Legislative Council

Tuesday, the 10th November, 1970

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

BILLS (11): ASSENT

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

1. Fauna Conservation Act Amendment Bill.
2. Petroleum (Submerged Lands) Act Amendment Bill.
3. Eastern Goldfields Transport Board Act Amendment Bill (No. 2).
4. Railways Discontinuance and Land Revestment Bill.
5. Western Australian Institute of Technology Act Amendment Bill.
6. Builders' Registration Act Amendment Bill.
7. Painters' Registration Act Amendment Bill.
8. Traffic Act Amendment Bill.
9. Government Railways Act Amendment Bill.
10. Auctioneers Act Amendment Bill.
11. Western Australian Marine Act Amendment Bill.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 6)

Introduction and First Reading

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

QUESTION WITHOUT NOTICE

CLOSE OF SESSION

Target Date

The Hon. W. F. WILLESEE, to the Minister for Mines:

Could the Minister advise the House when this session is likely to end? Many members seem to be under the impression that the session is likely to end next Friday week and, accordingly, some of them are making arrangements which take effect from that date. If by chance the session were not likely to be completed by next Friday week this could interfere with any arrangements members might make. Accordingly I submit this question to the Minister.

The Hon. A. F. GRIFFITH replied:

When a debate is prolonged I often feel like asking members when we are likely to finish the session. To be serious, however, it was the Government's intention that the session should end on Friday week, the 20th November. To my mind, however, this does not now seem possible.

My colleague, the Minister for Local Government, has just introduced one Bill which has been read a first time, and I have three more to introduce; and, more important still, some legislation of an important nature is yet to come from the Legislative Assembly. In the light of this, I think we should aim to finish on Thursday, the 26th November.

QUESTIONS (5): ON NOTICE

1. LIQUOR ACT

Annual Tax Payments

The Hon. F. J. S. WISE, to the Minister for Justice:

(1) Are stores north of the 26th Parallel, and licensed under the Liquor Act, 1970, liable for annual tax during a period July to June, whilst stores south of the 26th Parallel pay their tax for the period January to December?

(2) As a result, did the northern stores have increased tax applied immediately after the increase, whereas the new tax will not be applied to the southern stores until January, 1971?

(3) If the position is as stated, will the Government rectify the matter and apply the increased tax to all stores on the same basis, from January to December?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Yes.

(3) The matter is under consideration.

2. IRON ORE MINING

Dust Counts

The Hon. R. H. C. STUBBS, to the Minister for Mines:

Further to my question on Wednesday, the 14th October, 1970, relating to dust concentrations in the iron ore industry—

(a) what dust particle sizes are included in respirable dust;

(b) at what concentration is iron ore dust considered injurious to health;

(c) what industrial diseases are attributable to the continued inhalation of dust particles; and

(d) are regular health checks for industrial diseases carried out at places where iron ore is mined and processed in Western Australia?

The Hon. A. F. GRIFFITH replied:

(a) All particles below approximately 5 microns in size.

(b) Iron ore dust is considered to be inert and not injurious to health, but the level in working areas should be kept below 10 mgms/per Cubic metre and due consideration given to the free silica content, if any.

(c) This depends upon the nature of the dust, e.g. pneumoconiosis from harmful mineral dust, lead poisoning from lead dust, etc.

(d) Yes.

3. PACKAGES AND CONTAINERS

Litter Prevention

The Hon. J. DOLAN, to the Minister for Mines:

(1) Is the Minister aware that as the result of an approach to packaging and container manufacturers, and food and drink processors, by the Keep Australia Beautiful Council of Victoria, most food and drink containers and packages throughout Australia are expected to carry anti-litter messages within the next twelve months?

(2) Is he also aware that a number of leading companies, including J. Gadsden Pty. Ltd., Australian Consolidated Industries, Rheem Australia Pty. Ltd., Kraft Foods Ltd., Comalco Can Co., Carax Drinks Pty. Ltd., and many others, have agreed to comply with the request?

(3) In view of these desirable decisions, will the Government make approaches to similar manufacturers and processors in Western Australia, with a view to action, as mentioned above, being taken?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) I was not aware of the individual names of companies that were participating in the campaign, but understood that there would be co-operation by industry.

(3) Any local manufacturer not participating will be approached by the Department of Industrial Development in an effort to ensure that the anti-litter message is spread by every appropriate means.

4. FIRE PRECAUTIONS

Protection of Public

The Hon. G. E. D. BRAND, to the Minister for Mines:

What action is taken for the protection of members of the public attending performances or other functions in public places against the risk of fire, a duty formerly carried out by members of the W.A. Voluntary Fire Brigade?

The Hon. A. F. GRIFFITH replied:

The Health Act Public Buildings Regulations (*Government Gazette* (No. 35) of 10th April, 1969) provides for the appointment of Fire Guards.

5. TOWN PLANNING

Subiaco District Scheme

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

(1) Has a District Scheme been prepared for the City of Subiaco?

(2) Has this scheme received preliminary approval of the Minister?

(3) If the answer to (1) and (2) is "yes"—

(a) has the scheme been advertised; and

(b) what period is allowed at this stage for the lodging of objections?

The Hon. L. A. LOGAN replied:

(1) Yes.

(2) No.

(3) Answered by (1) and (2).

BILLS (3): INTRODUCTION AND FIRST READING

1. Presbyterian Church of Australia Bill.

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

2. Legal Practitioners Act Amendment Bill.

3. Liquor Act Amendment Bill.

Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

BILLS (3): RECEIPT AND FIRST READING

1. Physical Environment Protection Bill.

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

2. Traffic Act Amendment Bill (No. 2).

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

3. Public Service Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

LOCAL GOVERNMENT MODEL BY-LAWS (CARAVAN PARKS AND CAMPING GROUNDS) (No. 2)

Deletion of By-law 14: Motion

Debate resumed, from the 4th November, on the following motion by The Hon. Clive Griffiths:—

That the Local Government Act Model By-laws relating to Caravan Parks and Camping Grounds (No. 2) published in the *Government Gazette* on the 31st August, 1970, and laid on the Table of the House on the 9th September, 1970, be amended by deleting By-law 14.

THE HON. J. HEITMAN (Upper West) [4.53 p.m.]: I move—

That the debate be adjourned until Tuesday, the 17th November.

Point of Order

The Hon. F. R. WHITE: I rise on a point of order. My point of order is—

The PRESIDENT: Order! Mr. Heitman has moved a motion and that must be dealt with before the debate can be continued. The motion is that the debate be adjourned until the 17th November.

Question put and passed.

Debate adjourned.

POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. J. DOLAN (South-East Metropolitan) [4.54 p.m.]: I support this Bill which is, in the ultimate, complementary to the drug provisions to be found in the Police Act Amendment Bill (No. 2) which is also before the House. I would like to read a couple of clauses so that members will understand the close relationship between the Poisons Act Amendment Bill and the Police Act Amendment Bill (No. 2).

For example, clause 3 says that when the court convicts a person for an offence it shall commit him for sentence before the District Court of Western Australia which may pass sentence for the offence in accordance with section 43A and may make such order in relation to the convicted person as might be made by a court of summary jurisdiction convicting a person of an offence.

There is exactly the same provision in the Police Act Amendment Bill (No. 2). It says that a court convicting a person for an offence shall commit him for sentence before the District Court of Western Australia which may pass sentence for the offence in accordance with section 94B.

The penalties dealt with under the Police Act Amendment Bill (No. 2) and those which will be imposed under this measure are identical. In the case of a person committing an offence the fine is $2,000 or three years' imprisonment whilst in the case of peddlers the fine is to be increased to $4,000 or imprisonment for 10 years, or both.

The only point I submit to the Minister is in connection with the provisions of the Commonwealth legislation. I understood that legislation was to be standard throughout Australia but I notice that the present amendments to the drug laws of the Commonwealth fix a fine of $2,000 but limit the term of imprisonment to two years. I believe, however, that a move will be made by the Commonwealth to bring the penalties into line.

The Hon. G. C. MacKinnon: This will take a little time for each State.

The Hon. J. DOLAN: In any event the Commonwealth Parliament is not sitting at the moment.

The Hon. G. C. MacKinnon: There is a standard in severity, although there might be an odd difference.

The Hon. J. DOLAN: I was interested when the Minister said that the closing date of the session might depend more on members than on Government action. I propose to speak at great length on this measure.

The Hon. G. C. MacKinnon: That is your entitlement.

The Hon. J. DOLAN: The question of drug use and drug abuse is such a vital one today so far as the whole community is concerned that I do not feel like making any apologies for being long-winded. I propose to speak at length because I have never heard this subject discussed at real depth in this House. That is why I did not speak on the amendments in the Police Act Amendment Bill (No. 2). I felt that so many other extraneous matters were included in that amending Bill that the real purpose of my speaking might be lost sight of.

There seem to be many prominent people in the community who accept the view that the smoking of marihuana—cannabis or hashish—has no injurious effects. I consider that their statements, public and private, should be answered.

I will start by referring to a paragraph which was in last Thursday's issue of *The West Australian*. It dealt with the Winston Churchill scholarship awards. One of the recipients is Dr. Milner whose views I will refer to later when I quote authorities. Dr. Milner, who is 35, is a clinical teaching and research psychiatrist at the Claremont Hospital and he specialises in problems

associated with drugs. He was born in England and came to Western Australia from Victoria in 1964. He has become well known for his contributions to the understanding of the drug problem. Last year he secured a postgraduate degree with drug abuse as his main theme. Dr. Milner will visit laboratories in Switzerland, Britain, the United States, and Belgium to learn developments in the use and abuse of drugs and their relation to community health problems.

As I have said, I will quote him as an authority when I answer some of the statements made by people who claim that certain drugs are not harmful. There are many people, of course, who make laudable efforts to get the public to appreciate the problems of drug use and abuse. At the outset I would draw a distinction between the lawful and proper use of drugs on the one hand and the abuse of drugs on the other.

I do not suppose any one of us would criticise the highly skilled men who are engaged in the production of drugs and the discovery of drugs in order to alleviate suffering in our community. Perhaps a couple of examples will suffice to illustrate the point I wish to make. In 1884 in Venice Dr. Carl Koller discovered that painless surgery—particularly in the case of the drawing of teeth—was possible with the use of cocaine. I would say his discovery has prevented the infliction of considerable pain upon people of all ages and has proved to be a boon.

I would refer also to Alexander Fleming who, in 1928 at St. Mary's Hospital, London, discovered a substance which he named penicillin. Although that drug was not manufactured on a commercial scale until after World War II, its manufacture has now reached the stage that in 1965 the United States alone manufactured 162,000,000 lb. of antibiotics for human use, including 1,749,000 lb. of penicillin.

Drug abuse extends into all sections of the community. I do not think there is any parent who does not feel alarmed at the possibility of one of his children or grandchildren being caught up in this terrific problem. Let me illustrate some of the groups who get caught up in it. First of all, we have the youth who takes one or other of the amphetamines for kicks, and an example was given by Mr. Abbey of this type of drug being used for slimming purposes to such an extent that the users become addicts.

I could mention also the student who uses the same variety of drugs to enable him to work longer hours and to exert more concentration on his studies. I think at this time it is particularly appropriate to mention this fact because the university examinations and public examinations for the Leaving and Junior Certificates are coming up now. It was rather disquieting to read in *The Sunday Times* that teachers had recommended to their pupils that they should take a certain drug.

The Hon. G. C. MacKinnon: I found that a bit hard to believe.

The Hon. J. DOLAN: Yes, I found it difficult to believe. It seems amazing that should be done, because of the possibility that the drugs might have a depressing effect. In those circumstances it would be dangerous to advise children to take them.

The Hon. R. Thompson: The schools were not named.

The Hon. J. DOLAN: No, they were not. We are all familiar with the prosecutions of truck drivers that have taken place—more particularly those drivers who drive over long distances and who find it necessary to use a considerable number of pep pills in order to keep themselves awake. These large vehicles have been involved in some very serious accidents, including some fatal ones, on our roads and in other States. It would be difficult to assess, of course, how many of those accidents were due to the use of pep pills by the drivers concerned in order to keep themselves awake.

We also find that housewives abuse the use of ordinary tranquillisers. Probably thousands of women in our community find it necessary to take a few tranquillisers before they start the day's work by preparing the breakfast and getting the children off to school. Sooner or later the practice becomes a habit and they cannot get along without them. That is yet another group which is involved in the use of drugs and the people in that group, of course, have no criminal intent or any desire to become drug addicts. However, they eventually get caught up with the particular drug they use until they cannot do without it.

The problem exists on a more vicious level when we come to the hard core addicts or drug dependants; that is, those who have a tolerance to drugs and who have to use more and more in order to achieve the desired effect. Those people will do all kinds of things in order to obtain the drugs they need. They lose self-respect, and will forsake friendships and beg, borrow, or steal in order to get money to buy drugs to satisfy their craving.

In more recent times we have referred —even in this House—to the use of what are called hallucinogenic drugs, such as LSD. There is no need to mention the drug which those letters stand for. The people who take such drugs do so in order to produce a mental state of distorted sensations and intensified perceptions, commonly known as a "trip," with the possible consequences, of course, of serious mental changes. During the last weekend we had a visit from a world personality in Art Linkletter. Some time ago he had a most unfortunate tragedy in his family when

his daughter experimented with hallucinogenic drugs. She threw herself from a high building and was killed. Since then Mr. Linkletter has been acting as one of the advisers to President Nixon on drugs and drug abuse.

In an interview he said that one of the first things that will have to be done—and when I am summarising my remarks I will refer again to this—is for us to make a start in educating the young how to live properly instead of having to take trips and so on in order to get thrills which they feel are of benefit to them.

I mentioned earlier the smoking of cannabis or marihuana. Yesterday we had instances in the courts of a drug peddler being charged and of a girl who was before the courts on her fourth offence. I refer that case to those people who say that marihuana is not a drug of addiction. Surely if one has been before the court once and warned of the dangers and yet appears before the court on a fourth occasion—with the possibility of a continuance of the offence—one must indeed be an addict. I think it is amazing that people say there is no danger in the use of this drug.

We are most fortunate to have a magistrate who deals with these cases with all the various tolerances. He is at different times sympathetic, harsh, and understanding, and has all the characteristics that are necessary to make a good magistrate. Some of his comments on this occasion would indicate to the ordinary reader that he has studied the problem most thoroughly. He quoted from a report of the New Zealand Board of Health entitled *Drug Dependency and Drug Abuse in New Zealand* as follows:—

> It is clear that cannabis is a potent drug.

He read from the same report the comments of an Indian doctor, as follows:—

> The long-term effects of Indian hemp (marihuana) make a person a shiftless and degraded member of the community and ultimately a sick member.

Those comments should be borne in mind, particularly by those people who say there is no danger in this drug.

Of course, we do not know as much about this particular drug as we would like to know, and when we do not know everything about a possible danger we have only one course to follow; that is, to give it a wide berth until we are sure of its ultimate effects. I would say it is the duty of all of us and of all thinking and responsible people in the community to ensure that we spread the news as widely as possible that these drugs are a potential danger and, as such, are to be avoided.

Some people maintain that marihuana has no deleterious effects and that it is no worse than alcohol, cigarette smoking, etc. However, I do not propose to deal with those things. I do not care whether one calls them drugs or habits; and the question of whether or not they are harmful has probably still to be resolved in the minds of most people.

The Hon. G. C. MacKinnon: At the very best they do not do you any good.

The Hon. J. DOLAN: They do not. In fact, I think the people who do without them are better off. Of course, those things have been generally accepted by the public even though they cause misery and certain other problems.

The Hon. R. Thompson: I wonder if the Minister has ever thought of giving up smoking.

The Hon. G. C. MacKinnon: Every day.

The Hon. J. DOLAN: The problem of alcoholism is so great that at the present time the number of alcoholics in Australia is 300,000. That is an enormous figure. When I say "alcoholic" I do not mean the fellow who has learnt to drink in moderation and to use alcohol as it should be used.

However, with regard to drugs, it is not the person who takes a tranquilliser or a sleeping pill now and then that we are worried about; but when a person becomes addicted to those things it is time for him to take stock of himself. I think there is a particular danger in the advertising of drugs. Some drugs are advertised without there being any examination of the position and the effect the advertisement might have on certain people in the community.

I will provide a simple illustration concerning APC powders. We often see advertisements flashed on the television screen in which someone says, "I had a bad toothache last night, so I took an APC and it was gone in a matter of seconds. I had better get some more APC today," and so on. I feel the promotion of drugs and tranquillisers can be dangerous to the community, and I think this is another point we must watch to ensure that such advertising is curbed to the extent that it does not constitute a danger.

A Senate Select Committee on drugs sat in this Chamber after last session and took evidence from a wide variety of people. I kept some of the newspaper reports of the evidence that was given before the committee, and some of the comments made would frighten anybody. One witness was Mr. W. M. Griffiths, the Chief Pharmacist of the Pharmaceutical Services Section of the Public Health Department, and Secretary of the Poisons Advisory Committee.

Perhaps I might pause here to say that a number of the comments to which I shall refer were made by men associated with the Public Health Department. The department is aware of the problem and aware of the dangers. I would say the officers of the department deserve the full support and the utmost confidence of the

public in the work they are performing. They are doing a truly magnificent job in an effort to make the public aware of the dangers. Mr. Griffiths said that drugs should not be advertised to create sales. The example I gave a moment ago was simply for that purpose and for nothing else. With regard to Mr. Griffiths' evidence, the Press report states—

> There was no problem in W.A. with drugs such as opium and morphine, but there was an undoubted marihuana problem.
>
> He believed that people could become addicted to marihuana.

Another witness was Mrs. Irene Greenwood, a very well-known lady in our community. She said that her society—the Australian Federation of Women Voters—condemned the drug trafficker and welcomed the announcement that harsher penalties would be imposed. That is what this Bill does. The article in regard to her evidence states—

> She said that legislation to permit the use of marihuana would increase consumption because of commercial exploitation. It would create a third industry comparable with brewing and distilling, and the manufacture of cigarettes and tobacco.

She lines the three of them up together. The article goes on—

> "The respectable pushers—the advertisers—would hasten to assure consumers that it is smart to smoke pot and a whole generation of youth would be lost," she said.

Now I wish to refer to a gentleman whom I named when I first started to speak—Dr. Gerald Milner—who has been awarded a Churchill Scholarship to study this particular subject in other parts of the world. Dr. Milner said that a major marihuana epidemic could later lead to a similar problem with heroin. He warns of the danger that once a person becomes addicted to one drug it leads him on to others. In other words, once the habit is formed it is very hard to break it.

Dr. Milner told the Senate Select Committee on Drug Trafficking and Drug Abuse that people could and did initiate others into the misuse of drugs. I noticed that the fellow who was prosecuted yesterday for peddling drugs had peddled some and smoked some in company with an American girl who was in trouble a week or so ago. This man was the person really responsible for that girl being in trouble. Dr. Milner went on to say that no drug user developed his habits in a personal and social vacuum.

I was quite intrigued with that particular statement, because it is true. The person who starts this sort of thing on his own does not continue to do it on his own. The newspaper report of Dr. Milner's evidence went on to say—

> This is why I am in favour of stringent control while research is being carried out.

He gives a warning again of the danger of drugs, and while there is that danger we should be very careful about what we do in respect of drugs. The article went on—

> It had been said that there were 20 million people in America who used marihuana and that probably 40 per cent. of young people in the U.S. had used the drug.

Dr. Milner went on to say, although I would not agree with this statement, that probably Western Australia had the biggest overall drug problem in the world, particularly with alcohol. He is a highly-talented and responsible man, and the question of drugs is his specialty. Therefore, when he makes a statement like that at least it makes one pause to think that maybe there is a modicum of truth in it.

The Hon. G. C. MacKinnon: He classes alcohol as a partial drug—I know he does—and I guess he has something there, too.

The Hon. J. DOLAN: I shall quote further from the article dealing with Dr. Milner's evidence—

> Dr. Milner said: "Ours is a consumer society and though it is impossible to know the true incidence of drug dependency, every statistic—from the annual number of sleeping-tablet prescriptions to the profits of breweries—indicates that our society is hooked."

Whether he comes back, after his studies overseas, with a different impression I will be keenly interested to know. I will be interested to see whether he is able to obtain confirmation of his statements in that respect, and I think we would be well advised to listen to what he does have to say.

I would refer to just one or two other comments because I want to give a summary of my thoughts on this Bill. I would like to refer to Professor C. B. Kidd, who is the professor of psychiatry at the University of Western Australia. Professor Kidd said that education against drug abuse was vital. He then went on to say—

> The humble aspirin was not commonly recognised as a drug. People took an aspirin to relieve headache, found that it did not do the job, and had to take another.

There are people today whom I know personally—and I suppose every member knows of the same sort of people—who use a couple of packets of aspirins every day. They take three or four at a time in order to cure themselves of real or imaginary ills.

One of the main witnesses before the Senate Select Committee was Mr. J. T. Carr of the W.A. Health Education Council. Mr. Carr said that the council's programme generally would have three aims—

> To inform parent and other leader groups of the patterns of drug use and abuse leading to dependence.

To develop in these people an understanding of the role they played in the prevention of drug abuse.

To inform young people of the nature and long-term effects of drugs on individuals and to develop discretion in the use of drugs.

Mr. Carr is, in my humble opinion, doing a marvellous job in the community to make the community aware of the drug problem and to keep it constantly before the public. He also expressed the view that we have to educate young people so that they can make a careful selection in anything appertaining to drugs that they may use.

The next person I wish to quote is Dr. R. M. Ellison, the psychiatrist superintendent at the Heathcote Reception Hospital. These men have seen the causes and effects of drugs, and they are people of whom we should take a great deal of notice. He said that the joys of marihuana were told all too frequently, but not the dangers. He went on to say—

> Because there were no known dangers in a drug it was not enough to allow its free use. This attitude was once taken with LSD but its harmful properties were exposed after only a few years.

Before I conclude I want to give some independent opinions—and opinions that I think are worth while—which will indicate how widespread is the use and abuse of drugs. However, before doing so, so that I can be as practical as possible, I would suggest that there is room for considerable work to be done in this matter from now on.

First of all, some of the authorities I mentioned said it was necessary to educate young people. How many schools give instruction in the use and abuse of drugs? It should be made part of the curriculum of every school that lessons be given regularly in this respect. I would make the suggestion that the W.A. Health Education Council bring out a chart with appropriate figures and statistics which would indicate some of the dangers of drug use and abuse, and some of the things young people have to look for. This would bring the problem constantly before the minds of the young people in our community.

Secondly, I believe there should be co-operation between all medical practitioners and chemists. I know this co-operation is willingly given, but on occasions when a doctor or a chemist has doubts about a patient, or believes he is likely to become a drug addict, there should be some method of communication between doctors or between chemists and doctors. Whether this is done through the medical journal or by personal contact matters little; the information should be passed from one to the other to ensure that a person is not using up a number of doctors in order to get an adequate supply of a drug that he or she requires.

On some occasions a doctor has given a prescription for a drug and the patient has endeavoured to copy or forge the doctor's signature in order to ensure a continuous supply of that drug. In those circumstances I believe there is a duty on a pharmacist or chemist to look very carefully at his register to see whether a person is receiving more of that type of drug than is absolutely necessary for the treatment of a certain complaint. I believe, too, that the precautions taken to prevent the theft of drugs are not as great as they should be. Only recently we had an example where enormous quantities of harmful drugs were stolen in Sydney because there were insufficient safeguards against theft. I think the authorities eventually recovered the last of the stolen goods in one of those little railway boxes in which people put their luggage.

I would like to refer members to a recent statement made by the Roman Catholic Bishop of Bunbury, The Most Rev. Myles McKeon, who has recently returned from a trip overseas. One of the subjects he spoke about on his return was the incidence of drug taking. The article in the newspaper stated—

> He said that it would be living in a fool's paradise to suppose that W.A's. geographical isolation would protect it from a drug problem such as existed in the Eastern States or America.

He referred, of course, to the tragedy of Art Linkletter, and his next comment related to a conversation he had had with one of his nephews. He asked his 18-year-old nephew in America what he thought of the drug problem and the nephew replied—

> What would you think if three of your school pals had died within the last nine months?

The nephew pointed to a window on the third floor of a house across the street and said—

> A 14-year-old boy fell to his death from that window after a dose of LSD only six weeks ago.

Bishop McKeon said that he found a drug problem in a place one would never expect to find it—in Ireland. I think sometimes in the north there are people who on certain occasions get steamed up.

The Hon. F. J. S. Wise: Only in the north?

The Hon. J. DOLAN: The bishop went on to say—

> In a place where no one would dream that drugs would ever find their way a group of pushers was discovered. They were in an old, deserted house in a barren, mountainous area in the west of Ireland.

Further on in the article he went on to say—

> We must unite in an organised programme of education for ourselves and for young people.
>
> Young people, if they are to survive this present evil, must have security in the home.

He said that to survive the crisis young people have to receive education not only in the schools but also in their own homes where the danger is ever present.

I mentioned that doctors have a great responsibility to ensure that they more than play their part. I realise, of course, that they have to prescribe certain drugs for the treatment of certain complaints. However, when they find a danger attaching to their patients, in that their patients are likely to become addicted and completely and unnecessarily dependent on drugs, it is time for the doctors to consult with their colleagues and other members of the profession to see what can be done about it.

Another item that has been in the news of recent months is the excessive use of drugs in the war areas. This is particularly applicable to American servicemen in South East Asia. Some of these people have become addicted to drugs and have given evidence to a Senate committee in that country. A few of these servicemen are flying planes and have the responsibility of carrying nuclear weapons in those aircraft. Some of the cases referred to in the Press—such as shooting incidents and so on—have been occasioned by the excessive use of drugs. Evidence given before the American Senate committee on drugs was reported in the Press as follows:—

> Millions of civilian Americans are regular or occasional pot smokers.

The report went on to say—

> In Washington alone, more than $1.5 million in cash and goods is stolen each day by the 30,000 heroin users in the city to buy supplies of the drug.

Of course, in America figures like that are spoken of, and to us they are almost unbelievable. However, a total of $1,500,000 in cash and goods is stolen each day in Washington by drug addicts. So members can see what sort of a problem it is; and, at the same time, we have some people in the community who would legalise this sort of thing. I cannot go along with that.

In my view such people are doing the wrong thing by suggesting permissive legislation and if they would only allow themselves to be guided by those who really know just what a danger drug-taking is they would forget their personal opinions and keep their mouths shut or else they should change their minds and adopt a different opinion from the one they now hold.

I conclude on this note: this is one of the greatest social problems—or evils, if we like to call it that—which the community faces today. A terrific task lies ahead of all of us to warn with our voice and our pen against the use of drugs. Any time we have an opportunity to speak on the subject we should try to make our audience aware of the dangers associated with this problem. When we address gatherings at schools and other places, at breakups, and on similar occasions, we should at all times take advantage of the opportunity to tell the children that these dangers exist when they leave school to go out into the world, and that they have to be on guard all the time to avoid being tempted to try out these drugs.

The danger lies in the experimentation with the use of drugs. If a start is made to educate the children in the schools on the danger of the use of drugs, with the Public Health Department and the Health Education Council taking the lead, then our responsibility to the children may be fulfilled.

I support the Bill. I do not think that in all circumstances the imposition of fines and the gaoling of offenders will not, sometimes, cause problems. The work does not end there. There is always the offender who can be rehabilitated. I have in mind a particular magistrate who is wise enough, and who has studied this subject sufficiently, to make a decision to justify the particular case; that is, to give the offender who appears before him a chance of rehabilitation. It is only when the offenders show that they are not prepared to co-operate, and when there is a danger of their continuing the use of drugs and, perhaps, ruining valuable lives, that this magistrate is compelled to imprison them or to fine them heavily.

This is a serious problem. If I have delayed the ultimate rising of this House by half an hour or so I make no apology. With those comments I support the Bill.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.32 p.m.]: In considering the Bill before us I think back to the time when I was a student at the university, and when the use of certain drugs in this State was just beginning to be noticed. At that time benzedrine was a popular drug, and it was used by the students to enable them to continue studying beyond the period that they were normally capable of studying. At that time my attitude was—and this attitude has remained unchanged—that if I were to become subject to fatigue or headaches, which are warning signs of nature to indicate to the person that he has stretched his capacity beyond his normal limits, I would do something to remedy the position.

In my view the taking of drugs of this kind is caused by the stresses that are thrown upon young people; and they take

drugs to enable them to extend their physical and mental limits beyond their normal capacity. In saying this I am not advocating that they should use drugs; on the contrary, I advocate that they take notice of the warnings which nature gives when a person is under stress. If one has to stretch one's limits beyond one's normal capacity then it is time one took stock of the position and made an adjustment in one's daily programme. If a person has to use drugs then he is straining his physical resources to the point where he might become addicted to those drugs, or he is reaching a stage where physical illness might result.

That is one aspect of the taking of drugs of this kind. Another aspect—and this seems to be the cause of the spread in the use of drugs like marihuana—is that the taking of this drug is likened to the social acceptance of alcohol. I have been told that people who are in possession of such drugs and are responsible for introducing them are mainly those who have come to Western Australia from other parts of the country. If only the people of Western Australia were involved in this problem, the incidence of the taking of these drugs here would be of a minor nature.

However, there has been a great influx into Western Australia of large numbers of tourists, and other people seeking employment. The younger ones among these are mainly responsible for the introduction of drugs. As a rule they reside in flats and congregate with the young people of this State. At these gatherings the smoking of marihuana becomes a social occasion, in the same way as society has, for a long time, accepted the use of alcohol as an aid to social intercourse or to create a relaxed atmosphere. Society accepts the use of alcohol as a relaxing agent for reducing the tensions which people experience in their occupations and home lives. This is the lesser of the two evils, and if we did not have alcohol other ills would arise. Society has not accepted the use of drugs in the same way as it has accepted the use of alcohol.

As Mr. Dolan pointed out, many people advocate legalising the use of marihuana, and they claim that this drug does not have such a serious effect on the human body as does alcohol; however, other evidence shows this is not so. It all depends on the quality of the drug that is used and on the metabolism of the user. I would be most reluctant to see any acceptance of what are called the soft drugs, such as marihuana, in place of alcohol.

I cannot help relating this problem to my own family situation. I have young children who are approaching teenage and who will soon be going out to parties with other young people. It is of considerable worry to me that they may come in contact with people who are passing these drugs around. I believe that I have brought up my children adequately so that they are able to cope with the use of alcohol, but the use of marihuana seems to be beyond our control.

It has been claimed by many people that the use of marihuana does not become addictive, and that it has no harmful effects; but I do not believe this is so. A burden is placed on parents to ensure that they bring up their children so that the children become aware of the dangers that exist in the use of drugs; and parents should accept the responsibility to educate their children so that they can cope in a sensible and realistic way with the situation when they come into contact with marihuana, just as they do when they come into contact with alcohol.

I know many people have experimented with the use of marihuana and, perhaps, other drugs, and have not become addicted. Some people have told me that they have tried marihuana, but found that it did nothing for them. That might very well be so, and they are the fortunate ones. In other cases the people experimenting with this drug might not be so fortunate. A responsibility rests on parents and on the community to make the youngsters aware that these drugs cannot bring them any advantage, except momentary pleasure. There is the inherent danger that the use of drugs will ruin their lives.

I support the legislation, but I do so reluctantly because my nature is such that I would not seek to impose a particular viewpoint upon other people. In this case I feel the dangers are so great that this legislation is completely necessary, because it also deals with people who peddle drugs among members of the community.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.42 p.m.]: As Mr. Dolan and Mr. Claughton have touched upon the shadowy area which marks the change between the use and the abuse of drugs, I feel I should make some comments on the Bill despite the fact that they intend to support it. Many of their remarks were directed towards the use of marihuana, and I am delighted with the attitude that has been adopted by both members. As no other member has spoken in this debate I take it that the attitude of those two members reflects the general attitude of the House. I repeat that I am delighted that they are opposed to the use of marihuana or cannabis, in any of its forms. Of course, there are three forms in which marihuana is used. When it is smoked in cigarettes it is called marihuana; when it is eaten it is known as hashish; and when it is drunk it is known as "ganja."

We have all heard reports that marihuana does not adversely affect people, but as Dr. Milner recounted at one of the

conferences I attended, this drug can be likened to alcohol. If we ran experiments on the use of marihuana under the same conditions as experiments are conducted into the use of alcohol, then I suggest alcohol would come out with a cleaner bill of health.

I take it when experiments are conducted into the use of marihuana and its effects, special equipment such as electrodes are attached to the subjects; and that marihuana cigarettes are passed around, hashish is eaten, or "ganja" is drunk. After that has been done the reactions of the subjects are measured and watched carefully. The experiments might be conducted in a country in which marihuana has been used traditionally for a long time. People tend to forget that in those countries marihuana is taken by people who are generally very poor, such as the peasants, and can afford only one cigarette or one drink containing this drug each day. If we applied what is done in those countries to Australia, which has a highly sophisticated and an incredibly affluent society, we would be horrified with the results.

I, like the two members who have spoken in this debate, adamantly oppose the legalising of any drug which might be harmful; and I am sure the drug marihuana does cause harm.

Amphetamines were mentioned, and members might be interested to know that these have recently been removed from the schedule. Indeed, except for the treatment of one or two rather obscure complaints, they have been removed entirely from the pharmacopoeia, and it is very difficult to obtain them under a prescription at the present time. The removal has been recommended by the National Health and Medical Research Council.

There have been a few objections from one or two psychiatrists, and one of the reasons was that touched on by Mr. Dolan when he referred to the difficulty of security. Most pharmaceutical firms have very stringent security provisions in their wholesale sections. The security precautions were not stringent enough in the case of some firms, but they also have now become aware of the dangers of breaking and entering. As I have said, these drugs have been removed from the list and they are very difficult to obtain. One would probably have considerable difficulty in finding any firm in Western Australia still handling the drugs, and I do not think their removal will be any great loss.

I mentioned that there was a shadowy line between the use and abuse of drugs, and I think Mr. Dolan's reference to a drug of addiction is quite valid. We are a drug dependent society, and we depend on Aspros, headache powders, and a whole range of such drugs. As a servant those drugs are marvellous, but as a master they are the very devil, because it must be borne in mind that once a person has become addicted to any of the hard drugs the possibility of his rehabilitation is remote indeed.

I am particularly concerned with the difficulty in regard to education. I was grateful to hear Mr. Dolan's remarks concerning various officers in the Health Education Council, and I will pass those remarks on to the officers concerned. They are doing a very good job indeed. The area of education is difficult to gauge because it must be accepted that drug usage is one facet of the overall social problem. The problem might be the lack of challenge to, or the lack of adventure in, the life of the children of today. Who knows? There is a difficulty because, for example, a number of male parents are in the habit of arriving home and collapsing, with a glass of whisky and a cigarette, in a chair.

A number of mothers are in the habit of rushing to a cupboard for an Aspro or a headache powder. Those practices tend to encourage children in the use of drugs in some form or other. There is also the tendency of young people to rebel against authority and to strike out and experiment on their own account. However, the direction in which those young people strike out is difficult to forecast. It is not a matter which Governments can handle; it is a matter calling for individual and personal discipline because it is a very personal one. It is a matter in which we are endeavouring to embroil the whole community. The educational programme is aimed at involving the young people.

There is a tendency for people to ask why we do not make a film to show the horrors involved. Of course, the film would show people how to tie their arms and flex their muscles to make the veins stand out, and it would show them how to insert the needle properly into the vein. Anyone who wanted to experiment could see the film, and they would learn precisely how to take drugs. A film would tend to teach people how to administer drugs, and they could then immediately set out to find the drugs for themselves.

The Hon. R. Thompson: This is where a mistake could be made.

The Hon. G. C. MacKINNON: As has been said, this is where a mistake could be made. We are endeavouring, at all costs, to overcome the problem. We have been offered one or two films, which we have refused for the reason I have given.

I have taken this opportunity to sound a note of warning. Our educational programme has been very carefully worked out. Without doubt, our Adult Education Board is as good as any in Australia, and probably better than some, and I advise members to follow Mr. Dolan's suggestion by getting in touch with the board if they wish to do so.

People have asked how to recognise early signs of the problem. I will instance, for example, a teenage girl who is taking an interest in drugs. The example I am about to quote has been given by Mr. Carr, and it is that of the daughter who comes into the house, on one day, and throws down her books and her shoes, and bursts into tears. The next day that girl will rush into the house, kiss her mother, cut a slice of bread and jam, and help with the washing up. Those are two classic signs of addiction: up one day and down the next.

That is also the normal behaviour of a 13-year-old or a 14-year-old girl: they are up in the air one day and down in the dumps the next. The problem is that a mother could panic and rush her daughter to see a doctor when the daughter is acting in a perfectly normal manner. Of course, the example could be that of a boy, because boys are just as changeable as girls. We all know that children change their moods from day to day. It is terribly difficult to put the challenge back into young people's lives. I refer to the type of adventure which leaves them with insufficient time and insufficient desire to experiment.

I do not mean to talk myself out of my Bill; I do not think there is any likelihood of that. However, I thought I would comment on Mr. Dolan's remarks. This is a very difficult area of education. I have been to several lectures conducted by Mr. Carr, and I have been embroiled in this matter for some time. I know some of the difficulties involved and I hope the points I have mentioned will be of value to members who are asked questions from time to time.

A considerable sum of extra money has been applied to health education in an endeavour to overcome the problem. Drugs will not be treated in isolation, but as part of the social problem. The Federal Government has put $500,000 into an Australia-wide programme, as well as a great deal of careful study.

I thought Mr. Dolan might be interested in my comments and that they might be of interest to members of the Legislative Council generally. I am sure members are concerned, the same as everybody else, with this terribly serious problem. I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 43A—

The Hon. J. DOLAN: I ask members to look at the list of specified drugs at the back of the present Act. One of the drugs of addiction is cannabis. Some people are not aware that it is a drug which the authorities claim is a drug of addiction.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

INTERPRETATION ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Assembly without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 6)

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.58 p.m.]: I move—

That the Bill be now read a second time.

I apologise to the House for bringing forward this Bill at this stage. However, there are one or two amendments which I think are very desirable in the interests of some sections of the community.

Clause 1 relates to the title.

Clause 2 amends section 231 to enable a council to make by-laws prohibiting the parking or standing of vehicles within a parking region on land that is not a road or parking facility without the consent of the owner or occupier of the land. This amendment is exactly the same as that contained in the amendment to the City of Perth Parking Facilities Act which has already been submitted to members during this session of Parliament. The amendment is also similar to the provisions of section 57A of the Traffic Act.

The need for the control of parking in private laneways and rights-of-way is to prevent obstruction of the free movement of traffic by indiscriminate or uncontrolled parking which can deny persons who have a right of carriageway over private streets access to their properties. As private

streets are not deemed to be "roads" within the amendment of the Traffic Act, vehicles parked thereon are not subject to the control provided by part XI of the Road Traffic Code.

Clause 3 amends section 531A, which was enacted last year, to provide for special rating of urban farm lands where the land is genuinely held for the purpose of farming.

The Act which was amended last year lays down that a council may declare a special urban farm land rate. One council did declare a special urban farm land rate in presenting its budget for this year. A person then applied to have his land rated at that particular rate. The council did not think it came within the category of urban farm land, and refused to include it in that rating. There is a right of appeal. The appeal went to the valuations court, which upheld the appeal. This left the situation wide open as far as the council was concerned because this property of six acres had produced $186 gross in three years, and that is all. Yet the valuation court declared it to be urban farm land, which put the council in somewhat of a spot, because this rating then applied to many other areas. That is the reason for this amendment.

The amendment to ensure that an owner derives a substantial portion of his income from the land is similar to the provisions of a corresponding section of the South Australian Local Government Act.

Clause 4(a): This amendment is designed to assist owners of single residences whose property values are affected by rezoning.

Consequent upon representations from the South Perth City Council, supported by the Local Government Association, a committee was convened to consider a proposal that in areas rezoned for high density development the valuation in respect of single residences should remain unchanged until the land on which the single residences are erected is in fact redeveloped. The committee recommended that rate relief be given to owners of land in areas rezoned for high density development in cases of hardship on application by local authorities.

This amendment is intended to grant similar conditions to those made under the Land Tax Assessment Act under similar circumstances. Under these provisions a notional figure, representing the valuation which would have applied had the rezoning not taken place, is used.

Clause 4(b): Because of the rapid increase in the valuation of land in some areas, these values have far exceeded the value of the houses erected thereon, particularly in the case of older houses in select residential areas. Section 533(4)(f) at present requires the annual value of ratable land which is unimproved, and whether occupied or not, to be deemed to be not less than 10 per cent. of the capital value, and land is considered to be unimproved unless improvements have been effected thereon to a value of one-half of the value of the land without improvements or $100 per lineal foot of the frontage of the land, whichever is the lesser amount.

The Local Government Association has requested that section 533(4)(f) be amended to bring it into line with the Land Tax Assessment Act, which requires improvements to the value of one-third of the unimproved value of the land in order that it may be treated as improved. This amendment is designed to give effect to the decision to agree to the request.

Clause 4(c) is designed to give discretion to the Minister, on application by a council, to declare any land on which the improvements are principally a dwelling house improved land so that the limits prescribed in subsection (4) of section 533 will not apply in cases of hardship. This proposal was recommended by the committee appointed to consider valuations, and will enable relief to be given in special circumstances where the value of improvements is even less than one-third of the improved value of the land.

The Hon. W. F. Willesee: By way of interpolation, the Minister has departed from his notes. I would prefer that the second reading be adjourned.

The Hon. L. A. LOGAN I only departed from the notes on one point. I thought I should give the reason for the amendment.

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

Sitting suspended from 6.06 to 7.30 p.m.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION BILL

Second Reading

Debate resumed from the 5th November.

THE HON. J. DOLAN (South-East Metropolitan) [7.30 p.m.]: I was very interested to hear the Minister for Justice, when introducing the second reading of the Securities Industry Bill last week, say this—

> The Bill has been devised in consultation with the Stock Exchange of Perth, and I am authorised to say it has the blessing of that body.

Then, further on in his speech, he had this to say—

> Finally I wish to express my appreciation of the attitude of the Stock Exchange of Perth in its approach to the legislation.

The Minister's concluding sentence was—

> The legislation has the approval of the Stock Exchange of Perth.

In discussing this Bill, to establish the Western Australian Tertiary Education Commission, I would have liked to see the same procedure followed; that is, consultation with people who are really concerned with the measure to be of such a nature as to ensure that the Bill, as presented to us, would be in the same form when it was presented to another place.

I approve of the Bill. I believe it is something that is most necessary. The commission is to be a co-ordinating and advisory body and, as such, it will have a great task to perform. It will guide the destiny of tertiary education in Western Australia in the future. If we consider the body that was established on a national basis in the 1950s—that is, the Australian Universities Commission—that body will be remembered, if for no other reason than it established what is known as a triennium, whereby every three years it produces a programme to establish the requirements of universities throughout the Commonwealth. For that reason alone it justified its establishment.

We now have this Bill before us to establish the Western Australian Tertiary Education Commission. We have had a temporary commission, and now we are to give permanence to this commission. I want to make only a few comments about some aspects of it, and I have suggested to the Minister that he should look at one of the paragraphs in clause 12, because I consider that as we have gone so far towards establishing the commission, we should ensure that if there is any possibility of error it will be corrected before the Bill becomes an Act.

First of all, may I comment on the constitution of the commission? Of course, any attempt to add to, or subtract from the personnel of the commission, or do anything of a similar nature, would be inadvisable at this stage. I think the Government's attitude and intention is to give the legislation a chance to operate. If it is found that mistakes have been made, or there are weaknesses in the legislation, steps can then be taken to correct them, and I agree with that line of thinking.

On the commission will be a number of *ex officio* officers. The Bill also provides that members of the commission will be elected for four years with a possibility of their being re-elected for another four years. This will mean that the *ex officio* officers—such as the Director-General of Education and the Under-Treasurer—will compulsorily retire from their positions at 65, and other men will take their positions in accordance with their ordinary vocations. Consequently, they will be removed from the personnel of the commission as soon as they retire from the positions they now hold. So I think the Government should look at that aspect with a view to having the retiring age of 65 apply to all members of the commission and not only the *ex officio* members.

I also suggest that when the operations of the Bill are put into effect consideration should be given to the demands of technical education in this State. I think the greatest percentage of those who have had a good secondary education and who then attend tertiary education institutions to obtain diplomas, and so on, do so through the technical education institutions. Those institutions, of course, need large amounts of capital to establish themselves in various parts of the State. I understand that at present a large technical school is being built at Bunbury and quite a large portion of the money involved will be made available by the Commonwealth.

The Hon. G. C. MacKinnon: It is well on the way to completion.

The Hon. J. DOLAN: Yes, but the Commonwealth is providing a great deal of the money. It is necessary, of course, that if the interests of technical education are to be preserved and advanced, it is on occasions such as this that we realise the day must come when, with the extension of the commission, a representative of technical education should be a member of it. Such a representative would be able to advance the claims of this particular section of the educational field with a view to obtaining some of the requirements that are desired.

If the Minister would care to look at it, I will comment on clause 11. Subclause (2) reads—

> The Minister or the Chairman may at any time convene a meeting of the Commission.

No mention is made of the notice that is to be given to the members of the commission. I consider that something along those lines should be done, because if the Minister or the chairman has the right to call a meeting without giving some notice —I do not suggest a meeting would be called for only the few who are required to constitute a quorum—it may be found that some of the members of the commission are not available and, in such circumstances, it would not be correct for the bare quorum to reach a decision.

I now comment on the proposition I have put to the Minister, which I think we should consider in Committee. If members have a copy of the Bill before them, I refer to clause 12. I make the point that, under the heading of the clause, the verbiage used in the paragraphs that follow, which refer to the functions of the commission, is as follows:—

> (a) . . . co-ordinate tertiary education . . .
>
> (b) to consider the future development of tertiary education . . .
>
> (c) to review submissions . . .
>
> (d) to consider any requests . . .

(e) to consider—

(i) the terms and conditions . . .

(f) to consider the fees to be charged . . .

(g) to consider proposals for the establishment . . .

(h) to co-ordinate the criteria for entrance to tertiary education . . .

Then we come to paragraph (i) which starts with—

(i) to determine the minimum requirements for new academic awards . . .

It seems perfectly obvious, and members will also note, if they look at the Bill closely, that the proposed Tertiary Education Commission will be an advisory body. It will be established, with an overall capacity, to receive submissions from the various branches of tertiary education, and from various institutions and, having received those submissions, the commission will consider them.

I have suggested an amendment to the Minister which I ask him to convey to his advisers so that he may return and advise us whether there are any objections. The amendment will not take away anything in the way of authority. I have asked the Clerks to put the amendment on the notice paper for tomorrow.

The Hon. G. C. MacKinnon: I have already had discussions with them about this and I have some explanation to make.

The Hon. J. DOLAN: My suggested amendment will read—

to consider proposals for the granting of new academic awards . . .

The amendment will provide for the insertion of those words instead of—

to determine the minimum requirements . . .

I will now reread the proposal I have suggested. With the amendment, paragraph (i) would then read—

to consider proposals for the granting of new academic awards by tertiary education institutions and where appropriate to accredit such awards.

Under that provision the commission will accredit the awards, but it will not have the responsibility of determining the minimum requirements. I will cite an example of the position the commission may find itself in. Suppose the Western Australian Institute of Technology, which was granted the right to confer degrees, diplomas, and so on under the provisions of a measure we passed some time ago, asked the commission to define the minimum requirements for a science degree at the institute. The commission will have to make an endeavour to work out what those minimum requirements shall be, but that should not be one of its functions. The requirements for degrees or awards of any nature should have to be submitted by tertiary education institutions to the Tertiary Education Commission. Then the committees which that body appoints should examine the propositions very carefully and, having done so, report to the commission.

The Hon. G. C. MacKinnon: This amendment actually refers to the international recognition and accreditation body, according to the Wiltshire report.

The Hon. J. DOLAN: I have followed the Wiltshire report. When a determination by the commission, following consultations, is eventually reached, submissions are made to the Federal body which, of course, is recognised by all the States. Once the determination is made it is all right. At this stage, however, if we leave the provision in the Bill as it is it will give these bodies a responsibility and place them in a position they do not want. My proposal will not cut across the requirements of the advanced education institutions like the University of Western Australia, the Institute of Technology, and the Murdoch University.

If the body which has been created has the responsibility to decide the immediate requirements necessary there are certain people who would be offended. I feel the recommendations must come from the institutions concerned—the tertiary education institutions mentioned—and those institutions must then come before the commission and after the recommendations have been considered the decision should be made by the commission. The actual initiation of the proposals, however, must come from the institutions themselves.

That is one of the points on which there was so much publicity and discussion among the university officials—they felt it was something which was being taken out of their hands. I hope the Minister will consider my submission and all the implications thoroughly and, even if slight alterations are required, I trust that the principle of co-ordination and the considering of proposals will not be accepted as laid down.

I would now like to refer to clause 20 which deals with the financial provisions —the funds of the commission. I notice the funds available to the commission for the purpose of enabling it to exercise its functions, powers, and duties under this Act are—

(a) moneys from time to time appropriated by Parliament for that purpose.

Parliament appropriates money and gives it to the commission to carry out its duties. There are also available to the commission moneys received by it by way of bequests, gifts, or otherwise. This, of course, refers to people who bequeath money and make gifts to the university. This provides another source of income. Paragraph (c) of clause 20 intrigues me, however, because

it refers to "any other moneys made available to the commission for the purposes of this Act." If there are to be any other moneys made available, by whom will they be made?

The Hon. G. C. MacKinnon: That part of it hopefully applies to the Federal Parliament.

The Hon. J. DOLAN: That is very interesting, because this body already receives money under the triennium scheme.

The Hon. G. C. MacKinnon: The triennium money goes to the institution, not to the commission.

The Hon. J. DOLAN: The Minister thinks that an extra amount might be received?

The Hon. G. C. MacKinnon: We live in hope.

The Hon. J. DOLAN: That is good. As it stands, I think the Bill has everything to commend it. I do not want to be drawn into an argument about its original presentation. I do hope, however, that notice will be taken of an example I gave of a previous occasion where a certain body after being consulted gave its blessing to a particular piece of legislation. I hope this principle will be adopted with any new legislation that might be introduced. I feel such legislation should be discussed with the responsible people so that when it is introduced there will be no ground for public debate, letters to the Press, and so on. I support the Bill and wish it every success.

THE HON. R. F. CLAUGHTON (North Metropolitan) [7.50 p.m.]: This is a very necessary piece of legislation for the betterment of tertiary education in our State. At the outset I might say that I support all the remarks made by Mr. Dolan. There has been great change in the legislation since it was introduced in another place, and I think the change is for the better.

Mr. Dolan referred to clauses 11 and 12 and said he felt that some objection may be raised to the provisions contained in those clauses. These provisions deal with the accrediting of awards and the giving of notice for meetings of the commission.

The commission is composed of a chairman appointed by the Governor, on the advice of the Minister; the Director-General of Education; the Under-Treasurer, or his representative; the chief administrative officer from each of the advanced institutes of education—the University of Western Australia, the Murdoch University, and the Institute of Technology —and three other members who are not named.

In my opinion clause 11 (2) contains some potential for conflict at a future stage and I consider it would be advisable to forestall this by making a necessary amendment.

As Mr. Dolan pointed out, if a meeting is called at short notice it is possible the chief administrative officers—who are busy people—may not be able to attend. As a result we could have a situation where the representatives of the Government are those who mainly constitute a quorum, which is five of the members of the commission, and any motion can be passed on a majority vote. Three of these five could, of course, be the chairman, the Director-General of Education, and the Under-Treasurer, or his representative.

While this situation may not arise, the possibility is still there, and I feel that this could be avoided if some stipulation were made as to the amount of notice that should be given.

Clause 12 (i) seems to bring us back to a situation in tertiary education which we were busy making a determined attempt to do away with in secondary education. In secondary education there were certificates for external examinations that were awarded by the University of Western Australia. It was found that this imposed restrictions on the education available within the school system.

Here again we have an outside body laying down standards for what one would consider to be institutions which were more than capable of setting their own standards—indeed, they are very proud of the standards they set. It seems incongruous that we should contemplate doing this at this time. There is no reason at all why the commission should not examine the quality of the courses and of the graduates from the courses and compare them with the degrees and diplomas awarded by other institutions, without actually making an accreditation to the graduates themselves.

The Hon. G. C. MacKinnon: Which provision are you talking about?

The Hon. R. F. CLAUGHTON: Clause 12 (i). The clause gives the commission power to accredit awards, and it seems to remove from institutions, such as the University of Western Australia, a prerogative which they would be extremely jealous to preserve.

The Hon. G. C. MacKinnon: It only seems to; in actual fact it does not.

The Hon. R. F. CLAUGHTON: It may only seem to, but there is no doubt that in the Leaving Certificate system—which seems to be something of a parallel—it is the university which sets the standards and the scope of what is to be done within our secondary school system.

I would like to see some change made to this particular provision. I feel the commission's purpose could be achieved in a different way; by perhaps examining the quality of the degrees in the manner in which this is done at the moment, where bodies and administrators examine awards

of any institution outside Australia and then assess whether these should be accepted within the State.

This is the sort of thing that should be done by the commission without its actually accrediting the awards itself. Perhaps I am misreading this provision and, if I am, I have no doubt the Minister will correct me. I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [7.58 p.m.]: I thank members for their support of the Bill in principle. Mr. Dolan mentioned the marketable securities legislation and said that it had been taken up with the appropriate body—in this case the stock exchange. I might point out that exactly the same principle was adopted with the legislation before the House. It was referred to the Chairman of the Tertiary Education Commission.

The analogy would have been correct had the honourable member criticised us for not taking the matter up with each individual member of the stockbrokers' association—or whatever the organisation is called—but the Tertiary Education Commission is representative of a number of individual groups—the University of Western Australia, W.A.I.T., and the technical school. Each of these has a representative on the commission.

I have here a long history of some of the negotiations which took place between this group and the other. The governmental drafting officers, and other officers in Government employ, are actually on the temporary commission and we must bear in mind that these officers are very aware of the thin line that is drawn in regard to consultation.

Parliament has rightly always been tremendously jealous of the fact that it has the first right to see a Bill. Officers will accept suggestions and will talk in general terms with regard to what ought to be in a Bill and what ought not to be in a Bill, but, rightly, members of Parliament, including yours truly, would be a little upset if a matter which should first receive our attention in Parliament had in fact been considered by an outside body. I do not mind if the subject matter of a Bill is discussed and suggestions are submitted, but it is quite wrong that a Bill should be submitted to an outside body before it is presented to Parliament.

As a matter of fact, in regard to the Bill under consideration, discussion took place with, and suggestions and counter-suggestions were submitted by, the proper accredited representatives of the organisation, and if within that organisation the liaison was not as good as it was between the Government and the organisation, this is not a matter for complaint to the Government. Albeit, when the Bill was finally printed and the suggestions made to the Government, the Government readily accepted them and incorporated them in the measure. However, I wanted to assure members that whenever and to whatever extent it is possible, this sort of liaison and discussion do take place, and the Government is very jealous of this liaison, as I believe any Government would be. Nevertheless, some individual or person always has distinct and different ideas.

Another matter raised concerned the necessity to give warning and time for the commission to meet. I would suggest that when we come to this point in Committee members should be very chary about the sort of rigidity which is inbuilt in this type of suggestion. Under the Health Act there are, I think, some 30-odd commissions, committees, and so on, but I have found during my few years of experience that with regard to matters of emergency it is possible to contact all those concerned and get them together in order that a quick decision might be made. If anyone raises an objection, it is fairly quickly knocked on the head. Such an emergency might arise only once in every two or three years, but the fellows work together and they make their arrangements as they go along.

In this instance a greater degree rather than a lesser degree of flexibility is desirable and it is well known that when every "i" is dotted and every "t" crossed, one always finishes up with a rigidity which seems to react against a situation in times of emergency and crisis. Such an emergency or crisis does not arise very often, but it does every now and again.

The only other matter which appears to concern members is the one raised by Mr. Dolan and deals with determining the minimum requirements for new academic awards and the accrediting of those awards. Maybe I could tell the Chamber about an experience with regard to exactly the same situation as it applies to medical schools, because this information might clarify members' thinking on the matter.

We have been at some pains to establish in Australia a group of people, acceptable to the universities within Australia and to those outside Australia, empowered to set minimum standards for medical degrees. It is not the responsibility of the people in this group to stipulate at what standard the university teaches, but if it teaches at a certain standard then it is accredited and this accreditation is then accepted in every State of Australia and in all overseas countries with which we have reciprocity, and the graduates who have gone through the university at that standard can practise in any of those places. If members will recall, it states on page 13 of the notes with which I supplied some members—

> The Commonwealth and State Governments have accepted the Wiltshire recommendations in principle, but

agreement has yet to be reached on the form and structure of the national accrediting body.

There will be a national accrediting body, but the States, too, must have an accrediting body and my understanding of it is that it will work almost in the reverse of what Mr. Dolan suggested.

This body will not dictate to the university the standard it must teach, but it will study the standard at which the university does teach and if it is above the minimum standard which the body has set, it will recommend that it be accredited. Then it will go through to the national body where it will be accredited and then the degree will be acceptable in every State and in every country with which we have reciprocity. For instance, the fellow who takes his degree in law, agricultural science, medicine, or whatever the subject might be, will be able to commence his practice immediately.

We did experience some difficulty in the University of Western Australia on the establishment of the medical course. The accrediting commission had to travel all the way from England for the simple reason that there was no Statute in Australia at that time which established a body empowered to determine the minimum requirements for new academic awards by tertiary education institutions and accredit those awards.

The Hon. J. Dolan: There is no mention at all of minimum requirements in the Wiltshire report.

The Hon. G. C. MacKINNON: No, but it talks about the accreditation.

The Hon. J. Dolan: That is right.

The Hon. G. C. MacKINNON: But there must be a minimum standard.

The Hon. J. Dolan: No. They co-ordinate the proposals which are submitted from the commissions. That is all.

The Hon. G. C. MacKINNON: They do not work quite like that.

The Hon. J. Dolan: Oh yes. That is the point of difference.

The Hon. G. C. MacKINNON: A university might be noted particularly for its medical course because its academic staff is one of a very high standard of excellence in one particular facet. For instance, it might have a professor who is an absolute wizard in that particular area. However, the standard at that university cannot be admitted for accreditation purposes of, say, the New Zealand University. As I say, because there was at the time no authority in Australia authorised by legislation to do this work, our Western Australian medical course was passed for accreditation by a group which had to travel all the way from England.

The lead in this field was taken by Mr. Ainslie and originally submitted to Canberra by my predecessor and, since then, by me. We have now been successful in establishing a temporary organisation. A similar situation arose next in Melbourne, I think it was, and again a group had to come all the way from England to decide whether or not the standards set in medicine at that university were above the minimum required for accreditation, and, therefore, acceptable for graduates of that university when travelling overseas.

The Hon. R. F. Hutchison: That is why you want more women in the House!

The Hon. G. C. MacKINNON: I cannot see the connection, but I will take the word of Mrs. Hutchison.

So this is why the word "new" was inserted. At a matter of fact, accreditation has already been arranged for all the courses established up to date. For instance, our lawyers have no problem because their course here is accredited and those countries which work on the same body of law or code can be accredited. Our degree for medicine is now accredited and our fellows can go to England. They can, in fact, go to America, too, because they virtually all sit for an American examination as it happens. Therefore there is no need for a minimum standard to be set for existing courses, but a need does exist for the accreditation of new courses, and this, I repeat, is why the word "new" was included.

I realise that you, Sir, have been tremendously patient, and I thank you for this. I am aware that this a Committee stage matter and I will therefore leave it for the moment. I conclude by thanking members for their support of the Bill, which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Constitution of Commission—

The Hon. R. F. CLAUGHTON: I was going to suggest that the word "respectively" be inserted after the word "officers" in line 32, but I have just realised that it appears in line 35.

Clause put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Functions of Commission—

The Hon. J. DOLAN: I repeat that it is not the function of the commission—nor is it intended to be—to determine minimum requirements for new academic awards; and in the amendment I have circulated I also state that the granting of new academic awards and so on will be accredited by the commission. No powers will be taken away. All I intend to provide

is that the proposals should be considered the same as they are in all other cases and, when we eventually get a commission on a national basis for the accrediting of awards, the organisations in the various States will submit their propositions to the central body. This is what will happen.

If the Murdoch University, the institute of higher education—as I referred to the Institute of Technology—or the University of Western Australia run a new degree or award, whatever it may be, competent people will make proposals which will be submitted to this organisation. Special committees will be appointed—and have been appointed—which will consider the submissions and make a decision. No power whatsoever will be taken away. I ask the Committee to regard this matter quite seriously because the commission, as it is now established, does not want this job. It should not be necessary for it to determine the minimum requirements. As I have said in my amendment, the commission should consider proposals for the granting of new academic awards by tertiary education institutions—whichever one it may be—carefully examine them, and, when appropriate, accredit such awards. Accreditation will eventually go to the other body. I consider the amendment which I shall move has everything to recommend it and is in line with the thinking of the whole of clause 12. I move an amendment—

> Page 7—Delete paragraph (i) and substitute the following:—
>
> (i) to consider proposals for the granting of new academic awards by tertiary education institutions and where appropriate to accredit such awards.

The Hon. G. C. MacKINNON: I point out that the intention of the Bill was clearly stated when I introduced it in this Chamber. I said—

> A further development arises from the report of a committee set up by the Commonwealth Government under the chairmanship of Mr. F. M. Wiltshire of Melbourne to inquire into the nature and appropriate form of accrediting of awards conferred by colleges of advanced education.

I then went on to mention something about the kinds of awards. I further said—

> The committee also proposed the establishment of a national body to accredit awards conferred by the colleges in order to ensure uniformity of standards.
>
> The Commonwealth and State Governments have accepted the Wiltshire recommendations in principle, but agreement has yet to be reached on the form and structure of the national accrediting body. But whatever happens at the national level, each State will need to appoint a body to accredit awards at the State level and to liaise with whatever national body is eventually established. The Tertiary Education Commission is the logical body to perform this function in Western Australia and the Bill provides accordingly.

Provision is made for this in clause 12(i). If proposals are to be considered for the granting of new academic awards, what happens? I presume the commission considers a suggestion and makes its views known. That is fair enough; namely, to consider proposals for the establishment of new tertiary education courses of study and to make recommendations to Government authorities.

However, when it comes to the matter of accrediting to protect students of the university to enable them to move freely interstate and overseas, of course a determination must be made. For this reason it is stated that it shall be a determination. I expect that if a person started to take a degree at a particular university and wanted to travel interstate or overseas, he should know beforehand whether his course is accredited as being above the minimum standard acceptable by other countries, wherever they may be. Therefore, a determination has to be made.

In the case of existing courses, students know the courses which are accredited. They also know if a course is not accredited. I do not know of any that are not but there may be some. This information has been made known by one form or another; for example, by acceptance. The measure sets up the commission as this body and it is the logical one to accept the responsibility. The commission will not be advising the university what it ought to teach. It will be advising students that a certain course is accredited on international standards.

Surveyors represent one group of people in this State who are not accredited at the present time. I think this was mentioned earlier. As a matter of fact, the course undertaken by surveyors is not of a sufficient standard to be accredited in other States. I have pulled this out of the back of my mind but I think it is a fact. We want the clause worded in this way so that courses can be accredited and people can move freely interstate and overseas. I hope the Committee leaves the clause as it is and rejects the amendment.

The Hon. J. DOLAN: In case members have not read the Minister's second reading speech, I will refer to it again. I ask the Committee to listen closely because the points are not those in dispute. The

amendment I have moved covers everything the Wiltshire report recommends. The Minister said—

> The Wiltshire committee presented its report in 1969 and recommended that, depending on the length and content of courses, the colleges should grant three levels of awards; namely, degrees, advanced diplomas, and diplomas. The provision of a postgraduate master's degree was also recommended.

The committee also proposed the establishment of a national body.

The Hon. G. C. MacKinnon: It is yet to be established.

The Hon. J. DOLAN: That is right. It still has to be established. We will be establishing a body in Western Australia which will deal with various tertiary institutions. A national body will be established to accredit awards conferred by the colleges in order to ensure uniformity of standards.

The amendment I have moved will do exactly that. I am suggesting that the commission should consider proposals for the granting of new academic awards by tertiary education institutions and, where appropriate, accredit such awards. Surely that is plain enough. Unless the Tertiary Education Commission accredits the awards after careful examination they will not be acceptable. That is exactly what the Wiltshire report proposes for the federal body; namely, that proposed new awards be submitted and after careful examination a standard shall be established throughout the Commonwealth.

I submit again that it is not the prerogative of the commission to fix minimum standards. It is giving authority to a body which I say, quite frankly, would not be competent to fix the standards. They have to be fixed by tertiary institutions conducting the particular courses. I think we will find ourselves in the position where we have given the commission a job which it is not competent to undertake.

The Hon. N. McNEILL: In regard to the amendment moved by Mr. Dolan, I merely wonder whether there really is any great conflict between the two points of view that have been advanced. In fact, much of the discussion has been devoted to a consideration of accrediting and the words in the Bill are, "accredit those awards" whilst those in the amendment moved by Mr. Dolan are, "accredit such awards." In other words the expression is the same in both the Bill and the amendment. There appears to be no conflict on the powers and the functions of the commission to accredit awards. It really devolves upon the way in which that position is achieved.

The Bill states that the commission shall have, as one of its functions, to determine the minimum requirements for new academic awards. I think we can forget about the word "new." It is understood that it will apply only to new awards and has no retrospectivity in respect of any awards already determined. We are faced with the question: How shall the commission determine the minimum requirements unless proposals have, in fact, been put to that commission?

The Hon. J. Dolan: That is right.

The Hon. N. McNEILL: If we consider Mr. Dolan's amendment, obviously before the commission can either grant or withhold its approval of any award, it must have given due consideration to it. In other words, what I am suggesting is that Mr. Dolan's amendment is only a different way of phrasing exactly the same provision in the Bill.

The Hon. J. Dolan: That is what I said.

The Hon. N. McNEILL: So far as the determining of awards is concerned, obviously if submissions are to be made to the commission, it must have arrived at a conclusion on a minimum requirement before it can grant approval.

Let us consider that in its very first year of operation a submission is made by one of the colleges to the commission for the granting of such an award. Let us imagine that the commission, having given some thought to it says, "No, we have already determined what shall be a minimum requirement."

The Hon. G. C. MacKinnon: After due consideration.

The Hon. N. McNEILL: Yes, after due consideration. Let us also suppose that the commission says it finds the submission does not meet with its requirements. With great respect to Mr. Dolan, I do not think his amendment provides for anything more than what is in the Bill so far as the functions of the commission are concerned. On my consideration the amendment and the Bill amount to the same thing but the amendment uses different words in an endeavour to achieve the same purpose. There is no question with regard to what shall be the standard of those awards. It is simply a matter of how this is arrived at.

The Hon. J. DOLAN: I have to be persistent. For example, "to determine the minimum requirements" is not the function of the commission. The commission will receive proposals from tertiary institutions which intend to run a particular course. Once a decision has been reached by tertiary education institutions they will submit proposals to the commission for consideration. However, the spade work is done originally by the tertiary education institution. The proposal is then forwarded to the commission. The commission has the power to set up committees.

In this case it would be a committee which would be fully capable of assessing proposals from the tertiary education institutions. When the committee had examined them it could say "Yea" or "Nay."

I have made no attempt whatever to take any power away from the commission. The final decision for accrediting such awards will rest with it. I insist that proposals for the establishment of these new awards must come from bodies which will teach them and which know them. If my amendment is adopted, to my mind we would take nothing whatever away from the Tertiary Education Commission, because the power will still rest with it to accredit awards. The only point is that it would not go through all the original work of determining minimum requirements.

The Hon. G. C. MacKINNON: I would like to say one last word. Mr. Dolan is asking us to change certain words which everybody probably knows fairly well by now. In lieu he has suggested certain other words. His amendment begins with the words, "to consider." I would like to say that it is not possible to reach a determination unless consideration has been given. Therefore we could say that the Bill currently reads, "to consider and determine." Mr. Dolan's amendment reads in full—

> to consider proposals for the granting of new academic awards by tertiary education institutions and where appropriate to accredit such awards.

In other words, to make a determination. "Where appropriate" means where it is above the minimum standards determined by the commission. Mr. Dolan might believe that his wording is better. I do not happen to think so, although I do not believe his amendment is any different in its import. It is merely saying the same thing in a different manner, and nothing else.

The Hon. J. DOLAN: Paragraph (b) states that the commission shall confer with the appropriate authorities. One of the functions of the commission is to appoint special committees to examine propositions. Arising out of that the commission will make its determination. The same thing is laid down in every paragraph: the commission shall consider a request; it shall consider terms and conditions of appointment; or it shall consider the fees to be charged. It is not laid down that the commission shall determine those things, yet here is one case where it has slipped in.

The Hon. G. C. MacKinnon: It did not slip in. It was agreed to by all the institutions. They are perfectly happy about it.

The Hon. J. DOLAN: The Minister will understand that I do not propose amendments unless I have consulted people who are vitally concerned. In this case I had consultations with people at the highest level before I moved the amendment. This is their point of view and the one I wish to express.

The Hon. R. F. CLAUGHTON: I do not think the difference between "to determine" and "to consider" results from where the action is initiated. If we want uniformity throughout the whole of Australia, I would say this amendment is the way to obtain it. However, I would be surprised if all members of this Chamber would want all the courses to be exactly the same. That would not be at all desirable. I feel Mr. Dolan's proposal will achieve those differences which are important. When changes occur in the persons in charge of courses and the new person has a speciality which he wishes to include in the course, he may find that because of the desire for Australia-wide uniformity his speciality does not fit in. The institution would lose something as a result of this. I feel we would gain by accepting the amendment put forward by Mr. Dolan.

Amendment put and a division taken with the following result:—

Ayes—7

Hon. R. F. Claughton	Hon. W. F. Willesee
Hon. J. Dolan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. H. C. Stubbs
Hon. R. Thompson	*(Teller)*

Noes—14

Hon. G. W. Berry	Hon. G. C. MacKinnon
Hon. G. E. D. Brand	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Heitman
	(Teller)

Pairs

Ayes	Noes
Hon. H. C. Strickland	Hon. E. C. House
Hon. F. R. H. Lavery	Hon. J. M. Thomson
Hon. J. J. Garrigan	Hon. C. R. Abbey

Amendment thus negatived.

Clause put and passed.

Clauses 13 to 25 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

POLICE ACT AMENDMENT BILL (No. 2)

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 54A added—

The Hon. R. THOMPSON: I have placed an amendment on the notice paper to amend proposed new section 54A(1)(b)

which concerns disorderly assemblies. If my amendment is carried paragraph (b) will then read—

> (b) will by that assembly needlessly and without reasonable occasion provoke other persons to disturb the peace.

I move an amendment—

> Page 2, line 14—Insert after the word "needlessly" the words "and without reasonable occasion".

With regard to my reason for this amendment, I would refer to section 62 of the Criminal Code to which numerous references were made during the second reading debate on this Bill. That section reads as follows:—

> When three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

During my speech on the second reading debate I took umbrage at the need to use the word "apprehend" because it is accepted in section 62 of the Criminal Code that the word "fear" is sufficient.

My amendment will take nothing away from the Bill; it will merely bring it into line with the Criminal Code. However, I feel it does offer a safeguard in so far as political meetings are concerned. I have not previously brought those meetings into the discussion. Let us say, for instance, that a political meeting was taking place in Forrest Place. Many people would have a reasonable occasion to attend such a political meeting during their lunch hour. If one of the professional agitators who does not agree with either party in this House from time to time attended that meeting, he would have a reasonable occasion to provoke the three or more persons so assembled at the political meeting—I hope the attendances do not get that low.

The Hon. A. F. Griffith: Whenever I go to Forrest Place it is the Labor Party that tries to provoke me.

The Hon. R. THOMPSON: The Minister would not need much provoking, either.

The Hon. A. F. Griffith: No, I would not.

The Hon. R. THOMPSON: So far I have refrained from mentioning political meetings, but something happened at a political meeting in Forrest Place today. I think someone from the Liberal Party was there, and there was a small crowd.

The Hon. A. F. Griffith: You know jolly well it was a big crowd.

The Hon. R. THOMPSON: I do not know. However, at least the people had a reasonable occasion to be there. If a professional agitator, like the person with the camera, or the one who has changed his political parties so many times that he does not know whether he is on the extreme right or the extreme left—

The Hon. F. J. S. Wise: He could be either on any occasion.

The Hon. R. THOMPSON: —was there, my amendment would be a safeguard. It is in line with the provision in the Criminal Code, although section 62 of the Code does deal with riots. I do not want the Minister to quote that again because I know what it means.

The Hon. A. F. Griffith: I will quote it again if I think I should do so.

The Hon. R. THOMPSON: The Minister quoted that section when I said I wanted the word "fear" inserted in the Bill instead of the word "apprehend." I still think the word "fear" is better than the word "apprehend" in the context in which it is used. However, I shall not quibble about that. The amendment does not take anything from the legislation. It simply offers some protection to people who might be classified as an assembly and who could be provoked by somebody into disturbing the peace. I trust the Committee will accept the amendment.

The Hon. A. F. GRIFFITH: I must oppose the amendment. It is true that section 62 of the Criminal Code, which deals with unlawful assembly, uses the words "without any reasonable cause." However, in section 63 of the Criminal Code the words "any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year" appear.

Under the new section 54A of the Police Act, which Mr. Ron Thompson is seeking to amend, it is not an offence to be a member of a disorderly assembly. The offence is in the terms set out in the new section—"Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business, neglects or refuses to do so, commits an offence." So the two matters are entirely different.

When speaking the other night Mr. Ron Thompson had the strange idea that if three people were standing under a street light and somebody reported that they were there a policeman would have to take them into custody. We know that that is a lot of nonsense and the honourable member destroyed his own argument when he told us about the assembly of students, and how the police visited that assembly and found the students playing a gramophone record.

The Hon. R. Thompson: The police were there before the young people were there. I told you that.

The Hon. A. F. GRIFFITH: It shows how foolish it is to try to interpret a new section in that way. The point is that sections 62 and 63 of the Criminal Code deal with an entirely different situation. All the police want to be able to do, under this new section, when an unlawful assembly is likely to take place—after all we have to give the police credit for common sense in the exercise of their duty; the police are highly responsible people—

The Hon. R. Thompson: Nobody is saying they are not.

The Hon. A. F. GRIFFITH: The honourable member need not fear that a Labor Party meeting will be broken up.

The Hon. R. Thompson: I don't.

The Hon. A. F. GRIFFITH: That is not the intention, unless it becomes an unlawful assembly.

The Hon. R. Thompson: You would like them to be but they never will be.

The Hon. A. F. GRIFFITH: Let us not get drawn into this sort of discussion.

The Hon. F. J. S. Wise: Be serious.

The Hon. A. F. GRIFFITH: I am being serious. The meeting at Forrest Place today was not an unlawful assembly; but if it developed into one then, under this new section, the police would be able to move in and disperse the people by saying, "Go home. You have heard an excellent speech from the Prime Minister so now go home."

The Hon. R. Thompson: You are joking, of course.

The Hon. A. F. GRIFFITH: The only offence that those people are likely to commit—Mr. Ron Thompson might say, "Apart from listening to the Prime Minister"—is a refusal to go on their way. That is the whole purpose of the new section and there is no need for the amendment.

The Hon. R. THOMPSON: I still consider there is no analogy with sections 62 and 63. I know what those sections refer to but I believe my amendment will be a safeguard. It will give protection. The Minister does not have to remind me about the police, either. As I said the other night, I have just as much, if not more respect for the police than the Minister has. I know they are responsible people and, although I have had no direct dealings with them, I have dealt wth them on behalf of other people on many occasions. I think the amendment should be agreed to but I will say no more.

Amendment put and negatived.

The Hon. R. THOMPSON: I move an amendment—

> Page 2—Insert after subsection (3) the following new subsection to stand as subsection (4):—
>
> (4) A complaint for an offence against this section shall be heard by a court of summary jurisdiction constituted by a stipendiary magistrate sitting alone.

To support my amendment I refer members to proposed new subsection (5) of section 94H, on page 11 of the Bill, which refers to a stipendiary magistrate sitting alone. I have come to the conclusion that that is a good provision because it provides for people to be tried by a magistrate.

I do not want to say anything about justices of the peace, but they do make many mistakes, particularly in country centres, and I am fearful that that could happen in regard to this new section unless my amendment is agreed to. On numerous occasions decisions by justices of the peace have been set aside on appeal, and this happens mainly in country centres. Take the position where there might be two or three bad boys in a town and they create trouble. An undue penalty could be placed upon them because they are known as bad boys and even though they may have committed only a minor offence the penalty by their being tried by a local resident could be greater than it should be. To provide for a magistrate will ensure some impartiality.

The Hon. J. HEITMAN: If Mr. Ron Thompson wants this amendment agreed to because he is frightened that justices of the peace might try cases under this new section in country areas, and they will not dispense justice, he is barking up the wrong tree. Apparently he has very little knowledge of the justice handed out by justices of the peace in country areas. A person would not be tried by a justice unless the police were absolutely certain that they had a good case. To my way of thinking a person who came before a justice of the peace would receive as much justice as he would from any court in Australia.

The Hon. A. F. GRIFFITH: In support of his amendment Mr. Ron Thompson said that in a country town there might be two or three bad boys—or boys who are considered to be bad—who might commit some simple offence.

The Hon. R. Thompson: They might have a bad name.

The Hon. A. F. GRIFFITH: They might commit some simple offence and the justice of the peace might deal with them in a manner which subsequently was found to be wrong. The best judges in the world are sometimes wrong; and every now and again we find that the decision of a magistrate is wrong. The system is not infallible. What would be a trivial offence in respect of which a justice of the peace is likely to mete out a penalty to an offender? If it is an offence under the provisions of this clause then the penalty will be the one that is prescribed. If it is a simple

offence the police will charge the offender under the appropriate section of the Police Act or of some other Act.

I do not think the new subsection is necessary. Magistrates have been appointed to administer the law over a large part of the State, but if it were not for the assistance that is given by justices of the peace the administration of law in some centres of the State would be very difficult. I applaud the work that is being done by justices of the peace.

The Hon. R. Thompson: I do not.

The Hon. A. F. GRIFFITH: That is where we differ. Certainly they have been found to be wrong on occasions, just as judges of the Supreme Court have been found to be wrong. It is no more certain that the decision made by a court which is presided over by a magistrate is any more correct than the decision that is made by a justice of the peace. I do not know whether the offence of unlawful assembly is more likely to take place in country centres than in the city, but that is not the point in question. The fact is the proposed new subsection (4) requires the court to be presided over by a magistrate sitting alone.

Other sections of the Act provide the same penalty as does proposed section 54A. I refer to section 58A and section 80. Under these sections an offender can be convicted by a court of summary jurisdiction which need not be constituted by a magistrate sitting alone. I am sure that if the justices of the peace are called upon to perform their duty they will do so fairly.

The Hon. R. THOMPSON: The offence covered by proposed section 54A is a serious one, and anyone charged under it will not be charged for having taken part in a fight in a street; he is charged with a much more severe offence, and on conviction he is liable to a fine of $100 and a term of imprisonment not exceeding six months. I feel that anyone who is charged under this section should be entitled to receive the greatest protection which the law can provide.

If we turn to clause 12 we find that proposed section 94H(5) deals with the offence of trafficking in drugs. Under this section it is provided that a stipendiary magistrate shall sit alone, and in this case he will not be influenced by even one justice of the peace sitting on the bench.

The Hon. A. F. Griffith: That is superfluous.

The Hon. R. THOMPSON: In any case, in respect of clause 3 a stipendiary magistrate should sit alone, and not with a justice of the peace who might wield some influence. If it is good enough for a person who is charged with peddling drugs to have his case heard by a magistrate sitting alone, then it is good enough for another person who is charged under the provision in clause 3 also to have his case heard by a magistrate sitting alone.

I am beginning to fear for the rights of the individual, in passing laws such as this. The provision in this clause is possibly the worst I have seen in any legislation that has been enacted since I have been a member of this Chamber. By passing this provision not much credit will reflect on us.

To say that justices of the peace are equal to magistrates in the hearing of these cases does not bear examination. I would say that in 99 cases out of 100 a magistrate has had legal training or holds a law degree; but justices of the peace need not have legal training. On one occasion I saw the action of one justice of the peace who was hearing a case in which he had a financial interest. I was working for him at the time. He made a decision, but after the police appealed to the Supreme Court the decision was reversed.

The Hon. W. F. Willesee: He will not employ you again.

The Hon. J. Heitman: Perhaps he will not want to.

The Hon. R. THOMPSON: I had better relate the full story. I was very young when this incident occurred. This person owned a store which was located in the railway yards. Someone had taken three coils of wire from a railway truck, and it was probably part of a consignment to a farmer. The coils of wire were put against a wall and covered with bags. When he discovered the coils of wire he told me to put them in his shed, but I refused, so he wanted to sack me. I said that if he sacked me I would get even with him. He then changed his mind quickly.

The Hon. A. F. Griffith: You threatened him.

The Hon. R. THOMPSON: I would not threaten him; I would have gone to the police. He was the one who should have been in gaol. Thank goodness all justices of the peace are not like this one. This person was appointed a justice of the peace, but he worked the law to suit himself. I do not say this applies to other justices of the peace. I feel that we must provide the best protection possible for any person who is charged with the offence covered by the provisions in clause 3. I have indicated that I oppose the clause, even though the new subsection (4) might be agreed to.

The Hon. A. F. GRIFFITH: We have listened to a fair amount of vilification regarding what justices of the peace might do in the execution of their duties while they are sitting on the bench. I am not prepared to accept that; I am prepared to say that generally justices of the peace

do a very good job for the citizens. However, they make mistakes, just as anybody else makes them.

It is absolutely unnecessary to draw a comparison between the provisions in clause 3 and the provision in clause 12 which provides that a stipendiary magistrate shall sit alone; and it is unfair for Mr. Ron Thompson to make the statement that I would not allow a justice of the peace to sit with a stipendiary magistrate for fear that the justice of the peace might influence a decision of the magistrate. The provision in proposed section 94H(5) appearing in clause 12 states that a stipendiary magistrate sitting alone shall constitute a court of summary jurisdiction, but he might well have somebody else sitting on the bench. The honourable member should not make a statement that I would not allow a justice of the peace to sit with a magistrate. That is being foolish.

The Hon. R. Thompson: Don't you be foolish. That provision says what it means; it does not provide that a justice of the peace may sit alongside the stipendiary magistrate.

The Hon. A. F. GRIFFITH: That provision is not interpreted in the way the honourable member has suggested: that I will not allow a justice of the peace to sit alongside a magistrate for fear that he might influence the magistrate.

The Hon. R. Thompson: Read what your own legislation provides.

The Hon. A. F. GRIFFITH: Even if a justice of the peace was sitting alongside the stipendiary magistrate what influence would he have? The fact is that a justice of the peace is not sitting alongside the magistrate in those cases. A comparison cannot be made between the provisions in clause 3 and those in clause 12, because the offence under clause 12 which is to be heard by a stipendiary magistrate sitting alone carries a fine of up to $4,000 and 10 years' imprisonment, and the offender has to be sent to the District Court to be sentenced.

The provisions in clause 3 deal with an offence which carries a maximum penalty of $100 and six months' imprisonment, or both. In this type of offence the magistrate or justice of the peace might impose a fine of $5 or $10; and the amount of $100 is the maximum fine which can be imposed. There might not be a term of imprisonment imposed.

The Hon. R. Thompson: There might not be!

The Hon. A. F. GRIFFITH: There might not be any charges preferred. The honourable member should not try to convince the Committee that the fine under the provisions in clause 3 will be the maximum on all occasions, because that will not be the case.

The Hon. R. Thompson: Don't you try to mislead me or the Committee.

The Hon. A. F. GRIFFITH: I made a statement to the honourable member the other evening, and he got me to withdraw it. On this occasion I am not misleading the Chamber. I repeat that the honourable member is trying to tell the Committee what should be written into this provision.

The Hon. R. Thompson: I will speak for myself.

The Hon. A. F. GRIFFITH: The honourable member should not tell me not to mislead the Chamber. He should leave me to use my own words.

The Hon. R. Thompson: You leave my words to myself.

The Hon. A. F. GRIFFITH: The honourable member should keep quiet while I am on my feet.

The Hon. R. Thompson: Go ahead.

The Hon. A. F. GRIFFITH: I know the Committee will not believe the honourable member's story. The other provisions in clause 12 of the Bill are entirely different from the ones contained in clause 3.

The Hon. R. THOMPSON: Let me get one matter cleared. The other evening I referred, from memory, to sections 43, 46, 69, and 96, but the Minister misconstrued what I said. He said "Let us read what section 43 provides." I did not quote any of those sections. I said there was adequate provision in the various Acts to enable the police to take action.

The Hon. A. F. Griffith: You read them out.

The Hon. R. THOMPSON: I did not read them out.

The Hon. A. F. Griffith: You said the police had sufficient powers under other sections; namely, sections 43, 46, 54, and 96.

The Hon. R. THOMPSON: I did not read them out. The Minister said I tried to mislead the Chamber, but I did not. There is sufficient in those four sections for the police to take action. The Minister misconstrued my remarks, and said I was misleading the Chamber; he said I should have read out the sections. He withdrew his remarks.

The Hon. A. F. Griffith: I withdrew them, because the Standing Orders say I shall. You know full well that is the situation.

The Hon. R. THOMPSON: The Minister knew he was wrong.

The Hon. A. F. Griffith: I did not.

The Hon. R. THOMPSON: The Minister was wrong. I am aware as everybody else is that section 43 contains a dragnet provision. On this occasion the Minister states

that I am trying to tell the Committee that the maximum fine will be invoked. I admitted the other night that the fines mentioned are the maximum but not the minimum. I know as much about the Bill and the penalties involved as does the Minister. I will vote against the clause.

The Hon. A. F. GRIFFITH: I am prompted to tell the Committee how much the honourable member knows about the Bill. Mr. Ron Thompson's words were as follows:—

> However, the wording of this clause gives any person who has a suspicion, after seeing three people together—three people could be standing and talking under a street light—that they might do something, the right to ring the police and, on that person's word, those three people will have to be taken into custody.

The Hon. R. F. CLAUGHTON: I support the remarks of Mr. Ron Thompson, and the amendment. I feel that the clause at present intrudes into an area which might be called sacred. It lies between the extent of the freedom of individuals, and the duty of the State to restrict those freedoms in order to maintain law and order. One of the principles of our democracy is that we should have the right to assemble. In maintaining this freedom there could be the occasion when people go a little beyond what they should legitimately do. The incident at Scarborough, some time ago, was the only case where it was shown there was a need for greater powers to be given to the police.

For many years the powers of the Police Force have been shown to be sufficient to maintain law and order in the community. We should really delete this clause from the Bill and, if not, at least include the proposed safeguard. After all, a magistrate has a great deal more learning, and has a greater knowledge of the law, than has a justice of the peace.

Amendment put and negatived.

Clause put and a division taken with the following result:—

Ayes—15

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. G. W. Berry	Hon. N. McNeill
Hon. G. E. D. Brand	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. J. Heitman
Hon. L. A. Logan	*(Teller)*

Noes—7

Hon. R. F. Claughton	Hon. W. F. Willesee
Hon. J. Dolan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. H. C. Stubbs
Hon. R. Thompson	*(Teller)*

Pairs

Ayes	Noes
Hon. E. C. House	Hon. H. C. Strickland
Hon. J. M. Thomson	Hon. F. R. H. Lavery
Hon. C. R. Abbey	Hon. J. J. Garrigan

Clause thus passed.

Clauses 4 to 6 put and passed.

Clause 7: Section 80 repealed and re-enacted—

The Hon. N. E. BAXTER: I move an amendment—

> Page 3, lines 21 and 22—Delete the passage "Subsection (1) of this section does not apply" with a view to substituting the passage "It shall be a defence to subsection (1) of this section".

Even though the former words were in the repealed section of the Act, there is a let-out for those causing wilful and malicious damage. The present provision does not give the magistrate or a justice of the peace much opportunity to decide whether an offender had a fair and reasonable supposition that he had a right to do the act complained of. The offender could make the excuse that he had been hunting or fishing, or that he had no intention of destroying or damaging property.

I must impress on the Committee that we are dealing with wilful and malicious damage. I refer to damage such as the shooting of holes in tanks, the breaking of windows in unoccupied houses, or damage done to telephone boxes in the cities and towns. I believe there should not be any let-out, except as a proviso, in the defence of a person charged with wilful and malicious damage. I trust the Committee will agree to my amendment, which I think is reasonable.

The Hon. A. F. GRIFFITH: I think Mr. Baxter's amendment is incorrectly worded. I think the wording should be "It shall be a defence to a complaint of an offence against subsection (1) of this section."

What is at present contained in the Bill means exactly the same thing. Proposed new subsection (1) reads as follows:—

> 80. (1) Every person who wilfully or maliciously destroys or damages any real or personal property of any kind, whether owned by Her Majesty or any public or local authority or by any other person, is guilty of an offence.

What is the difference between that wording and "It shall be a defence to a complaint of an offence against subsection (1) of this section"? We pay draftsmen to word these provisions for us, and I cannot see that the honourable member's way of expressing it is necessary, because it is perfectly clear the way it is written.

The Hon. N. E. BAXTER: I cannot agree with the Minister that there is no difference between what is in the Bill and what I propose. I am quite prepared to accept the wording suggested by the Minister; that is, "It shall be a defence to a complaint of an offence against subsection (1) of this section." But I cannot agree that

the wording contained in the Bill is anything like, "It shall be a defence to a complaint of an offence against subsection (1) of this section." The words in the Bill are almost a complete let-out, and in my opinion it does not leave the magistrate any ground to consider whether it is a defence or not, if the person charged pleads under (a) and (b).

Take the case of a person who does damage to a property and who pleads, when he goes to court, that he acted under a fair and reasonable supposition that he had a right to go and kick the Minister's door down because he thought so-and-so. Under that plea, if subsection (1) does not apply, the magistrate could say, "I cannot charge him now." But if the person had to make out a defence against a charge of wilful and malicious damage, the magistrate or justice could decide whether the chap was just putting over a story when he said he kicked the Minister's door down because he thought the Minister had his dog inside his house, or for some other reason like that. As it stands, the proposed subsection does not give the magistrate any choice but to throw the complaint out of court.

In connection with the proposed paragraph (b), if a person went onto a property supposedly to hunt or fish, and discharged a firearm into a water tank, and if he contended that he did it in the course of hunting or fishing, he could not be charged with causing malicious damage; but if he has to make out a defence as to how the damage came about, the magistrate or justice could decide whether the damage was wilful, malicious, or accidental. I believe this is a safeguard against anybody committing wilful and malicious damage, and that it is dangerous to leave the Bill as it is.

The Hon. A. F. GRIFFITH: I repeat that I do not think it makes very much difference. Let us say we have two Acts of Parliament—if two Acts could apply in the one State—and one is in the form of the proposed section 80 (1), and spells out the penalty, and the other says exactly the same thing, but the two Acts differ in that one Act says, "Subsection (1) of this section does not apply," and the other Act says, "It shall be a defence to a complaint of an offence against subsection (1) of this section." Both Acts then pick up paragraphs (a) and (b). Under both of those Acts a fellow is charged before a court, and on being arrested by the policeman he says, "I did not intend to do that; I was hunting or fishing." The policeman says, "You tell that to the magistrate."

What is he going to do? Would he have a better or worse chance of being acquitted of the charge under the wording suggested by the honourable member, under the wording I have suggested as an alternative, or under the wording that is in the Bill now? He would simply go to court and plead the mitigating circumstance that he did not believe he was committing an offence. It is not correct that the magistrate would have no alternative but to throw it out. The charge would be laid against him but under paragraphs (a) and (b) he would be able to plead mitigating circumstances. I do not think the amendment is necessary. To my way of thinking, the Bill is perfectly plain.

The Hon. N. E. BAXTER: I still cannot agree with the Minister. The two sets of wording are entirely different. One says that subsection (1) shall not apply, and the other says that it shall be a defence to a complaint of an offence under subsection (1). They are as wide apart as the poles. The wording "It shall be a defence to a complaint of an offence" has been used in many Acts. I have not previously seen the wording that is contained in the Bill.

As far as I know, the Minister for Police does not object to this amendment. I understand the draftsman does not object to it, either. So I cannot understand why the Minister should oppose it. I still maintain that the wording I have suggested places a magistrate in a much better position than the wording at present in the clause.

The Hon. A. F. GRIFFITH: If the honourable member would like to talk to the Minister for Police and get a message direct from him to me that the amendment is all right, I will accept it; but at this point of time my information, contained in a minute from the department, is that the amendment is entirely unnecessary, and I intend to stick with the Bill.

Amendment put and a division taken with the following result:—

Ayes—9

Hon. N. E. Baxter	Hon. F. R. White
Hon. R. F. Claughton	Hon. W. F. Willesee
Hon. J. Dolan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. Thompson
Hon. T. O. Perry	*(Teller)*

Noes—13

Hon. G. W. Berry	Hon. L. A. Logan
Hon. G. E. D. Brand	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. N. McNeill
Hon. A. F. Griffith	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. R. H. C. Stubbs
Hon. J. G. Hislop	*(Teller)*

Pairs

Ayes	Noes
Hon. H. C. Strickland	Hon. E. C. House
Hon. F. R. H. Lavery	Hon. J. M. Thomson
Hon. J. J. Garrigan	Hon. C. R. Abbey

Amendment thus negatived.

Clause put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

DISPOSAL OF UNCOLLECTED GOODS BILL

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

LIQUOR ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.51 p.m.]: I move—

That the Bill be now read a second time.

It was not the Government's intention that the Liquor Act, 1970, enacted during the final days of the last sitting of this Parliament, should be amended so soon. While it is always probable that a new measure of this nature and size will require amending, it was hoped that it would have a period of operation during which the community might adapt itself to the new provisions so that any of them that proved to be anomalous or those that posed difficulties could be revised, after a reasonable period.

Unfortunately, the Bill that was presented to Parliament was, of necessity, drafted in some haste—its 177 clauses being prepared in 10 weeks—and it follows that some aspects of it could not be given sufficient study by those whose task it is to administer the legislation. We must bear in mind that both Houses of Parliament amended the original draft in many substantial ways. In the result, some of the rights that were exercisable, and some of the safeguards that were provided under the repealed Act, were not carried forward into, or adapted to conform to, the new measure.

Such a right was that exercised by those conducting stock sales. Under the former Act, those persons were able to obtain a temporary or occasional license. Now, although they may obtain a function permit, they are obliged to obtain their supplies through retail outlets and the entrepreneurs who have tendered on the basis of buying their supplies through wholesalers are now placed in a precarious position as a result. This aspect of the new legislation alone has necessitated an early amendment.

Secondly, some of the provisions relating to clubs have occasioned hardship in some respects and it is considered necessary to relax them. Similarly, the proliferation of permits under the new Act has been effected without, it seems, adequate provision for policing them.

These are the kinds of matters that have required attention with varying degrees of urgency, and the Government feels that some of them, at least, should be corrected at this stage. At the same time, other amendments that might easily have been delayed until some later occasion have been included in the Bill because the occasion was opportune, once a Bill was being introduced.

Dealing with the Bill in less general terms, it will be seen that the definition of "bar" has been narrowed. Many hotels and clubs are now constructed so that the bar, proper, may be closed off from the lounge, either by sliding or folding doors, or by a grille. With the advent of Sunday trading, it is proper that persons should be permitted to occupy the lounge out of trading hours, either while waiting for the bar to open or while engaged in playing billiards or some other form of entertainment. As the definition now reads, it is questionable whether persons can lawfully do this and the amended definition is intended to make this clear.

A definition of "reception area" is now to be included in the Act, as it has been urged in some quarters that a reception area is an area that the licensee, himself, has set aside as such. In fact, it was always intended that the court should designate the area and the amendment makes it clear that there is no reception area until a permit is issued.

Section 25 of the Act enables a licensee to obtain a caterer's permit. In a large area, such as the showgrounds, it is difficult to determine over what part or parts of the area the permit is to operate, and this should be clear. An amendment will provide that the court can define the area or areas in which the permit is to have effect.

When the original Bill was being considered in the Assembly, it was decided that a guest of a club member who was lawfully introduced to the club should be able to purchase a drink for the host. This was contrary to the recommendation of the committee of inquiry, but this Parliament so decided. The necessary amendment was made to one part of the Bill but the necessity to amend another clause was overlooked. The Bill before the House now proposes to tidy this up, by an amendment to section 35.

A further amendment to section 35 of the Act is now included in the Bill to ensure that the court has power to grant trading periods aggregating five hours on a Sunday for clubs in the Goldfields area, and varied two-hour periods for clubs in other parts of the State. The Bill as originally amended in this Parliament left the position in this regard in some doubt.

It is proposed in the amending Bill to allow the court to determine on application by a club a period of any two hours between 10.30 a.m. and 1 p.m. and between 4 p.m. and 7 p.m., for each session. It is possible that some sporting clubs might find the hours of 5 to 7 p.m. more satisfactory than 4.30 to 6.30 p.m., which are the hours provided by the Act at present. The House will recall that members of both Houses of Parliament sought to keep some measure of uniformity in respect of trading hours on Sundays. I do not think the amendment will do much to affect that situation. It will merely permit the court to change the hours on application by a club, as distinct from the hours which hotels are able to use at present.

Section 37 of the Act, as enacted, appeared to require wholesale spirit merchants to sell a minimum amount of two gallons of every different type of liquor. Thus, a retailer could be required to buy two gallons of beer, two gallons of wine, and two gallons of spirits. The intention was, always, that the wholesaler should be permitted to sell liquor of mixed varieties in two-gallon lots and an amendment to the section now makes this clear. This is to facilitate the purchasing of liquor by smaller club organisations which otherwise would be required to purchase two gallons of each particular type of liquor.

A proposed amendment to section 46 of the Act imports the prohibition of drinking within 20 chains of a hall while a dance or other entertainment is being conducted there. At present this prohibition applies to halls that are within a townsite, but as some halls in country areas are not within a townsite, it is considered advisable to extend the prohibition to these also. This does not, of course, mean that the organisers of the dance or other entertainment would be precluded from obtaining a function permit for the occasion. It simply makes provision for the orderly supply and consumption of liquor on the occasion of a dance or other entertainment.

Section 69 of the existing Act deals with the sale and supply of liquor in clubs. Subsection (4) of that section limits the persons who may be honorary members of the club. At present its provisions do not enable the Governor and other notable persons to be elected honorary members and a proposed amendment will enable the club rules to do this, subject to the approval of the court. As it is possible for different types of clubs to provide by the rules for certain classes of persons to be honorary members, it is better that the court should approve of the class, in each case. Thus, the W.A.C.A. could provide that not only the Governor should be an honorary member, but that the Australian selectors should be honorary members, notwithstanding that they had enjoyed this privilege within the past three months.

Slimlarly, the W.A.N.F.L. might make the head of the umpires' association an honorary member, notwithstanding that he lived within a distance of 15 miles of the club. In each case the court will determine what is reasonable and right in the circumstances.

Secondly, members will know that it has been the practice for sporting clubs to engage in an exchange of play, the venues chosen being some particular club. As the Act now reads, the visiting players are debarred from enjoying any other privilege of the club, such as joining together for a drink after the game.

The Hon. F. J. S. Wise: Why is eight hours the specific time?

The Hon. A. F. GRIFFITH: The principal Act provides six hours. I decided to ask the Government to permit me to submit eight hours, because it was suggested that an all-day function would take that period of time.

The Hon. F. J. S. Wise: Is that long enough?

The Hon. A. F. GRIFFITH: Yes. Six hours could be said to be not long enough, but eight hours ought to cover the situation.

The Hon. F. J. S. Wise: I thought that perhaps it could be 10.

The Hon. A. F. GRIFFITH: If one was on the receiving end, I think 10 hours would be but I do not want to stretch this too far. I thought that an all-day game of golf—perhaps a pennant match—would start in the morning, and played over 36 holes—

The Hon. J. Dolan: Golf championships would cover that.

The Hon. A. F. GRIFFITH: I just referred to pennant matches, which is the same type of thing. Six hours is certainly not long enough for the conduct of a match of that nature. I believe that in bowling carnivals, members play for more than half a day.

The Hon. N. E. Baxter: They start at 10 in the morning and knock off at 10 at night—sometimes later.

The Hon. I. G. Medcalf: Some play until midnight!

Several members interjected.

The Hon. A. F. GRIFFITH: I gather by the interjections that this particular amendment might be well received.

The Hon. F. J. S. Wise: It might well be extended.

The Hon. A. F. GRIFFITH: That is up to the House.

The Hon. W. F. Willesee: Continue with your introduction, please.

The Hon. A. F. GRIFFITH: Right. As I was about to say, bowling clubs are continually engaged in interclub pennant

matches and, as the Act now provides, the competitors are not able to enjoy the facilities of the club, unless in the presence of a member. The repealed Act provided otherwise and those provisions were not brought into the new Act because the committee of inquiry did not so recommend. Second thoughts now suggest that this omission provides too great a restriction and an amendment would now provide that a club having as its object the provision of competitive outdoor sport, may have the competing players as honorary members for eight hours, as long as it complies with certain formalities.

When the Act was enacted it appeared to Parliament that the holders of restaurant licenses should be debarred from holding any other type of license. On more mature consideration there does not appear to be any valid reason why a well-conducted restaurant should not be able to obtain a cabaret license, or why a well-conducted winehouse should not be able to obtain a restaurant license. In fact, these are cases that may well be encouraged, as they would tend to improve standards, and an amendment to section 72 of the Act would make this permissible by deleting the prohibition.

Some confusion has arisen as to the use of the expression "public bar" in section 120 of the Act. What was intended was that an hotelier should not be permitted to close a bar in which drinks are sold cheaply while keeping open a bar where they are sold at a more costly price. It is proposed to amend the section so that the licensee is required to have the approval of the court before closing any bar at a time when it is required to be open.

Members might recollect that it was submitted that an hotelier might have a cocktail bar which he did not want or did not see the necessity to open on a Sunday, and we endeavoured to cover this situation. However, I am afraid it appears the provision might have misfired a little, and this amendment is intended to try to tidy up the situation.

Subsection (2) of section 128 makes it an offence for the holder of a club license to sell liquor for consumption off the premises, except to a member. The section does not impose any penalty on the member who purchases liquor for a non-member in these circumstances, and it is he who could be the main offender in most cases. The amendment to the section would now penalise the member who engages in such a practice.

Section 129 of the Act is intended to prohibit young persons obtaining liquor in certain premises. There are loopholes in this section for, where a juvenile has liquor in his possession in, say, a discotheque, the onus is on the prosecution to show he obtained it there. An amendment to the section will not only prevent the juvenile obtaining the liquor in such premises, but will also prohibit his bringing it there. If juveniles are to be permitted to drink it should be in their own homes, and their parents are in control of that situation—or should be.

A proposed amendment to section 143 deals with a matter of which I have already spoken. The court is empowered to issue certain permits to have effect on specified premises, during specified hours. As the Act reads at present, the police have no power to ensure that the permit holder is conforming with the terms of the permit. They are permitted to enter licensed premises, but not those to which a permit relates. The amendment would give the police limited powers in this regard.

It is proposed to amend section 144 of the Act which contains an odd provision enabling the police to seize liquor "consumed." I do not quite know how they do that! Clearly this is not possible, and the section is to be amended to eliminate this provision.

Section 151 of the Act relates to offences by licensees and an amendment is necessary to make it clear that persons who are responsible as licensees are in the same position *vis a vis* the Act as persons who are the holders of licenses.

Finally, section 153 of the Act has been drawn somewhat narrowly, in that its operation is restricted to the extent that proof that an area is in a townsite may prolong proceedings. A simple amendment makes it possible to aver that a place is within a townsite, without the necessary production of plans and other involved procedures.

I might make mention of the fact that the title of the Bill purposely restricts the sections it is proposed to amend. I feel constrained to say that I personally do not believe it advisable at this stage of the operation of the new Liquor Act to have the whole of the legislation laid wide open to a wholesale debate on many matters which have not been given a fair trial. Therefore, in preparing the Bill, the draftsman has restricted the title to the sections it is intended to amend. I commend the Bill to the House.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [10.09 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to authorise amendments to the Act which the Law Society and the Barristers' Board consider necessary in the interests of both the profession and the public. Members do not

have to be reminded that both these bodies are concerned with the maintenance and improvement of professional standards as well as meeting the needs of the community.

Clauses 3 and 5 propose to delete the words "natural born or naturalised" from the conditions for the articling of clerks and the admission of practitioners.

Last year the Commonwealth Parliament passed the Citizenship Act. It might be considered that amendments proposed to the Interpretation Act make it unnecessary to amend the Legal Practitioners Act. As members know, we passed an amendment to the Interpretation Act. However, as amendments to the Act were being introduced, the Barristers' Board requested approval to the change as it will avoid any need for reference to the Interpretation Act should it be necessary.

The amendment set out in clause 4 adding a new subsection to section 10 of the principal Act is required following a change in the structure of the law course for the degree of LL.B.

Commencing from 1971, an award of a degree in law will require a course of five years, the first year of which will be passed in some faculty other than law. It is the conviction of the members of both the Faculty of the Law School and of the Advisory Board in Law that the new course will result in a graduate who is more mature and better equipped academically. However, in order that the total period from entry to the course should not exceed the present minimum period of six years, it was an integral part of the proposal that the period of service under articles should be reduced from two years to one year.

The Barristers' Board, which is concerned with the maintenance of the professional standard of practitioners, agreed to the proposal to reduce the period of articles subject to a proviso that following admission such practitioners should not be permitted to practise on their own behalf unless and until they have had a further year's experience in the office of another practitioner or at least five years in the office of the State Crown Solicitor or the Commonwealth Crown Solicitor.

Although the actual effect of the new scheme of articles and the right to practise on admission will not operate until 1975 or 1976, the board considers it desirable that the necessary changes to the Act and rules should be made now. Rule 18 is being amended to provide a term of service under articles of one year in the case of a person who, in the year 1975 or thereafter, fulfils all the requirements of the University of Western Australia for the taking of a degree in law.

The amendment sought will enable students embarking on the new law course in 1971 to know what is required of them before practising on their own account.

Section 20(a) which requires six months' residence in Western Australia before being admitted as a practitioner of the Supreme Court of Western Australia is to be repealed.

The Solicitor-General has stated that considerations in favour of the repeal of the residential requirements are as follows:—

(1) It is no guarantee of the professional experience or capacity of the admitted practitioner. It does no more than to ensure the applicant for admission has resided within the State for six months immediately preceding his application for admission. It does not require that during that time he shall have made any study of local laws or indeed have had any contact with the legal profession at all. One must rely on other qualifications prescribed by the Act to ensure the competence and integrity of a practitioner.

(2) It is no guarantee that professional services within Western Australia shall be provided only by legal practitioners who are residents within the State. It requires six months' residence immediately preceding the application for admission, and that is all. Having lodged his application, the applicant may resume his residence outside the State, and upon admission practice from outside the State.

(3) The legal profession in Western Australia is under considerable strain to meet adequately the needs of a growing population; this strain could be alleviated to a degree if it were easier for suitably qualified practitioners from elsewhere to take up practice within the State.

(4) The residential requirement tends to separate and isolate the legal profession in Western Australia from lawyers in the other States of the Commonwealth at a time when strenuous efforts are being made by the Law Council of Australia to promote reciprocity between the States and to strengthen the ties that should naturally link the legal profession throughout the Commonwealth.

(5) Provided that every lawyer who practises within the State is subject to the supervision and authority of the Barristers' Board, there is no reason in principle why every lawyer must be resident within the State. The important objective is to bring professional legal services within easy and prompt reach of the citizens of

Western Australia, wherever they may be. The repeal of the residential requirement would facilitate the provision of such legal services to the distant areas of the north-west by reason of the proximity of Darwin.

(6) In times past, such a provision may have been thought to be necessary in order to "protect" the local profession from Eastern States practitioners. Nowadays, the local profession does not stand in need of any such protection.

(7) The increasing interdependence of Australian life, particularly at the commercial, industrial, and government levels makes any attempt to maintain the isolation of the legal profession unwise, inconvenient, and impracticable.

The repeal of the residential requirement will be of particular benefit to residents in the Kimberley. It will be possible for legal practitioners in Darwin, who are much closer to the Kimberley, to provide a legal service now unavailable because of distance from the metropolitan area and the consequential cost and time involved in travel.

For some time the Law Society has been concerned with the situation that frequently arises with respect to the trust account of a sole practitioner upon that person's death. If there is no-one to act temporarily pending a grant of probate, clients can be placed at a disadvantage and often be caused hardship.

It is proposed that the Barristers' Board be empowered to obtain a judicial order appointing a supervisory solicitor to carry on the practice of a deceased solicitor until the practice can be dealt with by personal representatives according to the law. Parliament has already approved of the principle by the power in a court to appoint supervisory solicitors in cases of defaulting practitioners.

The amendments requested by bodies concerned with the control of the profession have the support of the Solicitor-General.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

PRESBYTERIAN CHURCH OF AUSTRALIA BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.18 p.m.]: I move—

That the Bill be now read a second time.

The Bill which is being introduced at the request of the church deals with matters relating to the constitution of the church in Australia.

The Presbyterian Church of Australia was constituted in 1901 by a Federal union of the Presbyterian churches in the various States. Enabling Statutes were passed by the Legislature in each of the States, the Act of the Parliament of Western Australia being the Presbyterian Church of Australia Act (No. 4 of 1901).

Now the General Assembly of the Presbyterian Church of Australia has approved of a new constitution effecting two major changes—

(1) It will replace the present federal structure with a unified national church, the general assembly of which will have all the powers and authorities usually invested in the supreme court of a Presbyterian Church;
and

(2) It will define the powers of the general assembly to negotiate and agree to union with other churches and the procedures to be followed in such cases.

Changes now sought to the law in this State require consequential amendments to the 1901 and 1908 Acts relating to the holding of property.

The Bill which has been perused by officers of the church in this State, is satisfactory to them.

Members will recollect that I have introduced legislation of a similar nature for a number of other churches. This particular measure is relevant only to the Presbyterian Church as such. It does not affect anything else. I commend the Bill.

Debate adjourned, on motion by The Hon. R. F. Claughton.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [10.20 p.m.]: I move—

That the Bill be now read a second time.

I hope members have clear minds because they will probably need them to follow the speech notes.

This Bill amends the Traffic Act in relation to breath and blood analysis and offences dealing with driving a motor vehicle with alcohol in the blood.

Court cases have revealed that there are certain deficiencies in the existing provisions. It is apparent that, if the legislation is to have any true value, and breath and blood analyses are to be accepted by the courts, it is imperative that an amendment be made to existing section 32C of the Act.

The Act at present provides for "the calculation" which has been interpreted by some courts as being a single figure. The

Bill seeks to amend paragraph (c) of subsection (1) of section 32C to enable the maximum or minimum values to be given where the single calculation cannot be made because the time of the last drink may not be known. Where this circumstance arises, the spread value—minimum or maximum calculations—can only favour the accused person, since the courts will give the defendant the benefit of the lowest value and, indeed, no action is taken unless the minimum value is above the minimum prescribed by law.

The calculation of the percentage of alcohol in the blood by breath or blood analysis requires that the following factors be known:—

(a) the time of the occurrence;

(b) the time of the taking of the breath or blood sample;

(c) the time of the latest drink containing alcohol.

Then a calculation may be made at the rise and fall rate of 0.016 per cent. per hour, which is the accepted rate with a maximum rise being reached after two hours from the time of the last drink.

The last of these factors, generally, can only be obtained from the suspected person but, in some instances, the person may not know the time or may refuse to give the time of the last drink. It therefore became the practice in such cases to give the court two calculations: a minimum and a maximum calculation between which the person's condition was, no matter when the last drink may have been taken. The time of the last drink will only pinpoint the blood alcohol figure between the lowest and the highest value but the calculation cannot be any lower than the lowest value obtained nor higher than the highest. For instance, were a person alleged to have been involved in an occurrence at 10.30 p.m. and the time of the latest drink was known to be 10 p.m., the maximum percentage of alcohol in his blood would have been reached at 12 midnight, two hours after the last drink.

Were the time of a breath or blood test, 12.15 a.m., then, by adding back any time value after the two hour maximum rise and deducting any time value during the period of maximum rise, one can calculate the blood alcohol percentage between any two points of time at the rate of 0.016 per cent. per hour.

Should the time of the latest drink be unknown, the alcohol level in the blood at the time of an occurrence can be calculated for any and every possible time of the last drink. This gives over 100 values but of these none is less than a certain value—the minimum—and none is greater than a certain value—the maximum. Therefore, the easiest way to communicate the results of the calculations for any and every possible time of the last drink is to quote these two values.

Because of the mathematics involved, it is not necessary to calculate every one of these possible values. This is understandable. It is not possible to calculate this minute by minute. The minimum value of the blood alcohol at the time of the event would occur if the latest drink were at the time of the occurrence, and the maximum value would occur if the latest drink were any time more than two hours prior to the time of the occurrence.

Using the same times of occurrence and test as previously quoted, if the latest drink had been at the time of the occurrence—namely, 10.30 p.m.—the calculation would have been 0.122. This is arrived at as follows:—

Test reading at 12.15	.150
Less 1¾ hours of time of occurrence at .016 per hour	.028
Calculation	.122

The time of latest drink can move back for up to two hours at which the maximum blood alcohol is reached. A latest drink at any time prior to that does not change the final calculation because the blood alcohol percentage does not rise for any longer than two hours. Thus a person who had a time of latest drink 10 hours before the occurrence would have reached a maximum two hours later and from then on it would be declining in his blood level.

Any time value between the time of occurrence and time of blood or breath test would then be added back at the rate of 0.016 per cent. per hour.

An amendment to subsection (1) of section 32C is required because a court recently dismissed a case of a person driving a vehicle with a blood alcohol percentage in excess of 0.08 on the grounds that section 32C provides that breath or blood samples may only be admitted in evidence when the offence is one in which it suggests the person was or was not, or the extent to which he was, under the influence of alcohol.

Since the offence of driving on or above 0.08 per cent. level committed under section 32AA does not suggest that the person is driving under the influence of alcohol, it is essential that section 32C(1) should be amended to permit the introduction of evidence of blood alcohol percentage in a similar manner as charges for driving under the influence; that is, above 0.15 per cent.

The existing provision of section 32 (c) (2) provides for acceptance by courts of certificates that certain matters be admitted as *prima facie* evidence. This relates to the certificate of a medical practitioner to the effect that he has taken the sample in accordance with the regulations and also that of the analyst who analyses a sample. An amendment is required to

give the same credence to the certificate of the technologist of the Public Health Department that the blood sampling kits have also been prepared in accordance with the regulations. Unless this amendment is carried, it could mean that the technologist would have to travel all over the State to give evidence of the blood sampling kit's preparation if it were disputed that the kit had not been properly prepared. This would cause obvious difficulties and impede the legislative procedures contained in the Act.

An amendment is also required to section 32 (c) (4) as the section at present gives protection to a medical practitioner from any liability when taking a blood sample from a person at the request of a police officer. However, no protection is given to the medical practitioner when the request is made by a traffic inspector. This seems to have been an oversight in the original legislation and the inclusion of an inspector in this section is quite necessary.

Debate adjourned, on motion by The Hon. R. F. Claughton.

APPROPRIATION BILL (GENERAL LOAN FUND)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

PHYSICAL ENVIRONMENT PROTECTION BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [10.30 p.m.]: I move—

That the Bill be now read a second time.

As the title of this Bill implies, the ultimate objective of introducing legislation of this nature is for the protection of our physical environment or, perhaps more aptly put, our natural heritage.

I think members will agree that there is no question but that mankind in the pursuit of industrial expansion is on the threshold of an era of increasing fear that unless we initiate effective measures here and now for the protection of our environment, we might well be sowing the seeds of our own ultimate destruction.

In recent years, many of the industrially progressive nations of the world have been giving serious thought to these dangers which have become more increasingly apparent through the incidence of an expanding industrial technology and the requirements of vastly increasing populations.

Environment pollution has already become apparent in the larger cities of this country, and this in spite of our naturally healthful climate. Therefore, we in this State are well advised at this stage of our industrial expansion to do some stock-taking of our own position by providing the means by which effective measures might be taken to ensure a continuation of the healthy environment we now enjoy.

Aware of the seriousness of the problems involved, the Government, in introducing this Bill to establish a new department of the Public Service to be known as the department of environmental protection with control vested in a Minister of the Crown, is confident not only of the support and co-operation of existing Government departments but also of public bodies and individuals who, for some time past, have displayed a keen interest in those problems and in the measures to be taken in our endeavours to resolve them.

I am aware, Sir, of the responsibility which the announcement of the Premier has placed upon me in this situation. Since announcing the intention to appoint a Minister for conservation, the Premier extended to any interested public organisations an invitation to submit in writing their views on the constitution, functions, scope, and authority of the proposed conservation organisation. A large number of organisations and individuals responded to that invitation and their submissions were studied by the Public Service Commissioner before presenting his report for consideration by Cabinet as to the type of organisation appropriate to our particular needs.

Australia, whose problems are not as critical as those existing in some other parts of the world, is in an ideal position to deal with environmental protection, and this applies even more so in this State where the problems are less acute because of our natural advantages. Population and industry are, by comparison with other countries, less circumscribed and with smaller concentrations greater opportunity for regeneration exists.

This is due largely to the foresight displayed in the planning of the State's development. Action for the prevention of pollution and the protection of the environment has already been taken in many fields such as air pollution; water conservation and purity; soil conservation; forest regeneration; the development of national parks and other natural recreation facilities; the protection of beaches, rivers, and lakes; the rehabilitation of mined areas; the landscaping of main highways and the regeneration of road verges; the fight against litter; and flora, fauna, and marine life protection; concerned with which the need for protective action has been recognised and acted upon.

They are all matters which have received constant care and consideration by Governments and, in particular, by the present Government during these years of industrial upsurge.

We can well state that there has been no breakdown in the various spheres concerned and no failure to recognise responsibility. Yet there still remains a great deal to be done as instanced by the introduction of this legislation.

There is hardly need for me to dwell on the fact that there are few, if any, Government departments whose operations do not affect the environment of the community or who are not affected by it. Therefore, all Ministers and all departments are involved in consideration of the associated problems, some more directly than others. One of the important aspects for consideration, therefore, in the framing of this legislation was the question as to whether there should be one department vested with the full responsibility for all activities relating to conservation and environmental control and whether the Minister concerned should exercise final responsibility in these matters, thus overriding, perhaps, decisions of other Ministers.

Additionally, while it is fundamental in matters of such importance that the Government accepts final responsibility and shall be answerable to the people for the decisions it makes, the Government has not at any time contemplated the possibility of creating an organisation not finally responsible to Parliament, yet having power to make vital decisions which would bind the democratically elected.

It may be said that the basic conflict in conservation problems is usually between the exploitation of the earth's natural resources for man's economic use and the preservation of the environment for future generations. In this regard, it is quite possible for people to hold differing points of view with the best of honest intentions and sincerity. Therefore, which viewpoint should prevail in any particular situation is a matter for judgment, and Cabinet has the final authority to determine such issues, nor can there be any departure from this principle. It is essentially important that Cabinet be well informed if it is to exercise its judgment wisely.

The thought of one omnipotent Ministry would thus be quite unacceptable in principle and unworkable in practice. Indeed the authorisation of one Ministry to override others in matters of portfolio would negate the basis of Cabinet Government. Furthermore, such a system would involve creating a huge Government instrumentality with final authority over a wide range of major Government functions. Its very size and complexity would expose it to charges of bureaucratic methods, and delays, which would sap public confidence—so essential to the purposes we have in mind—would be inevitable; and this quite apart from the inevitable frustrations of other Ministers and departments in the exercise of their normal, legitimate functions.

It is significant that no State in Australia contemplates action of that nature and most of the public organisations which made submissions do not favour it.

One of the objections against the establishment of an overriding authority would be a quite natural tendency for other Government departments to regard themselves as absolved from conservational responsibilities if these were centred in and discharged by a new department.

The basic concept, of course, is that all Ministers and all departments be imbued with the necessity for a positive conservation policy, with their efforts being guided and assisted by an appropriate organisation now proposed to be set up with the required staff and facilities.

The basic function of the Ministry will be to examine and report upon all matters relevant to pollution and the protection of the physical environment. Its role will be to provide advice, guidance, and leadership.

The objective is to ensure that the Ministry becomes an effective instrument for the execution of its purpose and that its lack of final authority should not militate against its recommendations lest they be discarded without proper consideration. This latter responsibility is not a departmental one but one of the Government of the day.

It will be for the Government to make the decisions and to utilise to the full the services of the new department in order to ensure that the information on which it makes its decisions is more complete and that environmental factors are fully and expressly explored and considered before decisions are made.

To explain in more detail the provisions contained in this measure, the administration of the Act and the control of the department is to be vested in the Minister. Subject to the direction of the Minister and to any relevant provisions of the Public Service Act, the general administration of the department will be in the hands of a director of environmental protection, who will be the permanent head of the department.

The director may be appointed under a contract of service for a term not exceeding seven years, or he may receive permanent appointment under the Public Service Act. This is desirable to keep an option open to assist us in obtaining the best possible person for this important office.

Consideration was given to prescribing specific qualifications for the director. However, the ideal combination of professional qualification and administrative capacity may not be readily available.

The staff will be appointed under the Public Service Act with the Minister empowered to engage under contract such

professional, technical, or other assistance which he considers necessary to enable the department to carry out its functions.

A physical environment council will be appointed under the provisions set out in the Bill with a membership of 12, in addition to the director of environmental protection, who is to be chairman and chief executive officer.

The composition of the council has been left as flexible as possible within the limitations of certain essential representation. It is considered more important to have the right people on the council rather than too rigid a prescription for representation of particular interests.

I inform members that there will be six members representative of Government departments and instrumentalities, one representative of local authorities, one of primary industry and one of secondary industry. In addition, there are to be three members not employed by the State who will be representative of individuals and bodies of persons having a special interest in the control of pollution and the protection of environment. It is prescribed that not less than two of these representatives shall have knowledge or experience of conservation.

Departmental representatives will be selected at the highest level and could be along the following lines:—

The Commissioner of Public Health who, obviously, is concerned about the effects of environment upon people in general.

The Commissioner of Town Planning who, probably, has more effect on the environment of people as a result of his planning than any other officer, or any other department.

One member to represent fisheries, fauna, flora, and tourism, because the departments representing these matters will obviously have great interest in the preservation of the environment which is necessary for the success of their activities.

One member to represent public works, water supplies, and public utilities. Again, the association is obvious. The departments handling these matters will naturally have an interest in fisheries and in the danger of pollution of waters, flora, fauna, and pure conservation.

One member to represent Industrial Development and Mines. Again, of course, the association is obvious.

However, in order not to restrict our choice of the best available men, no such limitations have been imposed in the Bill.

The functions of the council are set out in clause 21. Briefly, these functions are to examine and report as directed by the Minister on all activities for the prevention of pollution and the protection of the environment.

The council is to be empowered to set up committees, membership of which will not be restricted to members of the council. It is intended to utilise the services of experts to deal with particular subjects in much greater depth than would be possible by the council as a whole.

Standing committees could, if thought desirable, operate in such fields as water, air, or land pollution or noise, and *ad hoc* committees could be appointed for particular inquiries. It is possible other committees could be formed in course of time. The decision, of course, will be made by the Premier of the day.

Clause 23 imposes an obligation on all Ministers of the Crown to refer to the Minister in charge of the Act departmental proposals likely to affect the protection of the environment. These include the planning stages for constructional, developmental, or industrial projects, applications for mining tenements under certain conditions, and any request for the creation or alteration of reserves under the Land Act. Where such matters are referred to him, the Minister in charge of the Act may require the council to submit a report and recommendation.

The reports and recommendations of the council must be transmitted both to the originating Minister and to the Premier, together with any comments or recommendations the Minister may wish to make.

In regard to applications for mining tenements as provided in subclause (1) (c), it is appreciated that some of these matters are the subject of submissions to, and examination by, the committee currently inquiring into the Mining Act. It is not intended that the provisions of the Bill will in any way prejudice or restrict the committee in its investigations. Any recommendations made by the committee will be considered in due course and, if it is found to be desirable, this legislation can be amended appropriately at some later date.

Under clause 25, an individual or organisation may refer to the Minister matters requiring investigation for the purpose of preventing environmental pollution or injury to the physical environment. On any such matter referred to him, the Minister may require the council to furnish him with a report and recommendation.

At this point, I would reiterate the Premier's warm approval of the decision of Western Mining Corporation to endow a chair of environmental studies at the Murdoch University and to set aside a sum of $20,000 per annum for special study of environmental problems until the university commences to operate.

We hope that this example may be followed by others. We have therefore made a provision in clause 26 that the Minister may accept any gifts for purposes associated with environmental protection which may be provided by industry, public, or private subscription and subject to any conditions which may be imposed by the donor to apply the funds in such a manner as he thinks fit.

A matter not covered by the Bill is the extent to which existing departments or particular functions of existing departments will be placed under the control and administration of the new Ministry.

There are certain activities directly related to conservation which must be considered for such transfer. This is a matter for careful examination and for determination by the Premier, and such determination will probably vary with different Premiers at different times. There are very good grounds for suggesting that no department should be under the direct control of the director of conservation. This will allow some scope to examine the problems as they come forward without the need for the direct day-to-day responsibility of administering a particular department. There are sound grounds for arguing that if a quality judgment has to be made in the interests of, say, mining as against national parks, the environment council and director should have no administrative responsibility in either field.

However there is a point of view that the director and the council should have a direct responsibility in regard to some Acts, and the type of Acts which come to mind are—

1. Native Flora Protection Act.
   Flora protection and conservation.
   Roadside verges committee.
2. Parks and Reserves Act.
   The following boards appointed under the Act—
   National Parks Board.
   Kings' Park Board.
   Rottnest Island Board.
   Emu Point (Albany) Reserves Board.
   Pemberton National Park Board.
   Zoological Gardens Board.
3. Committee of investigation re illegal occupation of Crown Land. ("Squatters").
4. Fauna Conservation Act.
   Wildlife Authority.
5. Sea shore and estuaries conservation.
   Swan River Conservation Board.
   Leschenault Conservation Committee.
   Peel Inlet Conservation Committee (proposed).
6. Litter prevention.
7. Control of noise.

The control of noise is one matter which could probably be the subject of investigation by this group.

While not an exhaustive list, the foregoing indicates the type of activity in mind, when considering the question of departments, instrumentalities or Acts to be brought under the control of the new Ministry; that is, if that were the desire of the Premier of the day.

These decisions are not for statutory determination and are best left to the Premier of the day to decide in the normal course of allotting departments to his Ministers. This is a desirable flexibility which will enable circumstances to be dealt with as they arise and in accordance with the policy of the head of the Government.

It may be expected that as the Ministry becomes equipped with qualified staff, acquires experience, and gains the confidence of the Government and the community, it may well be entrusted with wider functions. It may be found by experience, and indeed recommended by the council, that this extension should take place. This is a matter for future determination.

Two guiding principles have been borne in mind in the drafting of this legislation. The first is that, as the legislation must, of necessity, be of an experimental nature, the machinery to deal with environmental problems should be kept flexible and thus capable of adaptation to meet existing circumstances as they arise from time to time.

The second principle, which is basic to this type of legislation, is that the Ministry, if success is to be achieved, must rely heavily on the goodwill and co-operation of the community and of existing Government departments and instrumentalities.

It follows that community education would be an essential feature of the Ministry's activities in order that its functions and policies are understood and, we trust, generally accepted by the public. Such education could well commence in the schools, but would certainly involve the maintenance of a constant flow of information to the public.

It is the Government's belief that a Ministry, equipped to provide thorough research and examination of problems, enabling it to come up with sound recommendations, is preferable to one which would effect a revolutionary change in the whole structure of Government and to the detriment of the administration.

These aspects are emphasised though, indeed, there is nothing new in the acceptance of these principles, as all major

Government projects require and receive a high level of interdepartmental co-operation.

For example, it has been the practice with proposed industrial projects for the co-ordinator of development to initiate in the early stages consultation with Government departments affected. This Bill will not alter that practice in any way and the director of environmental protection will automatically be included in such consultations regardless of any statutory obligations which may be imposed.

Another important matter upon which I desire to comment is the problem of acquiring professional staff. Scientists with the ability and experience needed by the department are not necessarily available at short notice to take up appointments within the establishment; so inevitably there will be some delay before suitable personnel can be adequately trained. In the interim, the department of environmental protection will require to lean heavily on the staff resources of other departments which have built up a store of knowledge. It will need to rely also on assistance from Commonwealth sources, universities, and private enterprise.

The Bill authorises contracts being entered into for special investigations. It provides that the Minister may enter into arrangements with other Governments, with universities, and with other organisations or people concerned to engage upon investigation or research. It also provides that the council must confer and co-operate with Government departments and public authorities concerned with the protection of the environment and these authorities are required to give all practicable assistance.

There will be a vital need for the new Ministry to keep in touch with progress and developments in other parts of Australia and throughout the world.

To mention a few thoughts in this direction, there was the recent establishment last December of a standing Royal Commission in the United Kingdom to report to the Government on problems relating to the deteriorating environment. This was the solution adopted in the United Kingdom, and some members may have read reports of it.

President Nixon has established the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality.

There is also the proposal by the Swedish Government that the United Nations Declaration of Human Rights should be extended to include a declaration of human environmental rights; and additionally, the planning of the United Nations Inter-governmental Conference to be held in 1972 on "The Human Environment."

In Australia, the Commonwealth Parliament has appointed Select Committees dealing with air pollution and water pollution, which have already presented reports, and another on wildlife conservation, which is still in progress. Commonwealth involvement is highly desirable to place this matter on a national basis and to ensure the availability of Commonwealth scientific and financial resources.

Individual States are meeting their particular problems as considered appropriate and their programmes have been carefully studied prior to the preparation of this Bill, though the course of action we propose in this State is unique and is one, we believe, which is best suited to our requirements.

It may well be that before long an appropriate Australian council will be established with Commonwealth leadership and all-State representation. Such a body could serve a most useful purpose.

It is realised that many people may have different ideas as to how best the problems of pollution and environment protection should be approached and resolved. In mentioning that a tremendous amount of thought and preparation has preceded the drafting of this measure and in the explanation of its proposals to members, I think it will be clear that the intention of the Government has been to introduce a piece of legislation which will facilitate the promotion and development of a conservation outlook both in the community and in official circles. The best results, doubtless, will be achieved by reliance on co-operation and goodwill rather than on compulsion and penalties.

It must be borne in mind, however, that there are many aspects of this problem which are already covered by a variety of Acts which contain penalties of different sorts, some of them quite severe.

While doubtless the provisions now before members will not, in the light of future experience, provide the ideal answer to every conceivable problem which might arise, this legislation is commended as a means of initiating the introduction of the new Ministry and the setting up of the new department, and it will exercise a wide and beneficial influence on the future planned development of Western Australia and the welfare of its people.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

MARKETABLE SECURITIES TRANSFER BILL

Assembly's Message

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

PUBLIC SERVICE ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [10.57 p.m.]: I move—

That the Bill be now read a second time.

The major proposal contained in this Bill to amend the Public Service Act is the creation of a Public Service board to replace the existing administration of the State Public Service now in the hands of the Public Service Commissioner and his deputy. The Civil Service Association has made representations from time to time for the creation of a Public Service board. Prior to this, the last occasion on which the request was considered by the present Government was in 1966, when the proposal was rejected. But provision was made at that time in the Act for the appointment of one or two deputy commissioners and one has since been appointed.

Because of the rapid development of the State, there has not only been a substantial growth in the size of the State Public Service but also in the nature and extent of its duties and responsibilities. Numerically the service has increased by 30 per cent. and there has been a similar rise in the staffs employed in the Government instrumentalities dependent upon the Public Service Commissioner for advice and assistance. Consequently, there have been substantial changes in the commissioner's responsibilities with salary fixation and other industrial conditions becoming a continuing and contentious process of ever-increasing complexity. Furthermore, maintenance and improvement in efficiency has involved the close examination of modern techniques and their adoption as considered justified.

It will be appreciated, therefore, that recruitment and training require far greater attention than in the past and methods are required to be studied in greater depth. There is this further aspect that competition for suitably qualified people to enter the Public Service is intense. The service must be competitive with conditions in private industry.

In the matter of the establishment of Public Service boards, both Queensland and South Australia followed in the past three years the practice of the Commonwealth, New South Wales, and Victoria; and, as a result, Western Australia is now the only mainland State whose Public Service operates without a controlling board. Arising from all these circumstances, the State Government agrees that the time has now come for a change in Western Australia.

The proposed board will exercise, in general terms, the same functions which are at present the responsibility of the commissioner. It is proposed that the board consist of three commissioners: the chairman, to be appointed for a term of seven years, the deputy chairman and a third member appointed for terms of five years. There is the requirement that all members of the board must retire on reaching the age of 65 years.

The Government has not acceded to the request of the Civil Service Association that one member of the board should be an employees' representative elected by members of the association. Of the five existing Public Service Boards in Australia, this principle applies in only one; namely, that operating in Victoria.

The Government does not believe that such a system would make for the most efficient administration of the service. While always pleased to receive and consider representations from the association, the Government does not believe that it is part of the association's function to participate in the administration of the Public Service.

The functions of the board are, of course, basically administrative. Officers of the Public Service in all matters of discipline and in matters of promotion up to the level approved by Parliament have the right of appeal against the board's decisions to the independent tribunals on which the association is represented.

It is worthy of mention that in the two States of Queensland and South Australia where Public Service Boards have just recently been created, the request for association representation has been refused.

Those provisions in the Bill, which deal with the conditions of appointment of members of the board, have a general smilarity to existing provisions regarding the commissioner.

This Bill also deals with four other separate matters, one of which is introduced largely to provide streamlined machinery and the others aimed at improving conditions of service. The streamlined machinery provision has to do with the question of cadetships. Existing conditions governing the appointment of cadets are contained in more than 200 regulations which have been made under the Act.

Many amendments have been necessary to those regulations over the past few years, owing to changes in conditions and because of academic requirements. Those amendments have involved the staffs of the Public Service Commissioner's Office and the Crown Law Department in considerable time and effort and, even so, many of the regulations now require further amendment.

The parliamentary drafting staff, on several occasions, have expressed the view that the existing form of regulation is time wasting and unwieldy and have submitted that a new section be added to the Public

Service Act, giving the commissioner authority to determine cadetship conditions and to provide authority for cadetship agreements.

These proposals are adopted in this Bill. In future, conditions will be updated regularly without the necessity for amendment to the regulations. An arrangement similar to this operates at present in the Commonwealth Public Service.

The next amendment deals with the question of accumulated long service leave. Nine months' long service leave is the maximum period which may be accumulated under the existing section 56 of the Act, but to conserve wartime rights this period was extended to 12 months in respect of officers who had accumulated six months' leave on the 5th March, 1948, or before the 5th March, 1953. Consequently, there are two classes of officers in the service in so far as long service leave accumulation is concerned—those who may accumulate 12 months' leave and those whose accumulation is limited to nine months.

There have been a number of officers in recent years in the nine months category, who have lost service towards further long service leave because of ministerial or departmental requests to defer the taking of leave in the interests of the State. Requests of that nature are increasing because of staff shortages which are being experienced.

A similar situation arose in the R. & I. Bank and in 1965, the Rural and Industries Bank Act was amended to allow the commissioners to approve of accumulations of up to 12 months. Accumulation to 12 months is also permissible in the Railways Department.

This amendment to the Public Service Act will allow accumulation of long service leave entitlement to a maximum of 12 months. The right, however, will be by no means automatic. Approval of the board will be required and this will be granted only where it is considered to be essential. Officers will generally continue to be encouraged to take their long service leave as it falls due.

Turning to the next amendment, I would mention that section 50(1) of the Act provides, in respect of forfeiture of office, that if an officer is on an indictment convicted of an offence, he shall be deemed to have forfeited his office and shall thereupon cease to perform his duties or receive his salary.

It will be seen that this provision is completely mandatory in providing that an officer convicted on indictment must forfeit his office regardless of the nature or seriousness of the charge. It can be unjustly harsh in that instances may occur where an officer is convicted on an offence resulting from some temporary lapse, or may even be released on bond. The loss of an officer's position in the service in such circumstances is considered to be too severe a penalty, yet no discretion is available under the existing section.

It is now proposed to amend the Act by adding a discretionary element in that the Governor, on the recommendation of the board, may reduce an officer in salary or class and/or transfer the officer to another position or another department rather than apply forefeiture of office.

In this connection it is worthy of mention that there is also some doubt about the interpretation of the words "on an indictment convicted of any offence." Recently, an officer was convicted on a serious charge which warranted the application of section 50, but as the officer elected to have his case dealt with summarily by a magistrate instead of by a judge, he was convicted on an indictable offence but not convicted "on indictment" as presently stated in the section. Crown Law advice to the Government indicates some doubt as to the application of section 50 to that case and opportunity is taken to clarify the matter.

The remaining amendments concern sections 42 and 45, dealing with the board's powers in matters of discipline and the appeal rights available to officers against disciplinary action. The provisions of the sections as they relate to the powers of permanent heads are quite specific and have not caused any problems in implementation.

Should a permanent head consider that an alleged offence is sufficiently serious, he may refer the matter to the board for investigation. Serious shortcomings have been revealed in the subsequent provisions relating to the action that may be taken by the board.

Recent legal advice received following appeal proceedings against action taken under this section indicated that there was need to improve the wording of section 42(5) and section 45, not only to clarify the board's powers but also to remove any doubts as to the legality of appeal provisions.

Examples of shortcomings in these sections, which the proposed amendments will rectify, include—

(a) Serious doubts that the board can transfer an officer to another department following disciplinary action, even though the transfer could be in the interests of the service and of the officer.

(b) Provisions as to penalties which appear to be mutually exclusive, although often a combination of penalties would be appropriate.

(c) The removal of doubts as to the legality of appeal rights. The section outlines penalties which the board can impose or which the Governor can impose. There

is no reference to recommendations from the board to the Governor and, as the appeal rights contained in section 45 relate only to board recommendations, legal doubts have arisen as to appeal rights.

(d) The clarification of the board's rights in deciding whether an officer should forfeit salary for the period under a suspension. The permanent head has this right in cases not referred to the board.

It is most desirable that the board's and the Governor's powers in these matters be as flexible and discretionary as possible in the interests of the service and in the interests of the officer concerned, provided that there is no impediment to the right of appeal.

The proposed amendments have been prepared to this end and discussed in detail with the Civil Service Association, which has indicated that these amendments are acceptable. I commend the Bill to the House.

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

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [11.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill deals with amendments to the Public Service Arbitration Act, which have been approved by the Government, following consideration of suggestions made by the Civil Service Association, the Public Service Arbitrator, and the Public Service Commissioner.

Last year the Civil Service Association submitted a report to the Government on the operation of the principal Act now to be amended. The report requested specific amendments and also sought a review of the Public Service arbitration system as a whole.

The matters raised in the report were made the subject of discussion by arrangement as between the association and the Public Service Commissioner. The discussions were temporarily suspended by mutual consent. They were, however, recently resumed and the association indicated that it would like a committee with association representation to be formed to examine critically the existing system. It wished the committee to operate on a full-time basis.

The Government is satisfied that the system is sound basically. However, this should not be taken to mean that there is no room for improvement and the Government makes no objection to the association's request. It has been left to the association to indicate when it would like the committee to be formed.

In the interim, and as requested by the association, consideration has been given to the particular amendments which the association wished to be implemented this session. These matters have been discussed in conference between the association and the commissioner and some were discussed with the Premier by the association in deputation.

Most of the association's requests have been agreed to, either in whole or in part. The association has been consulted as to the form of the amendments and also as to the form of the amendments resulting from suggestions made by the arbitrator and by the Public Service Commissioner.

In dealing firstly with amendments requested by the Civil Service Association, I would mention that the Bill enlarges the jurisdiction of the Public Service Arbitrator, though not to the extent requested by the association. The arbitrator has jurisdiction to determine all matters relating to salaries and salary ranges; allowances in addition to salary; and overtime rates applicable to Government officers.

The association wishes the arbitrator to have power to determine claims concerning "any industrial matter" affecting Government officers. It is considered that such jurisdiction over "any industrial matter" is too wide.

The Government considers that matters such as hours of duty and annual, sick, and long service leave entitlements, which are currently prescribed by the Public Service Act and regulations, should remain within the province of the Legislature. However, it is appreciated that many Government officers employed outside the Public Service Act have neither legislative nor industrial coverage of such conditions.

It is therefore proposed to amend the Act to allow the arbitrator to deal with claims concerning the hours of duty, and leave entitlements of any kind for officers not under the Public Service Act. The arbitrator's jurisdiction will be limited to prescribing hours of duty and leave conditions of a kind not more favourable than the corresponding conditions prescribed from time to time for officers employed under the Public Service Act.

It has also been decided to amend the arbitrator's jurisdiction to include the determination of claims concerning the provision of protective or industrial clothing for public servants. In addition, the Bill enlarges the arbitrator's jurisdiction to cover shift work rates and conditions and time off or leave on account of overtime or shift work.

Another amendment provides for the arbitrator to be given power to make retrospective awards. This power of retrospectivity may be applied to a date not earlier than the date on which the matter concerned was referred to the arbitrator for determination under the Act.

The arbitrator does not have any retrospective powers at this time. Retrospectivity has been possible only by agreement between the parties. A study of the powers available to Public Service tribunals in other States has indicated that the granting of this power, which I have outlined, is warranted.

Associated with the question of retrospectivity is a further amendment which reduces the time factor between the lodging of claims with an employer and the referral of that claim to the arbitrator. As explained, the date of referral to the arbitrator is the earliest date to which the arbitrator will be able to grant retrospectivity.

The existing provisions of the Act require the parties to confer within two months of the receipt of a claim. If agreement cannot be reached within a period of three months from the date of the claim, the claim may be referred to the arbitrator for determination. If a claim is referred to the arbitrator, the employer is allowed one month from that date to lodge an answer to the claim.

The association has pressed for a reduction in this time factor and this has been agreed to. The time allowed for the parties to confer on a claim has been reduced from two months to one month, and the overall period allowed for negotiation before a claim can be referred to arbitration has been reduced from three months to two months. Further, the time allowed for an employer to lodge an answer to a claim, once it has been referred to the arbitrator, has been reduced from one month to seven days.

Overall, this amendment reduces the time factor from four months to two months and one week. This arrangement has been discussed with, and is acceptable to, the association.

The further request by the association concerned the granting of a right of appeal to enable officers to appeal against their divisional placement within the Public Service. This matter is related to an amendment suggested by the Public Service Arbitrator to allow for the hearing of disputes concerning the placement of officers in particular occupational groups.

Discussions have taken place between the association, the commissioner, and the arbitrator on this particular matter. The Bill contains an amendment resulting from these discussions which enables the association to appeal against the failure by an employer to include an officer or group of officers in any determination made by the employer under section 12 of the Act.

Provision is also made in the Bill to give the right of appeal against the particular salary allocated to an officer within a salary range.

The right of appeal is limited at the present time to the salary range and does not apply to the salary allocated within that range.

These appeal rights will, in practice, be subject to any relevant provisions of appropriate agreements and awards.

Amendments to give effect to the association's requests for adequate provisions covering the enforcement of industrial agreements and to safeguard appeal rights in regard to offices that have become vacant between the date of review and the date the review is published, are also contained in the Bill in a form acceptable to the association.

The Public Service Arbitrator has, as I have mentioned, suggested certain amendments to correct drafting errors and clarify certain procedures. The Bill adopts these suggestions which are all acceptable to the association and to the commissioner.

Another amendment put forward by the arbitrator and included in the Bill concerns the time allowed for an employer to complete and publish a review of all offices affected by a particular agreement or award.

The Act provides that this review must be completed and published within two months from the operative date of the agreement or award concerned or within such further time as the arbitrator may permit.

Should the operative date of an agreement be retrospective, the time allowed for the review of offices affected by the agreement has often expired before the agreement is concluded. This has meant that the arbitrator has had to grant automatic extensions of time. Doubts have been raised as to the validity of those retrospective agreements negotiated.

In order to put this matter in order, the Act is being amended so that the review must be completed within two months from the date the agreement or award is signed or issued, or such further time as the arbitrator allows.

The final amendment which has been made at the suggestion of the Public Service Commissioner and with the concurrence of the association confers powers on the arbitrator to intervene in industrial disputes coming within his final jurisdiction, to call compulsory conferences, and to act as conciliator.

Under the present provisions of the Act, the arbitrator is empowered only to determine claims and applications submitted to him under the Act. The accent in the procedures prescribed by the Act is on negotiation and conciliation, and this is desirable. However, should a dispute occur during the negotiations, the arbitrator has no power to intervene.

The amendments contained in the Bill authorise the arbitrator to call compulsory conferences at the request of the parties or at his own discretion. The arbitrator may examine the parties to the dispute and may make such suggestions and recommendations as he considers desirable for effecting a reconciliation between the parties and for preventing and settling disputes. The Government believes that the amendments contained in this Bill will improve Public Service arbitration legislation and industrial relations procedures. I commend the Bill to the House.

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

House adjourned at 11.20 p.m.

Legislative Assembly

Tuesday, the 10th November, 1970

The DEPUTY SPEAKER (Mr. W. A. Manning) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): INTRODUCTION AND FIRST READING

1. Land Tax Assessment Act Amendment Bill.

   Bill introduced, on motion by Sir David Brand (Treasurer), and read a first time.

2. Abattoirs Act Amendment Bill.

3. Marketing of Eggs Act Amendment Bill.

   Bills introduced, on motions by Mr. Nalder (Minister for Agriculture), and read a first time.

4. Judges' Salaries and Pensions Act Amendment Bill.

5. District Court of Western Australia Act Amendment Bill (No. 2).

   Bills introduced, on motions by Mr. Court (Minister for Industrial Development), and read a first time.

6. Reserves Bill.

   Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

QUESTIONS (12): ON NOTICE

1. MINERAL LEASES

Garden Island

Mr. TONKIN, to the Minister representing the Minister for Mines:

(1) What companies or persons other than subsidiaries of Broken Hill Proprietary Co. Ltd. have been granted mineral leases on Garden Island?

(2) What companies or persons have lodged applications for mineral leases the granting of which is under consideration?

Mr. BOVELL replied:

(1) and (2) None. Garden Island is Commonwealth property and no State titles can be granted thereon under the Mining Act.

2. ROADS

State Expenditure

Mr. TONKIN, to the Minister for Works:

Will he supply the amounts and the sources respectively from which such amounts were obtained to make up the total of $17,073,000 which the State will provide from its own resources for expenditure or roads this financial year?

Mr. ROSS HUTCHINSON replied:

The estimated total is $17,072,000 and is derived from the following sources—

	$
Motor Vehicle Licence Fees:	
Metropolitan	7,512,000
Country	4,820,000
Drivers' licences	715,000
Overload permits	130,000
Road Maintenance Contribution Fund	3,800,000
Road and Air Transport Commission ..	95,000
	$17,072,000

3. PINE PLANTING

Balingup

Mr. KITNEY, to the Minister for Forests:

(1) Is he aware that a meeting of more than 100 people at Balingup recently expressed strong disapproval of the department's method of buying farm land for pine planting?

(2) In view of the concern expressed, will he make a statement as to the department's future needs and