. McNeill's amendment.

The Hon. R. THOMPSON: I am not prepared to accept the amendment but I give the undertaking that, irrespective of the outcome of the Bill, it will be referred to a committee of managers, in all justice to members of this Committee and anyone else who has doubts. The committee of managers would probably comprise Mr. McNeill, Mr. Logan, and myself from this House. We could shorten the debate and come to an amicable arrangement in regard to the legislation. As I say, I am expressing a personal view, but if it is acceptable to the Committee I will be prepared to make that recommendation.

The Hon. A. F. GRIFFITH: As far as the Liberal Party is concerned, the conduct of this Bill has been in the very capable hands of Mr. McNeill, and it is not my intention to try to participate or take anything from him. However, I am impressed to some extent by the Minister's comments and, as I have had a little experience of committees of managers—

The Hon. R. Thompson: So have I.

The Hon. A. F. GRIFFITH: —I suggest the Minister will know that if clause 66 is not amended the committee of managers will not have anything to discuss, in which case the question of vesting would be a *fait accompli* if clause 66 were passed as it is. On the other hand, if we take the Minister's suggestion as genuine—and I am sure we can—

The Hon. R. Thompson: You can.

The Hon. A. F. GRIFFITH: —and the Bill is likely to go to a committee of managers where the difficulties will be sorted out by those who have an intimate knowledge of the industry, the safest move would be to accept Mr. McNeill's amendment so that there is something before the committee of managers to discuss. We could then leave it to them to work out the processes from that point. If clause 66 is passed as it is, it will not be a matter which the committee of managers can discuss. To say clause 2 is the operative clause which will save the operation of clause 66, is a new statement on the face of things. Since I have been listening to the debate, the first time I heard of it was tonight. What the Minister says may be right; I am not sure. The Minister may be wrong on this occasion. Personally, I do not think clause 2 would save clause 66 because it is Government policy to vest milk and it is an intrinsic part of this legislation. If Mr. McNeill's amendment goes into the Bill, the committee of managers will have the ability to discuss the proposition.

The Hon. L. A. LOGAN: Even if we do not alter clause 66, the provisions of it are perfectly clear. It is clauses 2 and 7 which are important. The provisions in clause 66 are a must and cannot be altered if we are to have vesting. Clauses 2 and 7 are the very important clauses, so if the matter goes to a committee of managers clause 66 will not alter the Bill.

The Hon. N. McNEILL: What Mr Logan has said is true up to a point. There is one particular aspect about which he may be satisfied but which he may be overlooking. While I agree that clauses 7 and 2 may give some opportunity for the Minister to exercise certain powers as a result of recommendations, reports, or submissions from the authority, that does not alter the fact that the producers themselves are not being given the opportunity of further reference on the question of vesting.

I repeat that the meeting at Brunswick clearly indicated support for this amendment because it will give producers the opportunity to express their point of view as well as requiring the authority to make an objective examination. The authority itself is allowed no discretions. I agree with Mr. Logan—and the Minister confirmed this in the notes he circulated—that this is a vital provision which must be available at the outset. I think the Minister widened the comment a little by saying that "at the outset" means "when they are ready". I do not think that is the case at all. I think those words mean "from its commencement"; and the authority will not only automatically have the power, but it will be able to implement that power immediately.

There might well be some discretions in relation to clause 2, but it seems remarkable to me that this matter has not been mentioned before. The opportunities for discretion to be exercised were the reason that I spent so much time upon an examination of clauses 7 and 45 and the experience of New South Wales. If some further point requires clarification and the Bill does go to a conference of managers, we will then have the opportunity to sort out that point. I hope the Committee will agree to my amendment because it has the support of a vast body of opinion in the industry.

The Hon. N. E. BAXTER: I feel the main reason for vesting has not been sufficiently stressed. One of the reasons expressed by the Minister when he introduced the Bill was the possibility of the authority experiencing difficulty in raising funds. He said there could be some legal doubt about raising sufficient funds on a levy basis. He also mentioned that point in the notes he circulated tonight. I think this is the key to the vesting provision in the Bill.

Apart from that, I cannot see the provision will be of much good to dairy farmers. Before the amendment is put to the vote I would like the Minister to elucidate further on the question of raising sufficient funds for the authority to operate. The Milk Board raises funds from licensing. Under the Dairy Products Marketing Regulation Act funds are raised in several ways based upon gross proceeds. Is the Dairy Products Marketing Board skating on thin ice at the moment in the manner in which it is raising funds? If so, would the same apply to the authority proposed in this Bill? If that is to be the position Mr. McNeill's amendment could prove rather cumbersome, because milk would be vested in the authority by a petition of 51 per cent. of the whole-milk or manufacturing producers, and the delay could cause serious inconvenience. I think this aspect requires more consideration.

The Hon. R. THOMPSON: I am not in a position to say whether or not the Milk Board is skating on thin ice. As Mr. Baxter pointed out I said in my second reading speech and in the notes I circulated that vesting is the manner in which the authority will raise its funds. I also said it would be completely unfair to charge a small producer the same license fee as a large producer is charged. Therefore, vesting is the only equitable manner by which the authority can raise sufficient funds for its operation. I think that is the simple answer.

The Hon. N. E. Baxter: Can you comment on the doubtful legal position of the manner in which the Dairy Products Marketing Board is raising funds?

The Hon. R. THOMPSON: I have insufficient knowledge of that situation. My mind goes back to several Acts, which I

could name, which could be successfully challenged. I think the honourable member would know of one in regard to which he, another member, and I made recommendations; and if it were challenged it would be found to be illegal. I think we are all aware of that Act, but at least it has been of great benefit to the industry with which it is concerned.

Vesting is an essential provision to enable the authority to raise funds.

The Hon. N. McNEILL: I intended to let my case rest, but in view of Mr. Baxter's comments I think it is necessary to say that I appreciate the fact that when drafting legislation such as this the Crown Law Department must take into account the constitutional position. I accept that; but how real that danger is, is a different question altogether. I have instanced many times the fact that a great many Acts are in operation which could be subject to challenge in respect of levies imposed. The Minister has acknowledged that no-one has considered it worth while to challenge them.

However, this does raise the question of how the authority would continue to function in the event of a challenge being successful and its source of funds being denied to it. I refer members to clause 80 which states that the funds of the authority shall consist of—

(a) all licence fees and other fees prescribed by or under this Act, which fees shall be paid to the Authority;

(b) any money appropriated by Parliament and payable to the Authority for the purposes of this Act;

(c) any money that the Authority may borrow under and subject to the provisions of this Act; and

(d) all other money that the Authority receives under and for the purposes of this Act.

So even if there is a remote possibility of a challenge the authority could be financed and saved from possible embarrassment by the provisions of clause 80.

With regard to the cumbersome nature of my amendment as referred to by Mr. Baxter, I imagine that if it were necessary to obtain a petition it could be done within a few weeks. I am sure that nothing disastrous would occur in that period. If such an emergency did occur it would provide added reason for the producers themselves to petition for vesting. Certainly in my view there would be no real delay or inconvenience; and in the meantime the necessary funds would be made available under clause 8.

The Hon. D. J. WORDSWORTH: It appears to me that one of the main reasons for the vesting provision is to raise funds. Here we are practically socialising an industry so that we may be assured of having funds. This seems to be completely out of place.

The Hon. R. Thompson: How are we socialising the industry?

The Hon. D. J. WORDSWORTH: It seems to me that the whole object is to raise funds, and it is odd that so much importance should be attached to this. In the notes he circulated the Minister referred to the problems of processing plants and how this clause will overcome the situation of the plants being forced to purchase too much milk. I think it is of interest for producers to note that one of the objects of vesting is to relieve processing plants of the obligation of having to purchase excess milk which they cannot use. I wonder whether this clause will relieve that position. Does it mean that producers will be given varying quotas? How else can the amount be varied?

The Minister's notes also point out that a great deal of competition between plants will be removed by having only one purchaser. That is what I was referring to when I mentioned that the industry is being socialised.

The Hon. R. Thompson: Who purchases all the wheat in Western Australia?

The Hon. D. J. WORDSWORTH: We are talking about milk. If the Minister wants to talk about one body purchasing everything, I could refer to land marketing. I am making the point that we seem to be removing the opportunity for competition between dairy companies, and I strongly disagree with that.

Amendment put and a division taken with the following result—

Ayes—10

Hon. G. W. Berry	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. W. R. Withers *(Teller)*

Noes—13

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. R. F. Claughton	Hon. R. Thompson
Hon. S. J. Dellar	Hon. S. T. J. Thompson
Hon. J. Dolan	Hon. J. M. Thomson
Hon. J. L. Hunt	Hon. W. F. Willesee
Hon. R. T. Leeson	Hon. D. K. Dans
Hon. L. A. Logan	*(Teller)*

Pairs

Ayes	Noes
Hon. Clive Griffiths	Hon. L. D. Elliott
Hon. C. R. Abbey	Hon. R. H. C. Stubbs

Amendment thus negatived.

Clause put and passed.

Clauses 67 to 70 put and passed.

Clause 71: Avoidance of contracts for sale of milk—

The Hon. N. McNEILL: The amendments in my name are consequential, but there is no purpose in moving them in view of the decision on the amendment to clause 66.

Clause put and passed.

Clauses 72 to 84 put and passed.

Clause 85: Authority to pay Department amount towards defraying cost of certain services—

The Hon. N. McNEILL: This clause might be regarded as consequential upon the deletion of the reference in earlier provisions to the role of the Department of Agriculture. As the Committee has already agreed to the deletion of the reference to the department in its specific roles, it is therefore consequential that the clause should be deleted. The clause makes it clear that the authority is authorised to remit to the department sums of money calculated towards defraying the cost of the supervisory, laboratory, milk, or dairy produce grading activities of the department, or any services performed by the department on behalf of the authority.

While the ultimate responsibility for all these functions must lie with the authority, it is not necessarily intended that the Department of Agriculture which is well equipped to carry out a great many of these functions and services shall not proceed to do so on behalf of the authority. In so carrying out such functions and services for the authority it is to be entitled to payment.

It is my contention that these are the proper functions of the existing board, and it has power to pay for the services as specified in the Act. For that reason it is not necessary to particularise by specifying the Department of Agriculture. I believe that such charges by the Department of Agriculture on a statutory authority are not implied in the other sections of the agricultural industry which I mentioned earlier.

The Hon. L. A. LOGAN: On recommittal of the Bill it is proposed to insert certain words in clause 17. For that reason I think the wording in clause 85 is wrong. With the insertion of the words in clause 17 some provision should be made for the payment by the authority of services rendered by the Department of Agriculture.

The Hon. N. McNEILL: I acknowledge the fact that the department may well carry out certain functions, and in special circumstances it may be necessary through negotiations with the Minister for the authority to pay the department for these services. However, the provision in clause 85 is mandatory, because it states that the authority shall remit to the department. It may well be that certain of these functions, such as milk and produce grading, are carried out by the department; but now that the authority is to be responsible for these functions it may carry out these functions itself through its own officers. In that event there is no requirement to pay the department.

Under the clause it is mandatory for the authority to pay the department for all the functions mentioned therein, although they may be carried out by officers of the authority or by other persons engaged by the authority for the purpose.

I seek to recommit the Bill for the purpose of reconsidering clause 17 because I want to emphasise the fact that the authority may engage its own officers to carry out these functions and activities which otherwise the Department of Agriculture may carry out. I do not think that clause 85 is necessary to implement clause 17 after it has been amended on recommittal.

On the authority are to be conferred certain powers under the Bill to make payments to all sorts of people for certain services and activities; so it is not necessary to particularise the Department of Agriculture.

The Hon. R. THOMPSON: It would be desirable for this clause to remain in the Bill. I would like to read the advice which I have had from the outset. This is that the cost of the supervisory authority and milk or dairy produce grading activities and other services carried out for the authority by the department are to be contributed to by the authority to the extent to be prescribed.

At present, the Milk Board has to meet the entire cost of supervisory and laboratory services for the liquid milk industry, and the Dairy Products Marketing Board makes a contribution to the department for butter and cheese grading carried out by the department's officers on its behalf. The advisory services of the department would be continued to be provided at no cost, as at present.

This means that virtually the same arrangement will apply. It will be a prescribed contribution from the authority. I understand that this is something to be worked out between the authority and the department. I think it should remain in the legislation. I acknowledge that it does not mean a great deal and that it is something that must be worked out. If the authority is not functioning on a financially sound basis, perhaps it may not make any contribution. If it is, it will. It is essentially a contribution and not a charge.

The Hon. L. A. LOGAN: Clause 17 states in part—

> 17. (1) Subject to this Act, the Authority may appoint, employ and pay out of the funds of the Authority such officers and employees as it considers necessary...

That is fair enough when it comes to people actually employed by the authority. I do not know whether this would cover the department. It would cover officers of the department who were doing work for the authority. Possibly the department itself is not covered under clause 17. Instead of seeing clause 85 deleted I would prefer to see it amended. This could be done simply by changing initially the word "shall" in line 5 to the word "may". This

would cover the position without going into the rigmarole of what the authority must do. Perhaps the Minister could look at that.

The Hon. R. Thompson: That would be quite acceptable.

The Hon. L. A. LOGAN: Before I move the amendment, I wish to outline the other amendments which would follow. It would be necessary to delete the words beginning with the word "towards" in line 7 down to and including the word "or" in line 9, and to substitute the word "for". The clause would then read—

> The Authority may remit to the Department annually such sum of money calculated as prescribed for any services performed by the Department on behalf of the Authority.

I move an amendment—

> Page 64, line 5—Delete the word "shall" and substitute the word "may".

The Hon. N. McNEILL: I can understand the slight doubt about the position which may arise if clause 85 is deleted. However, I make the point perfectly clear that even by allowing discretion through the use of the word "may", this, in itself, confers an obligation upon the authority to pay for services by the Department of Agriculture.

This is a little different from the position in New South Wales and I refer once again to the New South Wales legislation. The position is not only somewhat different from the New South Wales Act but it is also somewhat different from other legislation dealt with by this Parliament and concerned with the availability of services of the Department of Agriculture in connection with the administration of the industry.

The Hon. R. Thompson: What section of the New South Wales Act?

The Hon. N. McNEILL: I refer to section 22 on page 26 which reads—

> 22. (1) For the purposes of exercising and discharging the responsibilities, powers, authorities, duties and functions conferred or imposed on the Authority by or under this Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged with that Department, make use of the services of any of the officers or employees of any Government Department.

It will be appreciated that this almost gives the authority *carte blanche*. Any services at all which are performed or made available by any Government Department to the authority in New South Wales are done so under terms arranged with the appropriate Minister. In my estimation this would be largely in the nature of book entries. It is not specifically stated that sums of money will be remitted annually. Probably it has been quite deliberately worded in this way. The New South Wales Act certainly makes sure that the services of any departmental officers will be made available under conditions which are arranged.

Under this measure we would virtually be denied access to departmental officers. Further, it would add to the costs upon the authority. I refer again to the answers given to questions I asked in the Chamber today. We must show every concern to ensure that there will not be any increased charges upon the authority—and, thereby, directly upon the producers—in the course of the operations of the authority.

I will not make a great issue of this. I point out to the Committee that the amendment moved by Mr. Logan would not, in actual fact, fully fit the situation.

The Hon. J. HEITMAN: It is a new departure, as far as I can see, to suggest that any authority or any primary industry will remit money anually to the department for the work it does. Let us consider the wheat and cattle industries. The department helps those industries on so many occasions. Also, veterinarians attend to sheep diseases in country areas. Yesterday I met a veterinarian who works for the department and he was going to Gidgegannup to test cattle for tuberculosis and brucellosis. The department was defraying the expenses. It was not a charge on the farmer to have this done.

Then again, there are the officers in the Department of Agriculture who give advice in connection with the growing of wheat. Certainly when it comes to a question of soil erosion it is necessary to pay a certain sum to obtain a man from the department to do the surveying.

However, this seems a new departure and, if it is included, the services of the Department of Agriculture will be paid for by primary producers. It would certainly build up the Department of Agriculture into a huge department which would be one of the greatest money spinners for the State.

I hope we will not continue with this suggestion. I would like to see clause 85 taken out of the Bill altogether.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

> Page 64, lines 7 to 9—Delete all words commencing with the word "towards" down to and including the word "or" and substitute the word "for".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 86 put and passed.

Subheading: *Division 1.—Duties and Functions of the Department of Agriculture and Inspectors*—

The Hon. N. McNEILL: I move an amendment—

Page 64, lines 30 and 31—Delete the words *"Department of Agriculture"* in the subheading and substitute the word *"Authority"*.

Amendment put and passed.

Subheading, as amended, put and passed.

Clause 87: Power of Department to supervise and control milk and dairy produce for certain purposes—

The Hon. N. McNEILL: As a consequential amendment I move—

Page 64, line 34—Delete the word "Department" and substitute the word "Authority".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 88: Dairy produce premises to be registered, etc.—

The clause was amended, on motions by The Hon. N. McNeill, as follows—

Page 65, line 10—Delete the word "Department" and substitute the word "Authority".

Page 65, line 13—Delete the word "Department" and substitute the word "Authority".

Page 65, line 17—Delete the word "Department" and substitute the word "Authority".

Clause, as amended, put and passed.

Clause 89 put and passed.

Clause 90: Inspectors—

The clause was amended, on motions by The Hon. N. McNeill, as follows—

Page 65, line 33—Delete the word "Department" and substitute the word "Authority".

Page 66, line 1—Delete the word "Department" and substitute the word "Authority".

Clause, as amended, put and passed.

Clause 91: Production by inspector of certificate of appointment—

The Hon. N. McNEILL: I move a further consequential amendment—

Page 66, line 14—Delete the word "Department" and substitute the word "Authority".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 92 put and passed.

Clause 93: Further powers of inspectors—

The Hon. N. McNEILL: I desire to move a further consequential amendment to substitute the word "manager" for the passage "Chief, Division of Dairying". I move an amendment—

Page 69, line 31—Delete the passage "Chief, Division of Dairying" and substitute the word "manager".

The Hon. R. THOMPSON: If this amendment is carried it will have a serious effect which I will explain in a minute. When I speak to this amendment, I am also speaking to the proposed amendments to clause 94.

If we delete the passage "Chief, Division of Dairying" we will remove all reference to the only person professionally and technically qualified to control the supervision of dairy product manufacturing as well as milk production and processing.

The supervision of product manufacture requires a high level of knowledge of dairy science and technology which the manager or staff of the authority would not possess. The manager will be an administrator, trained, and no doubt competent, in administration, but completely unqualified to sit in judgment of professional and technical aspects of the dairy industry's operation. His technical staff, assuming these to be the present Milk Board technical and supervisory officers, would have limited qualifications relating in the main to supervision of farm dairies, pasteurisation, and bottling of milk. It is also probable that these people will be transferred to the department, dependent on how the Opposition sees the authority's function consequent on these amendments.

As has already been stated in relation to a previous amendment to this Bill, the Department of Agriculture is the most appropriate service to advise and supervise technical operations because of the great depth of expertise at its disposal. Within the department, it is really the Division of Dairying which provides and organises professional services and supervision of the dairying industry. This illustrates the need for reference in the Bill to this division, particularly as the manager of the authority would not be qualified to adjudicate on and to evaluate technical matters. Therefore, I oppose the amendment.

The Hon. N. McNEILL: I reject the proposition put forward by the Minister. In the earlier part of the debate we emphasised that we are to have an industry authority which in the fullness of time will engage where necessary fully qualified officers to authorise and carry out necessary inspections, and so on. If my amendment is not agreed to, the chairman or manager of the authority will not be in the position to give the necessary approval. Here again there would be some difficulty in the functioning of the authority as it would be necessary in this instance for the Department of Agriculture to approve such notices, as it would be directly responsible.

Let me use an argument which I have already used: If my amendment is carried the Department of Agriculture will not be denied the opportunity to make a recommendation and to report to the authority. In fact, by his signature, the manager would then authorise the recommendation. If I need to put it the other way, if we do not pass the amendment and the Chief, Division of Dairying, remains specified, the authority, and more particularly the manager, will have no authority in respect of granting the particular approval. I do not deny that the Department of Agriculture may have a great many qualified people on its staff. However, this does not mean that the authority, as an industry authority in Western Australia, is not able to—or will not be professionally, scientifically, and technically qualified to—carry out the functions which are specified in clauses 93 and 94. So I will persist with my amendment.

Amendment put and a division taken with the following result—

Ayes—14

Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. Heitman	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry
	(Teller)

Noes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans
	(Teller)

Pairs

Ayes	Noes
Hon. Lyla Elliott	Hon. Clive Griffiths
Hon. C. R. Abbey	Hon. R. H. C. Stubbs

Amendment thus passed.

The Hon. N. McNEILL: I move an amendment—

> Page 70, line 21—Delete the passage "Chief, Division of Dairying" and substitute the word "manager".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 94: Power of inspector to condemn certain milk, dairy produce, etc.—

The Hon. N. McNEILL: For the reasons I gave in support of my amendment to clause 93, I move an amendment—

> Page 71, lines 10 and 11—Delete the passage "Chief, Division of Dairying" and substitute the word "manager".

Amendment put and passed.

The Hon. N. McNEILL: I move an amendment—

> Page 71, line 15—Delete the passage "Chief, Division of Dairying" and substitute the word "manager".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 95 to 98 put and passed.

Clause 99: Offence of obstructing, etc.—

The Hon. N. McNEILL: I move an amendment—

> Page 73, line 17—Delete the words "officer of the Department or inspectors" and substitute the word "inspector".

Amendment put and passed.

The Hon. N. McNEILL: There is just one further matter to which I wish to refer. I have no other amendment, but I wish to comment on the question of penalties. This clause proposes that the penalty shall be $200 or imprisonment for two months. Can the Minister explain the significance in the difference between the penalty that is provided in clause 98 for offences covered by that clause—which in themselves give cause for concern because they deal with foodstuffs—and the one provided in clause 99?

In clause 98 the penalty is $200, but in this clause the penalty is $200 and imprisonment for two months. The only difference that I can see is that clause 99 refers to a person who resists, interferes, or obstructs the authority or any member of it. I suppose anyone committing such an offence is deserving of a greater penalty than the penalty provided for the offence set out in clause 98, but that is only my supposition. Elsewhere in the Bill it would be apparent that a number of other penalties are prescribed which are even more severe than those proposed in clauses 98 and 99.

The Hon. R. THOMPSON: The only reason I can give is that clause 99 provides the necessary protection for officers of the authority against obstruction or hindrance in performance of their duties. I can only draw an analogy between this provision and that in the Fisheries Act which imposes a severe penalty on any person who obstructs a fisheries inspector in the performance of his duties.

The Hon. A. F. Griffith: Mr. McNeill wants to know why, under clause 99, it is sought to put the offender in prison, but in clause 98 the penalty is only $200.

The Hon. R. THOMPSON: If a person resists or interferes with an officer of the authority in the performance of his duty it would be in contravention of the provisions of the legislation and that is probably the reason for the harsher penalty imposed under clause 99. By obstructing an officer in the course of his duty a person may hit him over the head with something, but the offence of offering something for sale in contravention of the provisions of the Bill would be a lesser offence.

The Hon. A. F. Griffith: If a man did that to a milk inspector he would be guilty of a much more serious offence of physical assault.

The Hon. R. THOMPSON: I can only say that the Fisheries Act contains penalties similar to those imposed in this Bill. Possibly, in these circumstances, a milk inspector would be on the premises perhaps without a warrant, in much the same way as a fisheries inspector may enter premises without a warrant. Therefore a person could become abusive and strike the inspector because he has entered the premises. That is the only explanation I can offer.

The Hon. N. McNEILL: That explanation is, in fact, in accord with my supposition. Clause 98 provides a penalty of $200 for an offence which should be regarded as serious because it relates to foodstuffs.

Clause 99 provides a penalty of $200 or imprisonment for two months, while clause 100 provides a penalty of $300. Clause 106 provides that a regulation may impose a penalty not exceeding $250 and a daily penalty of $20. I do no more than draw attention to the fact that the Bill contains differences in penalties which are difficult to fully understand.

Clause, as amended, put and passed.

Clause 100 put and passed.

Clause 101: Recovery of fees, etc., includes regulations—

The Hon. N. McNEILL: I move a consequential amendment—

Page 74, line 2—Delete the words "or the Department".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 102: Proof of certain matters not required—

The Hon. R. THOMPSON: I wish to draw attention to the fact that in line 28 the figure "6" should read "7".

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The Clerks have already made the correction.

The Hon. R. THOMPSON: I merely wish to draw attention to the fact that in the New South Wales Act, which has been quoted often, section 80 contains virtually the same provision as subclause (2)(b).

Clause put and passed.

Clause 103: Proceedings—

The Hon. N. McNEILL: I move a further consequential amendment—

Page 74, line 31—Delete the words "or the Department".

Amendment put and passed.

The clause was further consequentially amended, on motions by The Hon. N. McNeill, as follows—

Page 74, line 33—Delete the words "or the Department".

Page 75, line 2—Delete the words "or the Department".

Page 75, line 4—Delete the words "or the Department".

Clause, as amended, put and passed.

Clause 104: Indemnity—

The Hon. N. McNEILL: I move a consequential amendment upon the deletion of the provision concerning a prices tribunal—

Page 75, line 9—Delete the words "Tribunal or".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 105 put and passed.

Clause 106: Regulations—

The Hon. N. McNEILL: I move a further consequential amendment—

Page 77, line 6—Delete the word "Department" and substitute the word "Authority".

Amendment put and passed.

The clause was further consequentially amended, on motions by The Hon. N. McNeill, as follows—

Page 77, lines 22 and 23—Delete the words "or the Department".

Page 77, line 36—Delete the word "Department" and substitute the word "Authority".

Page 78, line 2—Delete the passage ", the Tribunal, the Department".

Clause, as amended, put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by The Hon. L. A. Logan, for the further consideration of clauses 2, 17, and 18.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

Clause 2: Commencement—

The Hon. L. A. LOGAN: I move an amendment—

Page 2—After line 3 insert a subclause to stand as subclause (2) as follows—

(2) The provisions of Division 4 of Part II of this Act shall not be proclaimed except upon the recommendation of the Authority.

I know that it can be said that clause 2 already provides for the proclamation of the legislation. However, I am not entirely satisfied concerning the action the Government is likely to take under clause 7, and for this reason I believe a safeguard

is necessary. My amendment does not interfere with clause 66 which will remain as it is.

The Hon. R. THOMPSON: I consider that the amendment is completely unnecessary. Let us be honest. Whichever party is in office, the Government will proclaim only what the authority asks it to proclaim. It looks as if someone is trying to be dishonest, and I do not think that is the intention at all. Who knows, by the time this legislation comes into operation, one of the members of the Opposition could be the Minister?

The Hon. A. F. Griffith: I would say that is more than likely.

The Hon. R. THOMPSON: Truthfully I can see no necessity for the amendment. We have given the power to the authority and we can expect that the authority will make the recommendations, and that no Minister will go against the authority and put the vesting provisions into operation unless the authority requests him to do so.

The Hon. N. McNEILL: I wish to indicate my support for the amendment. We really have gone through a whole gamut of explanations and definitions which may be available to Ministers, and the way in which the authority may exercise powers of limitation.

The Hon. A. F. Griffith: Were we not told a little while ago that clause 2 was the saving clause in respect of the proclamation of vesting?

The Hon. N. McNEILL: That is right. However, in order to obviate and avoid any possible doubt I think it ought to be spelt out and I support the amendment.

The Hon. R. Thompson: Then, so will I.

The Hon. A. F. GRIFFITH: Did the Minister indicate that he would support the amendment?

The Hon. R. Thompson: Yes.

The Hon. A. F. GRIFFITH: That is delightful because it is the third time he has changed his mind tonight. His first statement was that the proposed amendment was not necessary.

The Hon. R. Thompson: I do not think it is necessary but if it is the desire of the Committee I will agree.

The Hon. A. F. GRIFFITH: How magnanimous. The Minister went out of his way to try to persuade the Committee that vesting could be saved under the provisions of clause 2. He then went out of his way to say that the proposed amendment was unnecessary, but that he would agree to it.

The Hon. R. Thompson: I said I did not think it was necessary.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 17: Appointment of staff—

The Hon. N. McNEILL: I do not want to go into a long explanation regarding the reason for the recommittal of the Bill for the purpose of altering this clause again, except to say that this matter was overlooked. I accept responsibility for the oversight.

It was overlooked that those officers who may be employed by the authority or the department, as the case may be, will need to have their conditions of employment well and truly protected. My amendment proposes to do that. I move an amendment—

> Page 15, line 33—Insert after the word "date" the passage ", except that where any officer or employee in the supervisory section of the Milk Board of Western Australia is required to be employed in the Department he shall be so employed at a classification and salary not less than that applying at the commencing date".

The Hon. R. THOMPSON: When we debated the amendment to clause 9 of this Bill I pointed out—and my remarks can be found in *Hansard* at page 4298—the following—

> For the authority to have all supervisory powers and delegate them to the department, it would be necessary for the present supervisory staff of the Milk Board to be transferred to the department, as provided in the Bill. Otherwise, the present divisive situation would be continued, wherein the staff of the Milk Board carries out supervision of the whole-milk section of the industry and staff of the Department of Agriculture supervises the manufacturing section.

I am very pleased that Mr. McNeill now agrees with me on that point. I do not propose to vote against the amendment or the insertion of the words, but I question why the wording of clause 17 was not entirely changed. I also draw attention to subclause (2) of clause 17 which reads, in part—

> (2) On the commencing date—

This would indicate that the transfer of the Milk Board staff would have to occur on that date. The other question I would pose is what happens to the members of the Milk Board staff who are not required by the department? What protection will they have under the new wording of the clause? I consider those people had sufficient protection under the previous wording. I am wondering whether Mr. McNeill might give some thought to what I have said and whether the matters I have raised have some merit. He might like to change the wording back to what appeared originally. I am trying to be helpful, and not critical.

The Hon. N. McNEILL: I accept that the Minister is trying to be helpful and I have examined, as carefully as possible, the provisions of clause 17 prior to its amendment. I do not consider we should revert to the original provisions simply because the emphasis, prior to the clause being amended, was on the administrative section and, more particularly, on the employment of all those people within the Department of Agriculture. They were all to be employed by the department except that some could be required to be transferred to the new authority.

My intention was to require that the authority shall be the employing body excepting that where, in certain instances, it may be necessary for an officer to be transferred to the department. In other words, it is a reversal of the situation.

This is well and truly in keeping with the proposition which I have consistently propounded; that the authority must be the predominant body and will, in fact, for all practical purposes be the new employer. If the department carries out some of the supervisory functions for the authority it may be necessary for some of those officers to be employed in the department. That is the reason why I believe clause 17 as it was would not suit the new situation, so I have endeavoured to compound the two subclauses into one in order to ensure that those officers are adequately protected.

I hope I have understood the point the Minister was making. He referred to what he said in *Hansard* and went on to say he was glad to know I agreed with him. He came to the wrong conclusion because, in respect of the words he quoted from *Hansard*, I did not agree with him. That was the point of the amendments I moved. I failed to recognise that it may be necessary for some of those officers to be employed by the department, and if so their salaries, classifications, and so on had to be protected. The point the Minister made met the situation I am endeavouring to achieve.

Amendment put and passed.

The clause was further amended, on motions by The Hon. N. McNeill, as follows—

Page 16, line 8—Insert after the word "Authority" the words "or the Department", deleted by a previous Committee.

Page 16, line 12—Insert after the word "Authority" the passage "or Department, as the case may be", deleted by a previous Committee.

Page 16, line 16—Insert after the word "Authority" the words "or the Department", deleted by a previous Committee.

Clause, as further amended, put and passed.

Clause 18: Saving of certain rights—

The clause was further amended, on motions by The Hon. N. McNeill, as follows—

Page 16, line 20—Insert after the word "Authority" the words "or of the Department", deleted by a previous Committee.

Page 16, line 32—Insert after the word "Authority" the passage "or the Department, as the case may be", deleted by a previous Committee.

Page 17, line 25—Insert after the word "Authority" the words "or the Department", deleted by a previous Committee.

Page 18, line 3—Insert after the word "Authority" the words "or the Department of which the appellant is an officer or employee", deleted by a previous Committee.

Clause, as further amended, put and passed.

Bill again reported, with further amendments.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th November.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [11.17 p.m.]: I rise to support the Bill. I believe the provisions in the legislation represent a genuine attempt on the part of the Government to improve industrial relations in this State. The Bill is also designed to remove a number of anomalies in the Act which at present allow injustices to working men and women to exist.

Mr. MacKinnon introduced in his speech all kinds of irrelevancies—everything from button-up boots to the Federal Government. I knew the Australian Government would receive unfavourable mention. It is now Liberal policy for anyone who makes a speech to hurl a few brickbats at the Federal Government because the popularity of the State Government is rising rapidly, and the Opposition is desperately trying to counter it by frightening the people over Federal issues.

We were also treated to a discourse on a dispute on the waterfront in 1942, and Mr. MacKinnon expressed his concern for the individual rights of unionists when it comes to affiliation with the A.L.P. I am surprised he dragged that out of the hat; it is so old and has been used so often that I did not think anyone would bother to talk about it any longer.

The Hon. G. C. MacKinnon: It is true.

The Hon. L. D. ELLIOTT: It has been clearly established in both industrial law and common law that it is quite legal for

a union to affiliate with a political party, and when a union makes a majority decision, at a State conference or through a ballot of its members, to affiliate with the Labor Party, the affiliation takes place by the union as an organisation. It is not a personal affiliation by individual members of the union.

Of course, the majority of unions support the Labor Party because they know that this party will introduce legislation to improve the conditions of working people in this country. That is why the Labor Party came into existence in the first place. In the early days people found they could achieve very little from industrial action because the affairs of State were administered by conservative anti-worker politicians. So the Labor Party was formed. Since that time it has a proud record of achievement in upgrading conditions of the working people despite the opposition it has had to face, and particularly that of hostile Upper Houses.

The Hon. A. F. Griffith: Here we go —the same old record!

The Hon. L. D. ELLIOTT: Even in Opposition the Labor Party has been able to achieve quite a lot. It has tempered the conservatism of anti-Labor Parties because these parties eventually have to adopt many of the policies of the Labor Party.

The Hon. R. F. Claughton: They read our platform very carefully.

The Hon. L. D. ELLIOTT: We often find the policies of the Labor Party today are the policies of the Liberal and Country Parties in the future.

Mr. MacKinnon is very concerned about the rights of the individual unionist, but we never hear much said about the rights of the shareholders of companies. These people may be Labor supporters but they do not have much say about the very large amounts paid by these companies to Liberal Party and D.L.P. funds.

Mr. MacKinnon also referred to the influence of the Labor Party on trade unions. Of course, this is a lot of nonsense. In no way can the Labor Party interfere with the internal affairs or policies of a trade union; nor would it wish to do so. Of course, whenever a strike or stoppage occurs, the Opposition would have the public believe that somehow or other the Labor Party is involved. Quite frankly, I sometimes wonder whether the Liberal Party may be able to engineer these stoppages in some way because it always seems that just before an election some unions are provoked into a stoppage.

The Hon. G. C. MacKinnon: Cut that out! You can do better than that, Miss Elliott!

The Hon. L. D. ELLIOTT: This demonstrates that the Labor Party has no power over the trade unions. because if it did it would ensure that no stoppages occurred at embarrassing moments.

The Hon. A. F. Griffith: You are discovering that you have a wonderful power of imagination.

The Hon. L. D. ELLIOTT: Mr. MacKinnon did, however, touch on the Bill in one or two places in his speech.

The Hon. G. C. MacKinnon: Thank you very much.

The Hon. L. D. ELLIOTT: From these remarks, and from the amendments on the notice paper, it is obvious that the Liberal Party is determined to destroy the Bill. I believe it is sheer hypocrisy and humbug to criticise the Government in regard to industrial relations, and then, when a Bill is introduced to improve the industrial situation in this State, to place 40 amendments on the notice paper which would destroy the Bill's effectiveness.

The Hon. G. C. MacKinnon: They will improve it out of sight.

The Hon. L. D. ELLIOTT: If the Liberal and Country Parties are genuine in their expressed desire to improve industrial relations, they will support this Bill.

The Hon. G. C. MacKinnon: Is that a matter of fact or a matter of opinion?

The Hon. L. D. ELLIOTT: We continually hear remarks from Liberal and Country party members about the power of unions, but we do not hear very much about the power of big business. How often do we hear Opposition members talk about the power exercised over the economy by price fixers? We do not hear too much about it.

The Hon. G. C. MacKinnon: You tell us about it, Miss Elliott.

The Hon. L. D. ELLIOTT: Of course we do not hear of company directors going on strike to achieve their objectives.

The Hon. R. F. Claughton: They do not have to.

The Hon. L. D. ELLIOTT: That is right, Mr. Claughton, they do not have to.

The Hon. A. F. Griffith: Mr. Claughton is obviously going to make two speeches tonight.

The Hon. L. D. ELLIOTT: Companies can put up their prices 10, 20, or 30 per cent. with the greatest air of respectability because there is no machinery in existence to impose any restraint.

The Hon. W. R. Withers: The Government can put them up 100 per cent.!

The Hon. L. D. ELLIOTT: We do not hear the Opposition members speaking about the power of these companies.

The Hon. G. C. MacKinnon: Would you tell us about the directors of Hamersley putting up their prices to the Japanese?

The Hon. R. F. Claughton: That is not the sort of thing you can buy at the corner shop.

The Hon. L. D. ELLIOTT: I remember when the previous Government gave away the State's assets to Hawker Siddeley.

The Hon. G. C. MacKinnon: There speaks the voice of ignorance!

The PRESIDENT: Order!

The Hon. L. D. ELLIOTT: The Liberal and Country Parties claimed at the time that the State building supplies were run at a loss and were costing the State money. But what happened a very short time after the takeover by Hawker Siddeley? When the private companies had no opposition from a State enterprise they were then able to put up their prices without any trouble at all. They wasted no time in exercising the power they had as a result of this.

Investors are not penalised or imprisoned if they withdraw their funds from one sector of the economy and place them somewhere else perhaps causing hardship and disruption.

The Hon. G. C. MacKinnon: You ought to be nice to the Country Party tonight—you know they supported you.

The Hon. L. D. ELLIOTT: I do not remember the Liberal and Country Parties condemning the companies engaged in resale price maintenance. These companies said to the retailers, "You will sell our products at highly inflated prices. If you do not do this, you will not sell them at all." The Liberal and Country Parties could see nothing wrong with that, but Bob Hawke, the man who did more than anyone else to stop that evil practice, was condemned by these people for wielding too much power.

Of course, we all know the attitude of the Liberal and Country Parties on the prices referendum which is to be held shortly. They have made their position quite clear in the pamphlets sent out to electors. In this morning's Press we see that they are telling the people to vote "No" to price fixing.

The Hon. W. R. Withers: It is unrealistic. We should tell the people that—it is our duty to do so.

The Hon. L. D. ELLIOTT: But the Opposition does not mind telling the workers that their wages should be fixed or controlled by arbitration authorities. Why do they not apply the same principle to companies?

The Hon. W. R. Withers: Have you ever heard of consumer protection?

The Hon. L. D. ELLIOTT: It took a Labor Government to introduce the consumer protection legislation. However, the powers of the consumer protection bodies are limited, and Mr. Withers knows just as well as I do that the Consumer Protection Bureau in this State has no power over the fixing of prices.

After telling us in his speech how shocked he was about the number of strikes reported in a news bulletin, Mr. MacKinnon then went on to tell us that we should not have mediation, and he gave his reasons for this belief. One would expect, if he were so shocked with the industrial situation, that he would be interested to try out new ideas, and especially some that had proved so successful in other places.

The Hon. G. C. MacKinnon: Where?

The Hon. L. D. ELLIOTT: It is generally recognised in recent years that the number of agreements have been increasing in comparison with Industrial Commission awards. Usually the agreements are reached only after long periods of disputation. These delays could be avoided or shortened if mediation were available to the parties.

One of the anomalies in the present Act is the inability of the commission to award pay rises retrospectively. This accounts for a great deal of industrial disputation in this State. Because the existing arbitration machinery lends itself to delaying tactics by the employers, the unions often find it is quicker to achieve a decision by strike action than by making an application to the commission. If the unions knew that the commission had power to grant increases retrospectively to the time the application was lodged, this would remove many of the frustrations now experienced by the unions. It would undoubtedly decrease the number of industrial disputes.

The Hon. W. R. Withers: How about the Newman business?

The Hon. L. D. ELLIOTT: Of course, if it were worked out we would probably find that strikes over this issue cost the employers more than it would cost them if they were called upon to apply the increase retrospectively. The Chief Industrial Commissioner (Mr. O'Sullivan) agrees with the principle of this clause, because at page 5 of his 10th annual report which was tabled recently he had this to say—

> It is to be noted that this report is the tenth compiled pursuant to the provisions of the Act and that the tenor is not greatly different from that of its predecessors, except that I believe it is time that an expression of opinion upon the matter of restriction of jurisdiction imposed by the Statute be included in the Report.
>
> The restriction upon which I comment is that which prevents the Commission from providing for any order of the Commission to be given retrospective effect. Many instances have

been brought to the notice of the Commission when, in my opinion, the benefits of conditions and wage rates expressed in orders would be more justly granted to workers if such orders were capable of being retrospectively applied. Many workers, subject of awards of this Commission, now have their wage rates directly related to rates granted to like workers subject of awards of other Commissions and wage fixing authorities. That those workers should be prejudiced in time in the achievement of benefits in rates of wages appears to be inequitable. If the Act allowed the Commission to make orders to grant retrospectivity in respect of benefits claimed for workers and thus avoid any prejudice which might be sustained through delay in processing of claims, some of the causes for disruption of industry would be overcome. It is pertinent to observe that other wage fixing authorities have the jurisdiction to make orders affording retrospective application of decisions.

So if this clause of the Bill is rejected by this Chamber, it will be against the advice of an expert in the matter of industrial relations. I understand that the Industrial Commission of this State is about the only commission in Australia which does not have the power to award increases retrospectively.

Another matter which gives rise to a fair amount of industrial disputation is the question of the unfair dismissal of workers. There is nothing very radical or original about the provision in the Bill which deals with this matter. It is well established in other places and it is in line with an I.L.O. recommendation which states that workers who feel their employment has been unjustly terminated should have a body to which they can appeal against such dismissal.

The Hon. J. Heitman: They have that now; they can appeal to the Industrial Commission.

The Hon. L. D. ELLIOTT: But the commission has not the power to order the reinstatement of the worker; that is the point the Bill is trying to establish. As I was saying, the I.L.O. recommendation in respect of this matter states that a right of appeal should exist for a worker who feels he has been unjustly dismissed, and that the body to which he appeals should have the power to order reinstatement if it is found that his case is justified, or to order that he should be offered compensation.

The Hon. J. Heitman: They go on strike if anyone is dismissed.

The Hon. L. D. ELLIOTT: Surely that is the point; this is the reason why the provision has been introduced in the Bill. The Government wants to remove as many causes for strike action as possible. Surely a provision such as this makes sense.

The Hon. A. F. Griffith: I have a little newspaper cutting in front of me. Would you read it if I sent it over to you?

The Hon. L. D. ELLIOTT: I am not interested in Mr. Arthur Griffith's cutting. If the commission were given the power to which I refer undoubtedly less strikes would occur over this issue.

The Hon. A. F. Griffith: "A mail ban has been put on Western Mining Corporation".

The Hon. L. D. ELLIOTT: Mr. President, I would like members to consider the position of the individual concerned.

The Hon. A. F. Griffith: "The Federal Secretary . . ."

The PRESIDENT: Order! If the honourable member wishes to read the paper in front of him, would he do so inaudibly?

The Hon. A. F. Griffith: I beg your pardon, Sir; I certainly will.

The Hon. L. D. ELLIOTT: Thank you, Mr. President. As I was saying, consider the position of a man who goes to a country town for employment and commits himself to the purchase of a house in that town; he is dismissed from his job and cannot obtain other employment in the town. Consider also the position of a man in his late 50s who is dismissed. The employment opportunities for a man of that age are very limited. All sorts of problems can be created as a result of a man being dismissed from his employment.

The Hon. W. R. Withers: Do you mean to say that this does not happen as a result of union action? Forty-two families —that is, 200 people—left Newman; they wanted to work but the union forced them to leave.

The Hon. L. D. ELLIOTT: I would like to hear the other side of the story before I comment on that.

Another problem is that when such a person goes to find other employment he has the stigma of dismissal upon him. So, many factors which create great problems are involved in this. There is also the effect it has upon the man's family; and if the dismissal is unjust the hurt he feels adds insult to the injury.

I come now to the question of equal pay, which is dealt with in clause 73 of the Bill. I was proud of my party when it introduced an amending Bill in 1971 which removed one of the few remaining restrictions to the granting of equal pay in this State—the restriction which prevented the commission from granting equal pay to women employed in industries which usually employ women but in which males are also employed. As a result of the Act which was passed in 1971 there is now no impediment to nurses being granted equal pay. This represented one more step towards economic justice for working women.

One final restriction now remains in the Act. It is that contained in section 144(2) which requires that before women may receive equal pay not only must they show that they are doing the same work, but they must show that it is of the same range and volume and under the same conditions. I see Mr. MacKinnon has an amendment on the notice paper to defeat this clause.

The Hon. G. C. MacKinnon: Have I an amendment on the notice paper to do that?

The Hon. L. D. ELLIOTT: That is the way it reads to me.

The Hon. G. C. MacKinnon: I will have to check that.

The Hon. L. D. ELLIOTT: The notice paper indicates under clause 73 that Mr. MacKinnon will move to delete the clause. I assume his intention is to defeat the clause.

The Hon. G. C. MacKinnon: I think I had better check that.

The Hon. L. D. ELLIOTT: I hope Mr. MacKinnon will do that; and I hope he has a change of heart because it would be a proud moment for Australia if we could ratify I.L.O. Convention 100 which deals with equal pay.

The Hon. G. C. MacKinnon: You know it is not within the power of this Parliament to ratify that.

The Hon. L. D. ELLIOTT: If Mr. MacKinnon will let me finish, I will explain the point I was making. I know we in this State have not that power. It is to our shame that although 77 countries have ratified this convention, Australia has not done so; but, of course, for the past 23 years we have been under a Liberal-Country Party Government. We cannot ratify the convention until all States have passed appropriate legislation. As I said, in Western Australia we have only one provision remaining which places restrictions upon the commission in the matter of granting justice to women in respect of wages.

I would like to see all States in such a position which would allow this country to ratify I.L.O. Convention 100 dealing with equal remuneration for work of equal value and also I.L.O. Convention 111 dealing with discrimination in employment, etc.

The Hon. D. J. Wordsworth: What about the union blackballing women in shearing sheds? Are you proud of that?

The Hon. L. D. ELLIOTT: No, I am not proud of that, but at the moment I am dealing with legislation which restricts the granting of equal pay for work of equal value.

The Hon. A. F. Griffith: But Mr. Wordsworth's interjection was a worthwhile one.

The Hon. D. K. Dans: I do not know whether he is telling the truth.

The Hon. L. D. ELLIOTT: Once again I would like to know more about the subject matter of Mr. Wordsworth's interjection, but if what he says is so I do not agree with it because it is discrimination against the employment of women. However some reason may be given for the action that was taken—I do not know.

The Hon. G. C. MacKinnon: A number of awards that apply show discrimination.

The Hon. L. D. ELLIOTT: The adoption of clause 73 in the Bill will remove the one remaining impediment, as I have already said, to the Industrial Commission granting equal pay for work of equal value, and it would also take the Commonwealth that much closer to a position where it would be able to ratify I.L.O. Convention No. 100.

The Hon. A. F. Griffith: Do you know what else would stop it?

The Hon. L. D. ELLIOTT: Probably there are a number of restrictions in the legislation of the Liberal-Country Party—controlled States.

The Hon. A. F. Griffith: By gee, you are broadminded!

The Hon. L. D. ELLIOTT: It is hard for anyone to justify the retention of this restriction, particularly in view of the unanimous decision of the Commonwealth Conciliation Commission in 1972 which decided that the principle of equal pay for work of equal value would be applied to all its awards. The march of women towards economic equality in this country has been a long and hard one. It has been a tremendous battle to change the attitudes on this question, not only on the part of males, but also on the part of females themselves. For too long women have fallen for the line that they really cannot expect the same opportunities and wages as men because their true role in life is that of wife and mother—and that, after all is said and done, they are not as capable or as intelligent as men, anyway!

Women are only just beginning to learn that this is all a big hoax and that given the same opportunities they are just as capable, and in some respects they are more capable, than their male counterparts.

The Hon. G. C. MacKinnon: They are prettier, too.

The Hon. L. D. ELLIOTT: It has come as something of a shock for women to learn that femininity and masculinity in behaviour, thinking, and dress are due more to nurture than to nature.

The Hon. G. C. MacKinnon: Will you say that again?

The Hon. L. D. ELLIOTT: Does the honourable member really wish me to?

The Hon. G. C. MacKinnon: Yes. It sounded like a pretty smart statement.

The Hon. L. D. ELLIOTT: The honourable member can read it in *Hansard*. If we consider the physical requirements of various occupations we would often find that in many places the ratio of men to women engaged in industry should be reversed. For example, in this country in the nursing profession the overwhelming majority of people employed are women, whereas in the medical profession the overwhelming majority of those engaged in that profession are men. I submit that if we are to base the employment of people on physical requirements, then the people employed in these professions should be reversed. By that I mean that from information I have gleaned about their duties nurses expend much more physical energy in their jobs than doctors do, because I know many nurses with back injuries caused as a result of having to lift heavy patients in and out of bed.

The Hon. G. C. MacKinnon: What bars exist that stop females from becoming doctors?

The Hon. L. D. ELLIOTT: Community attitude and lack of opportunity.

The Hon. G. C. MacKinnon: Women can pass the examinations and enter university.

The Hon. L. D. ELLIOTT: This is all part of their conditioning, and that is what I am trying to convey to the House. There are no legal restrictions imposed against women should they desire to enter the medical profession. That has been the case for a long time, just as there are no legal restrictions against women entering any other profession. The first point I wish to make is that from the time they are born women are conditioned to accept that they should not really enter such occupations; that these represent a man's world, and that women are fitted only for jobs as secretaries, nurses, teachers, and other occupations in which they should not seek a career, because all a woman should want to do is to get married, have a family, and live happily ever after. This is the reason that we do not get more women entering professions; it is because they have been conditioned to believe that it is a man's world. Many women do not have the confidence to enter these professions.

The Hon. G. C. MacKinnon: Are you going to legislate to change this cultural conditioning?

The Hon. L. D. ELLIOTT: It is already changing.

The Hon. G. C. MacKinnon: Because of Germaine Greer?

The Hon. L. D. ELLIOTT: Yes. It is already changing due to people like Germaine Greer and the feminists who have made women realise what has been responsible for the imbalance among the people employed in various occupations.

I agree that no legal restrictions have been placed on women, but there have been restrictions imposed on the opportunities that are offering. For example, we all know the problem that exists because of the lack of child care facilities in this country. It is just not possible for many women to re-enter a profession after they are married.

Despite the fact that a woman might have been a member of a profession, or had been following some career before she was married, after she has had a family, unless there are adequate child-care facilities available to her, it is not possible for such a woman to return to her previous career.

However, to return to the Bill, it always annoys me when I see different standards applied to different occupations. For example, would anyone in this Chamber dare to suggest that a female doctor, lawyer, or member of Parliament should be paid less than her male counterpart?

The Hon. A. F. Griffith: I would not dare make that suggestion to you.

The Hon. L. D. ELLIOTT: I do not think the Leader of the Opposition would, but the point I make is: Why should female cleaners, cooks, or factory workers who work alongside men and who do the same job not receive the same amount of pay? We do not have female doctors, lawyers, and members of Parliament having to prove that the work they perform is in the same range, is of the same volume, and is done under the same conditions as that of their male counterparts.

The Hon. A. F. Griffith: On a question of economics, what is the cost of living based on?

The Hon. L. D. ELLIOTT: I do not wish to become involved in a deep discussion on economics this evening. The social and economic roles of women have changed a great deal since the beginning of the century when Mr. Justice Higgins first laid down in the Harvester Judgment of 1907 the basis of wage fixation as the amount necessary to enable a man, wife, and three children to live in frugal comfort. At that time the female basic wage was only 54 per cent. of the male wage and this remained the percentage until the war years. The men went off to war and women were required to work in the factories and to fill all the vacancies that were created by those men who had joined the armed forces.

With the establishment of the Women's Employment Board to regulate conditions and wages of women in industry during the war, it raised the rates payable to women to between 75 per cent. and 100 per cent. of the male rate.

The next move in the wages payable to women was in the 1949-50 basic wage case.

The Hon. G. C. MacKinnon: You are thrashing an argument which has already been won. It is part of the Liberal Party policy to have equal pay for the sexes.

The Hon. L. D. ELLIOTT: In the determination of the 1949 basic wage case, for the first time the court increased the female rate from 54 per cent. to 75 per cent. of the male rate. That was the first major departure from the concept of the family wage.

The year 1967 saw the disappearance of the basic wage, and the introduction of the total wage. The female workers moved a little closer still to the rates payable to males when the court awarded the same cost-of-living increases to both sexes. In the 1968 national wage case the Commonwealth commission again awarded the same cost-of-living increases to males and females.

There was an important equal pay decision made in 1969 when the Commonwealth commission had this to say in its decision—

> there is still a relic of the concept of the family wage in most of the present total wages. It is an amount which has been arrived at for varying reasons and in varying ways, but we consider it no longer has the significance, conceptual or economic, which it once had and is no real bar to a consideration of equal pay for equal work.

The Commonwealth commission included in its decision on that occasion the restriction which is in section 144(2) of our own Act, and which the Bill seeks to delete. In other words, the commission said, "You can have equal pay for equal work, but you have to prove it is of the same range and volume as that performed by the males."

However, in 1972 the Commonwealth commission in a unanimous decision said that in the light of changed circumstances the principle laid down in 1969 which provided for equal pay for equal work was too narrow, and the time had come to enlarge the concept to equal pay for work of equal value. This meant the fixation of award wage rates by a consideration of the work performed, irrespective of the sex of the worker.

In view of that momentous decision and of recent legislation on equal pay in New Zealand and Great Britain, I fail to see how anyone can justify the retention of the restrictive provision in section 144 (2) of our Act.

I challenge the Opposition to demonstrate that they are genuinely interested in industrial harmony and justice for women, by supporting the Bill.

Debate adjourned, on motion by The Hon. J. Heitman.

House adjourned at 11.54 p.m.

Legislative Assembly

Tuesday, the 20th November, 1973

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

BILLS (8): ASSENT

Message from the Lieutenant-Governor received and read notifying assent to the following Bills—

1. Church of England (Diocesan Trustees) Act Amendment Bill.
2. Legal Practitioners Act Amendment Bill.
3. Aerial Spraying Control Act Amendment Bill.
4. University of Western Australia Act Amendment Bill.
5. Education Act Amendment Bill (No. 4).
6. Censorship of Films Act Amendment Bill.
7. Co-operative and Provident Societies Act Amendment Bill.
8. Mine Workers' Relief Act Amendment Bill.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. J. T. Tonkin (Treasurer), and read a first time.

METRIC CONVERSION ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. J. T. Tonkin (Premier), and read a first time.

Second Reading

MR. J. T. TONKIN (Melville—Premier) [4.35 p.m.]: I move—

> That the Bill be now read a second time.

The object of this Bill is to metricate a further number of Acts in addition to those already dealt with in the principal Act.

The Bill comprises a further schedule of amendments, and the consequent changes to the principal Act. The schedules to the principal Act include amendments to some 63 Acts. The schedule to the Bill includes proposed amendments to 13 Acts.

As I explained when I introduced the first Metric Conversion Act Amendment Bill in the first part of the session earlier this year, it is considered that, rather than use the power of proclamation provided