(b) if so, how many members are registered in the Taxi Drivers' Union?

(3) If 60 Taxi Drivers' Union members supposedly voted unanimously to back a protest, was their Union membership checked?

(4) Will the Government agree to, or allow a protest which is designed to disrupt city traffic flow when there is no check on the legitimacy of the union members taking part?

(5) If taxis are not going to be used for the purpose of their license and instead deliberately participate in a disruptive demonstration, will the Minister suspend the license of a driver in view of the shortage of services to the public?

(6) How many so called union members of the Taxi Drivers' Union elected Mr. Michael King to be their president?

The Hon. J. DOLAN replied:

(1) This is not known.

(2) (a) and (b) Such a Union is not registered as an Industrial union under the Industrial Arbitration Act.

(3) This is not known.

(4) The Minister for Police has advised that the necessary steps will be taken to deal with any situation that may arise.

(5) I do not have power to suspend a taxi car driver's license.

(6) This is not known.

8. WATER SUPPLIES

Coral Bay

The Hon. R. J. L. Williams for The Hon. G. W. BERRY, to the Leader of the House:

Where are the water supplies for Coral Bay hotel and caravan park drawn from for—

(a) potable water; and

(b) water for other use?

The Hon. J. DOLAN replied:

In the last twelve months water has been obtained in the following manner—

(a) Potable water from roof catchment and by carting from Exmouth when necessary;

(b) water for other uses from a bore within the Coral Bay complex site.

9. ABORIGINES

Vocational Training Allowances

The Hon. W. R. WITHERS, to the Minister for Community Welfare:

(1) Do any Aborigines in Western Australia receive Commonwealth training allowances?

(2) Does your Department of Community Welfare anticipate any phasing out of training allowances in favour of award payments or unemployment benefits?

(3) Would the Pundamulla vocational centre students be affected by any Federal policy to phase out training allowances?

(4) If the answer to (3) is "Yes", what changes would take place?

The Hon. J. Dolan, for the Hon. R. THOMPSON, replied:

(1) Not in the way training allowances have been applied in the Northern Territory. The only training allowance scheme applying to Aborigines in Western Australia is that administered by the Commonwealth Department of Labour and this applies in all States.

(2) See answer to (1).

(3) Only if the Commonwealth Department of Labour phased out its training allowance scheme and I have heard no suggestion of this.

(4) See answer to (3).

House adjourned at 4.30 p.m.

Legislative Assembly

Thursday, the 8th November, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

COMMONWEALTH CONSTITUTION CONVENTION

Appointment of Delegate: Motion

MR. J. T. TONKIN (Melville—Premier) [11.02 a.m.]: I seek leave to move a motion for the replacement of the member for Narrogin on the Commonwealth Constitution Convention Committee, and for the appointment of the member for Mt. Marshall in his place.

The SPEAKER: As the suspension of Standing Orders does not cover motions, leave to introduce this motion will need to be passed by an absolute majority. The question is that leave be granted to the Premier to move the motion. Is there a dissentient voice? There being no dissentient voice leave is granted.

Mr. J. T. TONKIN: I move—

WHEREAS by resolution passed on the 15th August, 1972, the Legislative Assembly resolved and declared its readiness to participate in a Convention comprising delegates appointed

respectively by each Parliament within the Commonwealth of Australia, constituted to review the operation of the Constitution of the Commonwealth of Australia and to propose such amendments to that Constitution as the Convention thinks fit, and further resolved, *inter alia*:

1. That for the purposes of the Convention—
   (a) a delegation consisting of twelve members of the Parliament of Western Australia should be appointed of whom seven should be appointed by the Legislative Assembly; and
   (b) the seven members appointed by the Legislative Assembly should comprise four members from the Australian Labor Party, two members from the Liberal Party and one member from the Country Party;

and

2. That each appointed member of the delegation should continue as an appointed member while a member of the Parliament of Western Australia or until the House of Parliament by which he was appointed otherwise determined;

AND WHEREAS Mr. W. A. Manning one of the members so appointed by the Legislative Assembly wishes to retire from his position as an appointed member of the delegation to the Convention: NOW THEREFORE the Legislative Assembly resolves to appoint Mr. W. R. McPharlin to be a member of the delegation to the Convention in place of Mr. W. A. Manning.

MR. W. A. MANNING (Narrogin) [11.04 a.m.]: I second the motion, and I concur with it. I have arrived at the decision that it would not be advisable for me to continue as a member of the Commonwealth Constitution Convention Committee, because I shall be retiring from this Parliament after the next election in 1974.

I appreciate the opportunity that has been given me to attend the first convention. I hope that what was started at the first meeting will be the commencement of something that will prove to be really worth while, by way of making amendments to the Constitution in due course—and I hope it will not be too long. Therefore, I support the motion and I suggest that the member for Mt. Marshall is well suited to fill the vacancy.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [11.05 a.m.]: I would like to say briefly that the Opposition supports the motion which is logical. We are only sorry to have the member for Narrogin retire from the delegation because he is a person who has had a great deal of experience with Standing Orders, parliamentary procedure, and the Constitution. I believe he would have made a continuing contribution had he been able to remain; but we understand the circumstances. It is logical that the Leader of the Country Party should join the delegation, and I am sure he will make a very worth-while contribution. I support the motion.

MR. J. T. TONKIN (Melville—Premier) [11.06 a.m.]: I thank the Leader of the Opposition and the member for Narrogin for their support of the motion. All I wish to say in conclusion is that the Government appreciates the service already rendered by the member for Narrogin, but realises the reason he has decided to retire. I welcome to the delegation the Leader of the Country Party (Mr. McPharlin).

Question put and passed; the Legislative Council acquainted accordingly.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Taylor (Minister for Development and Decentralisation), and read a first time.

MARITIME ARCHAEOLOGY BILL

In Committee

Resumed from the 7th November. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. J. T. Tonkin (Minister for Cultural Affairs) in charge of the Bill.

Clause 2: Commencement—

Progress was reported after clause 2 had been partly considered.

Clause put and passed.

Clause 3: Interpretation—

Mr. HUTCHINSON: I wish to deal for a moment with the work the director and trustees will have to do under the Bill. When the Bill was first introduced I did not consider it had proper legislative regard for all factors involved.

It was only the vigilance of the Opposition which revealed the flaws in the measure. We desired to ensure that the Bill had a reasonably easy passage through the Chamber, and when our vigilance revealed the flaws in the clauses we voiced our complaints, which are recorded in *Hansard*.

The Premier showed considerable wisdom in agreeing to the proposition that the Bill should be examined again by his principal advisers. The amendments which

appear on the notice paper reveal the extent of the co-operation and agreement which has been reached with the director in this matter.

I believe the Bill, after amendment, will be in a reasonable form for interpretation and implementation by both the director and the trustees. However, they will have to be fully aware of the spirit and intention of the co-operation which we have sought as an Opposition, and to which the Government has apparently agreed. I support the clause.

Mr. O'CONNOR: I support the remarks of the member for Cottesloe. I was concerned when the Bill came before us, and I expressed that concern in no uncertain terms. I am aware of the pressures which are applied to Ministers and to Governments at all times, and I realise that Bills sometimes come before the Chamber and are introduced by Ministers who have some apprehension about the contents. I feel that on this occasion the Government did not appreciate fully the consequences of the Bill when it was presented.

I express my thanks and appreciation to the Premier for again examining the measure, and proposing amendments to it. Those amendments will bring the Bill more into line with the thoughts of members on both sides of the Chamber.

Great responsibility will be placed on the director of the board in carrying out the aims of the Bill. However, I feel quite sure that the director, and the trustees, will realise the desires of Parliament regarding the future operation of the legislation. I again express my appreciation of the amendments put forward by the Premier.

Mr. MENSAROS: I, too, join with the member for Cottesloe and the member for Mt. Lawley in expressing our thanks to the Premier for giving consideration to the second reading debate. This is the type of legislation which, after it has been amended and passed, will be the result of the almost forgotten but important principle that all members and parties should participate in the legislative process.

I realise that the Government, primarily, has a duty to legislate but, after all, the legislation is the result of the work done by members of Parliament. Parliament attempts to achieve its aims in the best way possible. The result of the very amicable consultation between the director and members of our party was a compromise which, I think, better expressed the original aim of the director. The original Bill was possibly the result of over-zealousness by the draftsman who drafted the Bill. It could have had consequences other than those intended when it was conceived.

Doubtless we will have a few words to say in explanation of what the amendments will achieve but, at the same time, we feel that by incorporating these amendments in the legislation our original aim—as well as the Government's, I believe—will be better served. Our original aim was, of course, not only to preserve wrecks and relics, but to find them. After all, they are of great significance to our State.

Mr. E. H. M. LEWIS: In the interval which has elapsed since yesterday I have taken the opportunity to relate the amendments to the two pieces of legislation which are, themselves, related.

I want to thank the Premier—who, in this case, is acting in his capacity as Minister for Cultural Affairs—for his consideration of the comments made by members during the second reading debate. We pointed out that although we appreciate the desire to protect historic ships and relics, at the same time we saw a need for a greater incentive to be given to people who may go to some difficulty in locating and recovering such wrecks.

I am pleased to note that the incentive has been increased and that the conditions for some offences have been modified. As far as I am concerned at any rate, the legislation is far more acceptable now than it was when it was first introduced.

Mr. J. T. TONKIN: I reiterate the appreciation, which I have already expressed, for the co-operation which I have received from members of both parties in Opposition. I say without any hesitation at all that as a result of the comments made during the second reading and the subsequent negotiations which took place this is a much better piece of legislation than it would otherwise have been.

I think this demonstrates that it is possible on occasions, which in my view are all too infrequent, for a spirit of co-operation to exist between both sides of the Chamber for the sole purpose of improving legislation. This happens to be one of those occasions and I welcome it.

I am delighted that as a result of discussions we have been able to reach this stage. I give considerable credit to Dr. Ride for the way in which he carried on the negotiations and for his appreciation of my own desires. I give him great credit for the way he acted.

Mr. Hutchinson: Hear, hear!

Mr. J. T. TONKIN: I do not hesitate to say that at one stage we were in danger of losing the Bill altogether because I was not at all happy about its reception. I felt that it could wait until next session, without taking up the time of this session, if it were going to strike a stormy passage as had been indicated.

I offer my congratulations to all members who have devoted their attention to this in a spirit of co-operation and, once again, I express my personal appreciation to them.

Clause put and passed.

Clause 4: Maritime archaeological sites—

Mr. J. T. TONKIN: I move an amendment—

Page 3—Delete paragraphs (a) and (b) and substitute two new paragraphs as follows—

(a) any area in which the remains of a ship, which in the opinion of the Director may have been a historic ship, are known to be located;

(b) any area in which any relic is known to be located, or where in the opinion of the Director unrecovered relics associated with a ship which may have been a historic ship are likely to be located; and

I simply want to say that the purpose of the amendment is to remove any implication at all that the provisions referred to locations where ships and relics were not known to lie but which may, in fact, so lie.

Mr. MENSAROS: This amendment does away with one of the objections the Opposition had. It deals with maritime archaeological sites. According to the previous draft these sites could have been gazetted by virtue of a later clause, even though there was no certainty that a wreck or relic was on the site, only if in the opinion of the director such a wreck or relic might be there.

I accept the explanation the director gave me when the committee of the Opposition, which I had the honour to convene, discussed this Bill with him. He said that was not the intention and he saw our point of objection. The amendment means that only known ships can constitute a maritime archaeological site, and the question which remains to the discretion of the director is only whether the known ships are archaeological relics from the point of view of the Museum or whether they are ships which have no archaeological merit. We therefore support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Vesting—

Mr. J. T. TONKIN: I move an amendment—

Page 4—Add after subclause (3) a new subclause as follows—

(4) Where the Trustees are satisfied that relics were recovered from a historic ship before the eighteenth day of December, Nineteen hundred and sixty-four, and particulars of that historic ship do not appear in the Second Schedule to this Act, the Governor, on the recommendation of the Trustees, may by Order in Council, notice of which shall be published in the *Gazette*, add the particulars of that historic ship to the Second Schedule and thereupon that schedule as thereby amended shall be deemed to have been so enacted in this Act.

This additional subclause simply provides that, upon the recommendation of the trustees, the Governor may, by Order-in-Council, add these additional particulars to the second schedule.

Mr. MENSAROS: We have no objection to the amendment, which really flows from the first set of amendments. One can look at it in either a positive or a negative way. It was explained that one should rather look at it in a negative way, which means the director and the trustees do not want to have a conglomeration of ships gazetted, and if a ship is not gazetted within a reasonable period after it is found it will be free for all because it is not an historic relic as such.

One should not look at this amendment as a further restriction by which the Governor, upon recommendation, is at liberty to declare and add further wrecks to the schedule. Ships coming within the provisions of the proposed new subsection will be those which have historic value. The director advised that, from the point of view of maritime archaeological sites, at the present time he has in mind the sites of only two shipwrecks which might be so declared, one being the *Batavia* and the other the *Zeewyck*.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Protected zones—

Mr. J. T. TONKIN: I move an amendment—

Page 6—Insert after subclause (1) the following new subclause to stand as subclause (2)—

(2) A declaration made under subsection (1) of this section shall be laid before each House of Parliament within the six sitting days of such House next following the date of publication and the provisions of section thirty-six of the Interpretation Act, 1918, shall thereupon apply to that declaration as if it had been a regulation so laid.

This new subclause simply provides that any declaration of a protected zone shall be laid before each House of Parliament and Parliament has the power to apply section 36 of the Interpretation Act as though the declaration were a regulation laid before Parliament under that Act. I believe this amendment will meet the requirement of those members who raised this point. I trust it will be acceptable to the Committee.

Mr. HUTCHINSON: This clause relates to protected zones. Inherent in the original clause were some features which appeared to impinge on civil liberties and individual rights. In our discussions with the director he agreed wholeheartedly to our suggestion that amendments should be recommended to the Premier, and the proposed amendments appearing on the notice paper are in accordance with the recommendations. I believe the directors and trustees have acted very sensibly in this matter. The provision was not included originally and it is now to be included. We will support all the proposed amendments to this clause.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

Page 6, line 32—Delete the passage "demarcated." and substitute the following—

demarcated, and notwithstanding that the boundaries are not demarcated a person may be convicted of an offence against this Act in relation to a protected zone where the court is satisfied that the location of that zone could have been established by a reasonable person by reference to land marks, leading marks, a buoy or other position marker specified in the declaration, but it shall be a defence to show that the location could not have been so established.

Mr. MENSAROS: This provision, which we accept, was suggested during the second reading debate, and it does away with one objection we raised; namely, that a person would have to know the gazetted site of a wreck without its being marked. The new subclause provides that the Museum will have to mark the site when it cannot be recognised by a specific landmark. In such a case the site may be marked with a buoy or any other sign of demarcation, and if such a mark is recognisable, it will not supply a defence to a person who has trespassed against the law.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

Delete subclause (4), line 33 on page 6 down to and including line 6 on page 7 and substitute the following—

(4) The Governor may make regulations prohibiting, or imposing conditions or restrictions upon—

(a) the bringing into, or the use within, a protected zone of equipment constructed or adapted for any purpose of diving, salvage or recovery operations, or any explosives, instruments or tools likely adversely to affect a site, and the entry into, or the remaining within, a protected zone of any vessel carrying any such equipment or other such thing;

(b) diving or other underwater activity; and

(c) the mooring of vessels, or the use of those waters by vessels otherwise than for the purpose of innocent passage, recreation, or commercial fishing of a kind not likely adversely to affect a site,

in relation to protected zones generally or in relation to any zone specified in the regulations.

Subclause (4) as printed is to be replaced with a new subclause which restates the purposes for which the Governor may make regulations concerning protected zones, and in particular to exempt vessels not carrying equipment likely to be harmful to the archaeological site making innocent passage through the site for recreation or commercial fishing purposes of a kind not likely adversely to affect the site.

Mr. MENSAROS: This amendment and the ones to follow remove our objection that an offence could be committed simply by passing through an area which, according to the Bill as it originally stood, need not even be marked.

According to these amendments, not only will the area be marked or recognisable by landmarks, but also an offence will be committed only if persons are carrying tools, instruments, etc., on their vessels which obviously would indicate that they have bad intentions. Therefore bona fide tourists, fishermen, or people boating for pleasure are excluded. If they are carrying tools, or if they are moored in a protected zone, they will be subject to prosecution. That is a fair enough prohibition because they could quite easily moor somewhere else. It appears to be fair that the onus of proof still remains with the defendant because if a person is carrying explosives or tools, it would still be difficult for the Crown to prove that an offence had been or was intended to be committed. In those circumstances it is right that the defendant should prove that he had bona fide intentions.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

Page 7, line 12—Delete the words "the owner and".

Mr. MENSAROS: Equally we welcome this amendment which waives the objection that was raised; namely, that not only the user of a vessel but also the owner, without any qualification, would be liable to the penalty prescribed because he was deemed also to have committed the

offence. With the insertion of this amendment the owner will be responsible only if he had knowledge of the intention of the user of the vessel. I think the member for Blackwood, along with other members, raised this objection, and we accept the amendment.

Mr. HUTCHINSON: I appreciate a great deal this amendment and the next because in conjunction they bring forth the fact that where a person has no responsibility and he can prove accordingly this will constitute a defence for him. This is a step forward in regard to civil liberties. It is in sharp contradistinction to the provision contained in the Prevention of Pollution of Waters by Oil Act Amendment Bill, but I will not elaborate on that. I am delighted that the Premier has moved this amendment and I would have been pleased to see a similar amendment moved when we were debating the Prevention of Pollution of Waters by Oil Act Amendment Bill.

Mr. E. H. M. LEWIS: This is another of those clauses where originally we considered the penalty was rather severe, but the owner was equally guilty with the person in charge of the vessel although the owner may have been completely ignorant of the fact that the vessel had been taken into a protected zone. We entirely agree with the amendment which now exonerates the owner of a vessel unless it can be shown he was aware that the vessel was to enter a protected zone.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

> Page 7, line 13—Insert after the word "vessel" the passage "and, where he can be shown to have caused or permitted the contravention, the owner or charterer of the vessel".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Evidence—

Mr. J. T. TONKIN: I move an amendment—

> Page 8, line 24—Delete the passage "area, site,".

Mr. MENSAROS: It would be an exaggeration if I were to state we are 100 per cent. happy with the provision as it will be amended. It is never a good principle in law if the onus of proof reverts to the defendant. As there are certain cases where it would be almost impossible to prosecute this provision will stand. However, this reversion of the onus of proof to the defendant is mitigated to a great extent with the deletion of the words "area, site,". The passing of the amendment will mean that the defendant who is alleged to have committed an offence will not be liable to prove that this was a gazetted archaeological maritime site. He would only have to prove that the ship which he is alleged to have pillaged or interfered with was not a wreck within the meaning of the Act.

Mr. HUTCHINSON: Our support of the onus of proof provision illustrates our support of the principles behind this legislation. I do not want my support of this provision to be used as a precedent on any other occasion.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Court may order payment of value—

Mr. E. H. M. LEWIS: This clause states that a court convicting a person of an offence against the Act may, in addition to imposing a penalty, order the person to pay to the trustees the full amount of the antiquarian value of the property damaged or destroyed.

How will this full amount of the antiquarian value be determined? Opinions on the antiquarian value of an article could vary widely. I suggest that no adequate proof of the antiquarian value can really be established, unless the article is put up for sale by auction.

Mr. J. T. TONKIN: The purpose of the clause is to ensure that it will not be profitable for a person to contravene the Act, because he stands to gain more from selling an article at its antiquarian value. Therefore it is intended the power shall be available to cover this situation. This clause sets out the maximum penalty which can be imposed.

The value of an article has to be established by evidence. In dealing with articles of this kind, because of long experience in connection with this matter, I can say that the values are set in somewhat the same way as the values of postage stamps are set when they are sold from time to time. The values are set in accordance with their scarcity and their age.

Doubtless, the Museum authorities will have to produce to the court evidence showing the relative value of the article in question as compared with the values of others, apart from the value at the time if it were put to use as an antiquity. I assume this is the way the value would be established. It would not be an arbitrary value plucked out of the air. The court would have to be satisfied with evidence.

Mr. E. H. M. LEWIS: I appreciate the explanation, but I suggest the court will experience great difficulty in establishing the antiquarian value. This is not the same as establishing the value of postage stamps. In this case it is to establish the value of an article that has been destroyed or damaged. The court is to be called upon to determine the antiquarian value of an article which might not exist.

Clause put and passed.

Clause 14: Reward for information as to offences—

Mr. J. T. TONKIN: I move an amendment—

Page 9, line 33—Delete the subclause designation "(1)".

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

Page 10, lines 1 to 8—Delete subclause (2).

The clause would have enabled the court to order an offender to pay the amount of reward that has been paid by the Museum to an informer.

Mr. E. H. M. LEWIS: This is one of the extreme penalty clauses to which we took so much exception in the second reading debate. It is a binding provision. Anyone who is convicted of an offence will not only have to pay the fine and suffer any other penalties that are imposed, but will also be called upon to refund to the extent of $200 any amount that has been paid out by the trustees as a reward for information. I am pleased this subclause is to be deleted.

Mr. MENSAROS: In addition to what the member for Moore has said, the amendment will do away with an unpleasant provision in the Bill—one which has been generally referred to as the pimping provision. Had the present provision been agreed to as printed it might have provided an incentive for a person to act as an agent provocateur for the commission of an offence, with the knowledge that the offender will have to pay his reward, in addition to the fine. I welcome the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 and 16 put and passed.

Clause 17: New finds—

Mr. E. H. M. LEWIS: Subclause (1) states that a person who finds a ship that was, or appears likely to have been, lost before the year 1900 and fails to give notice of the finding to the director in writing as soon as practicable after the finding commits an offence.

How will such a finder determine whether a ship was lost before the year 1900? How could he be convicted of something when he has no means of determining the age? A person might find a ship, but he would have no way of determining the age, and he does not know whether it has been reported. Yet if he fails to report the find he commits an offence.

Mr. J. T. TONKIN: The answer to this query is quite simple. After this legislation has been passed and the penalties become applicable, if I were a skindiver and discovered a sunken ship the first thing I would do would be to notify the Museum authorities, so that they could tell me what my position was. It is not much good for a person to find a ship and to assume that he does not have to report the find. Having found something which was not known previously, it is perfectly clear that the reasonable thing for the finder to do is to report the find. Then he would be in no trouble whatever. However, if he found a vessel and kept the information to himself he would have only himself to blame if subsequently it was found he was contravening the law.

The situation is somewhat similar to that of a person who finds a wallet in the street. He cannot say he did not return it because it did not belong to anyone. He must take it to the appropriate authority and if the owner cannot be found then action will be taken and he will be compensated. Under the Bill the protection is that having found the wreck he must report it and he is then covered. If he fails to report his find he is responsible for any trouble in which he finds himself.

Mr. E. H. M. LEWIS: I cannot agree with the Premier's analogy with regard to the wallet because a wallet is someone else's property. Under the legislation a person is obliged to report ships only if they were wrecked before the year 1900. Many skindivers may believe that certain wrecks are only 50 years old and therefore they would feel under no obligation to report their findings. It is all very well to say that regardless of the apparent age of the vessel the finder is obliged to report the matter in case it has not been reported earlier. I think it would be extremely difficult to prove that a person knew the ship was lost before 1900.

Mr. J. T. Tonkin: Why should he not find out if he is in any doubt? He would have no trouble then.

Mr. E. H. M. LEWIS: He might not be in any doubt. He might be satisfied that the wreck is only 50 years old and then subsequently find that it is much older.

Mr. O'CONNOR: While I can understand the reasons behind the argument of the member for Moore, I must agree with the Premier on this occasion. The board must be given some discretion and unless laws are made we will be able to do nothing about those people who find the wrecks we want to preserve.

I am sure that if a person found a wreck and thought it was only 50 years old and therefore did not report it, no action would be taken against him. On the other hand, if a person finds a wreck and is not sure about its age, as the Minister indicated, he could always inquire. We must have some means by which to protect the wrecks we wish to preserve.

Clause put and passed.

Clause 18: Rewards as to ships and relics found—

Mr. J. T. TONKIN: I move an amendment—

Page 12—Add after subclause (4) the following new subclauses to stand as subclauses (5) to (11)—

(5) Where a person makes a claim for a reward under this section the Trustees shall, within twelve months thereafter—

(a) notify him that a reward or an interim payment on account of a reward will be paid; or

(b) notify him that it has not been possible within that time to evaluate the finding and that the Minister has directed that the Trustees may defer their decision for a further specified period; or

(c) notify him that his claim is not admitted, or that no reward will be payable.

(6) Where a person is aggrieved by the decision of the Trustees, or where no notification has been received by him within the period or further period specified in or in accordance with subsection (5) of this section he may make application to a Judge in chambers for an order requiring the Trustees to pay him such amount as is just.

(7) Before making any order pursuant to this section the Judge shall afford the Minister and the Trustees an opportunity to be heard as to the information in their possession regarding that ship or relic, the actual or probable costs of recovery and preservation, the market value of the metal content of any relic, the course of conduct of the claimant in relation to the ship or relic, any payment made to the claimant pursuant to subsection (2) of section 20, the steps which should be taken in the interest of maritime archaeology, and the time factors that are envisaged, and may hear and take into consideration any objection or submission made in relation thereto.

(8) Subject to subsection (10) of this section, unless the Minister otherwise directs the aggregate of the moneys paid to any person by way of reward or rewards in relation to any one ship or the relics associated therewith shall not exceed five thousand dollars.

(9) Where a Judge is satisfied that a claimant is entitled to a reward under this section and that no other circumstances make it undesirable he may, subject to subsection (8) of this section, award to the claimant such amount as he thinks just, and on the making of any such order the Trustees shall give effect thereto according to its tenor.

(10) Notwithstanding the limitation referred to in subsection (8) of this section, where the Judge is satisfied that, regard being had to the matters referred to in subsection (7) of this section, the value of the metal content of any relics is such that the limitation should not be imposed the Judge may—

(a) in relation to those relics, order that the claimant be paid an amount not exceeding one-half of the market value of the metal content of those relics; and

(b) order that any such payment in respect of metal content shall not be be taken into account, or shall be taken into account only to a specified extent, in calculating the amount payable for the purposes of the limitation.

(11) The Judge may make such order in relation to the costs and expenses of and incidental to the matter as he thinks fit.

Mr. HUTCHINSON: This is the amendment which deals with rewards and I am completely satisfied with it. During the second reading debate I said that the Bill provided an open invitation to piracy under the high seas because rewards were virtually neglected. Under these subclauses a person who is aggrieved by a decision of the trustees can apply to a judge in chambers for an order requiring the trustees to pay an amount which is just. Whereas in the present Act the maximum reward is $2,000, the maximum under the amendment is $5,000 and, in addition, the Judge may make an order for such other rewards as are listed. This amendment safeguards the situation and ensures that more historic wrecks will be found and preserved from despoliation.

Mr. MENSAROS: I equally welcome the amendment which sets a maximum reward. This will give the Museum an indication of what it should award, and those who are likely to find wrecks, an indication of what they can expect.

Of course we know that the maximum is not absolute because the Minister can vary it if either the find or the monetary circumstances warrant such action. Equally,

during the course of appeal, the court can, in addition to awarding the maximum of $5,000, order that the finder be awarded a higher reward of up to half the metal value found.

This amendment gives some answer to the member for Moore in regard to his query concerning how the court would determine the value of a relic which has been destroyed. Although the provisions do not spell it out, I am sure that according to the spirit of the legislation, the court would consult the experts from the Museum and it would have regard for the whole of the Act and would use the analogy in this clause to set the penalty in connection with the destruction of a relic.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Power of disposal—

Mr. J. T. TONKIN: I move an anmendment—

> Page 13, line 31—Delete the passage "Commonwealth;" and substitute the passage "Commonwealth, the body known as The National Trust of Australia (W.A.), or the body known as the Royal Western Australian Historical Society Incorporated;".

This amendment is designed to specify that the National Trust and the Royal Western Australian Historical Society are among those bodies to which the Governor may authorise disposal of relics, upon the recommendation of the trustees.

Mr. MENSAROS: This amendment is the result, perhaps, of the publicity this Bill received when we debated it during the second reading, and when we raised our objections. The proposal proves that it is advisable, with every measure, to seek the comments and advice of interested people connected with the legislation. Apparently this has been omitted, to a certain extent, and the publicity alerted the bodies mentioned in the amendment to the fact that they might request to be included amongst the groups to whom relics can be disposed.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 22 and 23 put and passed.

First schedule put and passed.

Second schedule—

Mr. J. T. TONKIN: I move an amendment—

> Page 15—Insert after the heading "Second Schedule" the following subheading—
>
> Other ships from which relics are believed to have been recovered prior to 18th December, 1964.

This amendment will provide an explicit subtitle.

Mr. MENSAROS: We accept this amendment which was suggested by the director, quite irrespective of any argument we had with the original Bill. The amendment will clarify the schedule.

At this stage I would like to comment and say that the next amendment is merely to correct a printing error.

Amendment put and passed.

Mr. J. T. TONKIN: I move an amendment—

> Page 15—Delete the date "1850" appearing in the third item, substitute the date "1839", and place the item second in the Schedule immediately following the item relating to the ship known as the "Elizabeth".

This amendment is to correct an error in the date as printed in the schedule.

Amendment put and passed.

Second schedule, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

MUSEUM ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th October.

Mr. J. T. TONKIN (Melville—Minister for Cultural Affairs) [12.06 p.m.]: In moving the second reading I referred to the desirability of providing for the ownership, by the State, of meteorites.

As in the case of the Maritime Archaeology Bill, members in Opposition have expressed their view that it is important to protect the rights of individuals who currently have meteorites lawfully in their possession through their having been found either on private land before the coming into operation of this amending Act, or on Crown land before the coming into operation of the Museum Act, 1969. I have agreed with this view and during the Committee stage I will be moving certain amendments which will, I think, cover the situation to the satisfaction of members opposite.

As regards meteorites, some members expressed concern that tektites, also called australites, are included among matters controlled under the Act. I am assured by the Director of the Museum that the inclusion of the words "containing crystalline matter" in the definition of "meteorite" in the principal Act will exclude tektites.

I shall also be moving an amendment to remove any implication that the power of The National Trust of Australia (W.A.),

to preserve localities of historical or cultural interest, is superseded by the Trustees of the Museum.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. J. T. Tonkin (Minister for Cultural Affairs) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 9 amended—

Mr. J. T. TONKIN: I move an amendment—

> Page 2, line 16—Delete the passage "locality of historical or cultural interest,".

The purpose of the amendment is to remove any implication that the National Trust of Australia does not have the power to preserve historical and cultural localities on behalf of the community.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 37 amended—

Mr. J. T. TONKIN: I move an amendment—

> Page 3, lines 5 to 7—Delete all the words appearing after the word "Trustees".

The purpose of the amendment is to widen the power of the trustees to recognise museums in leased properties generally, if the conditions of the lease are, in their opinion, suitable.

Mr. E. H. M. LEWIS: I thank the Minister for Cultural Affairs for giving consideration to the point which I raised during the second reading debate. The amendment will enable the trustees to recognise properties which are leased by a local authority—under conditions which, of course, must be satisfactory to the trustees. These could include local museums on private property leased to a local authority.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9 put and passed.

Clause 10: Section 44 amended—

Mr. E. H. M. LEWIS: I move an amendment—

> Page 3, line 13—Insert immediately after the subsection designation (1) the passage "Subject to paragraph (c) of subsection (1) of section 45".

The amendment I have moved anticipates the amendments which will be moved to clause 11 by the Minister for Cultural Affairs. For this reason, perhaps I could refer to those amendments.

Clause 11 refers to section 45 of the Act and mentions certain things which a person may not do in connection with a meteorite. Paragraph (c) of proposed new clause 11 reads, in part—

> (c) refuse or fail to deliver up to the Trustees any meteorite in his possession not being a meteorite which was lawfully in his possession prior to the coming into operation of the Museum Act Amendment Act, 1973,

I wanted to draw the committee's attention to the reservation expressed in my amendment. I feel that the position will be overcome if we insert in section 44 a provision to the effect that, subject to paragraph (c) of subsection (1) of section 45, this will apply.

Mr. J. T. TONKIN: I sympathise with the objective of the member for Moore. When I point out one aspect of this, I hope he will be prepared to alter his amendment slightly.

Clause 10 amends section 44 to make all meteorites the property of the Crown and vested in the Museum. The member for Moore wants to make this subject to section 45 (1) (c), which refers only to failing to deliver a meteorite to the Museum. Other portions of section 45 refer to the procedure which results in vesting in other persons.

I feel it would be better—and I think it would meet the desire of the member for Moore—to make section 44 subject to the whole of section 45, generally, instead of to only one portion of it. This is inherent in the legislation at any rate. I would have no objections to this. In lieu of the passage suggested by the member for Moore I suggest that he should move to insert the passage "subject to section 45" immediately after the subsection designation (1) on page 3 at line 13. In this way it would be made subject to the whole section.

Mr. E. H. M. LEWIS: Indeed, that was my first intention but on giving it further consideration I thought it was necessary to define the reservation in a better way. This was my reason for framing my amendment in the way I did.

In view of the explanation given by the Minister for Cultural Affairs I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. E. H. M. LEWIS: I move an amendment—

> Page 3, line 13—Insert immediately after the subsection designation (1) the passage "Subject to section 45".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Section 45 amended—

Mr. J. T. TONKIN: Members will see from the notice paper that it is my intention to have the clause deleted for the purpose of inserting another clause which is set out on the notice paper.

My purpose in doing this is that paragraph (a) (ii) amends subsection (1) of section 45 of the principal Act so as to remove possession of a meteorite from amongst the offences. It will be replaced by a provision stating that it is unlawful for a person to remove a meteorite from its place of falling except to deliver it to the trustees. I ask the Committee to vote against the clause.

Clause put and negatived.

Clause 12 put and passed.

New clause 11—

Mr. J. T. TONKIN: I move—

Page 3—Insert after clause 10 the following new clause to stand as clause 11—

S. 45 amended.

11. Section 45 of the principal Act is amended—

(a) as to subsection (1)—

(i) by deleting the word "or", in line three;

(ii) by deleting the passage "or be in possession of such a meteorite.", in lines six and seven and substituting a new passage as follows—

any meteorite from the place where it appears to have fallen upon the earth; or

(c) refuse or fail to deliver up to the Trustees any meteorite in his possession not being a meteorite which was lawfully in his possession prior to the coming into operation of the Museum Act Amendment Act, 1973, upon notice from the Trustees requiring him so to do within a time specified therein and upon payment by the Trustees of the reasonable expense likely to be incurred thereby. ;

(b) by adding after subsection (2) six new subsections as follows—

(3) The Trustees may, with the approval of the Minister, pay a reward to a person who provides information of a specific nature leading to the recovery of a meteorite the existence of which was not previously known to the Trustees.

(4) A person who, without the consent of the Trustees, destroys or removes a meteorite from the State commits an offence.

Penalty: Two hundred dollars or imprisonment for three months or both the fine and imprisonment.

(5) Where, prior to the coming into operation of the Museum Act Amendment Act, 1973, a person was lawfully in possession of a meteorite the Trustees shall not refuse to give their consent to the removal of that meteorite from the State if that meteorite has been offered for sale to the Trustees at a reasonable price (having regard only to the amount that might reasonably be expected to be offered by a willing purchaser in the State and not taking into account any price that might be obtained elsewhere) and the Trustees have not accepted the offer within fourteen days.

(6) Any question as to what constitutes a reasonable price for the purpose of this section may be determined by the Minister.

(7) For the purposes of any proceedings under this Act—

(a) a meteorite shall be deemed to be in the possession of a person if, at the relevant time, he was knowingly exercising complete control of the use and physical location of it; and

(b) a meteorite shall not be regarded as having been reduced into the possession of a person by reason only of the fact that, at the relevant time, it was in or on land owned or occupied by him.

(8) Where a meteorite is removed from the State with the consent of the Trustees the property in that meteorite shall thereupon vest in the person to whom that consent was given.

Mr. MENSAROS: The amendment does away with part of the objections raised by the Opposition during the second reading debate. In my opinion it does away with the most serious objection which, to express it in one word, was the "retrospectivity" of the provision as it originally appeared in the Bill.

It virtually means that if a person finds a meteorite prior to the coming into operation of this measure that person will be able to keep it; it will remain his own property.

The only restriction which we consider to be fair enough is that a person be not entitled to take a meteorite out of the State unless the Museum agrees to his doing so, but if it so wishes the Museum can offer compensation for that particular object in the event that the person who, according to the amendment, is still the lawful owner and possessor of the meteorite wishes to export it for whatever reason. It is presumed the reason would be to sell it overseas. That can be prevented by an action of the Museum and the meteorite which is considered to be valuable can be kept for the State.

The members of the Opposition parties had differing views on the subject and we therefore reached a compromise in this respect; namely, we did not insist on one of the contentions we originally held, that if a meteorite falls on private property after the coming into operation of this legislation it should belong to the person who owns the property. One could go into philosophical arguments as to whether, disregarding the value to the State of the meteorite, the compromise we have reached is legally or morally right or wrong. One could go to one extreme and say the falling of a meteorite is an act of God and therefore the owner does not have a right to it; at the other extreme, by stretching the imagination one could say rain falls from the sky and no-one has disputed that it benefits the owner of the property on which it falls. I wonder what would be the situation if someone sent up four helicopters with a huge canvas attached to them and prevented rain from falling on someone else's property. However, that is a philosophical argument.

We accept the proposition that those meteorites which fell on private property and were found prior to the coming into operation of the proposed legislation belong to the owner of the property; and those which fall after the legislation comes into operation, or those which have not yet been found, will become the property of the Crown. We therefore agree to the amendment.

New clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 24th August, 1972.

THE SPEAKER (Mr. Norton): This Bill was introduced on the 17th August, 1972, and I think I should remind the House of those members who have spoken to the Bill. They are the Attorney-General, the Minister for Development and Decentralisation, the members for Boulder-Dundas, Cottesloe, Collie, Moore, Northam, Floreat, Mt. Lawley, Dale, and Bunbury, and the Deputy Leader of the Opposition.

Points of Order

Mr. T. D. EVANS: Mr. Speaker, may I seek guidance from you? I believe I introduced the Bill and, therefore, if there are no other speakers, I have the right of reply.

The SPEAKER: Yes.

Mr. O'NEIL: Mr. Speaker, I would like to ask a question. In the list of names you read, you mentioned the Minister for Development and Decentralisation.

The SPEAKER: That is the present Minister.

Mr. O'NEIL: According to the notice paper, he has taken the adjournment of this debate, and I am wondering whether he has spoken or has simply adjourned the debate.

The SPEAKER: That would be the previous Minister.

Sir CHARLES COURT: Mr. Speaker, I also raise a point of order. You mentioned the Deputy Leader of the Opposition and I want to know whether you were referring to the then Deputy Leader of the Opposition—myself—or the present Deputy Leader of the Opposition.

The SPEAKER: The present Deputy Leader of the Opposition.

Mr. W. A. MANNING: Mr. Speaker, I would like to raise another point of order. You mentioned the member for Bunbury. I assume that was not the present member for Bunbury.

The SPEAKER: The member who was then holding the seat, not the present member for Bunbury.

Debate Resumed

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [12.27 p.m.]: I rise to speak on the assumption that the Attorney-General was seeking to rise to close the debate.

When this Bill was last before the House—it now seems so long ago that we wondered whether the Government had had second thoughts and decided it was best not to proceed with this very objectionable piece of legislation—it was made clear that the Opposition had pretty strong views about it. Perhaps I should qualify that and say our views were not "pretty" strong but "very" strong because I thought we had hammered home to the Government by the hour the message that we considered the principles embodied in the Bill by the Government were absolutely objectionable. We have had no reason to change our ideas at all.

I notice the Minister has an amendment on the notice paper but it is purely a procedural amendment to bring the Bill up to date from 1972 to 1974. I think that tells its own story.

I will read the second clause of the Bill. It says—

> 2. Section 37AF of the principal Act is amended by adding after subsection (3) the following subsections—
>
> > (3a) Notwithstanding anything to the contrary contained in subsection (3) of this section, but subject to subsections (3b), (3c) and (3d) of this section, it is hereby declared that for the purposes of the determination of any appeal made to the Tribunal as referred to in subsection (3) of this section, the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency of any applicant who is not a member of the Union.

We regard that provision as distasteful, absolutely disgusting, and contrary to what we believe to be democratic principles.

I heard the member for Mirrabooka speaking the other night and I thought he showed considerable courage in coming out and being so forthright when speaking about the competence of teachers.

When speaking about people who automatically became teachers, he was making the point that it was almost impossible for a student teacher not to get through once he started on the course and that, when he had become a teacher, if he turned up for work on the appointed days and remained for the appointed hours, it was almost impossible for him not to get promotion in due course; so that we finished up with a situation where some people were almost forbidden to teach—and no doubt as a result of his experience the member for Mirrabooka knows of cases which would support his allegation.

We know that occasionally in the Civil Service we have officers whose personality is such that they are placed in positions where it is well-nigh impossible that they will have contact with the public. They are so abrasive, or they have such a personality defect or problem, that we must feel sorry for them. We do not get angry with them, we must have sympathy for them. However, sometimes they are in certain positions in Government employment and they are then very difficult to deal with. Frequently such people are channelled into positions where they do not have contact with the public. In some cases they do not even have contact with their fellow employees.

I had the experience in a department I administered under my previous portfolios of an officer who could not even take a message to another department without setting off a chain reaction. The next thing I knew, I would have other officers coming in with complaints of matters I did not know about because this poor chap did not have the power to express himself. He was not articulate in a way that would win friends and influence people. I tried giving him a copy of the Dale Carnegie book, but even reading that did not help him.

Mr. Bickerton: Dale Carnegie couldn't help you! You would rewrite Dale Carnegie now.

Sir CHARLES COURT: This officer had to be given duties which were not very becoming for his relative seniority in the service. So I can appreciate that we find people of this sort in every profession. However, this example will fortify my argument in opposition to the measure before us. The crucial words in this clause are these—

> . . . the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency of any applicant who is not a member of the Union.

When this Bill was introduced and before us on a previous occasion, it was a matter of considerable interest within the teaching profession itself. Where this matter had been discussed within the profession I did not discover one single teacher who went along with this provision. All the teachers to whom I spoke found it objectionable and obnoxious. They are virtually being told that as long as they join a union they are efficient. Of course, we know this is not true. It does not automatically make a person efficient when he joins this or that movement.

We see this sort of thing in professional bodies. People pass the exams and become members of these bodies and they are allowed to practise legally. But they may not be competent practitioners. It is not unusual to find that this occurs. To turn

around and say that because a man pays his fees and is admitted to a union he automatically has a superiority of efficiency is an insult to the profession itself. I have no doubt the Government was directed to introduce this amending Bill.

Mr. T. D. Evans: The Government was not directed at all.

Sir CHARLES COURT: No Government in its right mind would introduce legislation of this type unless it was directed to do so.

Mr. T. D. Evans: There was a request from the State School Teachers' Union.

Sir CHARLES COURT: That is the same thing.

Mr. Jamieson: Don't you know the difference?

Sir CHARLES COURT: It is the same thing. Without labouring the matter any further I hope I have made the point clear, if the Government needed a reminder, that the Opposition is opposed to this Bill.

Opposition members: Hear, hear!

Sir CHARLES COURT: We object to the principle contained in it. We objected before and we still object to it. I oppose the Bill.

MR. McPHARLIN (Mt. Marshall) [12.34 p.m.]: Not being one who spoke to this measure when it was before us last year, I take this opportunity to express my party's views on the amendments contained in it. Our main objection is to the principle contained in the following words—

> . . . the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency of any applicant who is not a member of the Union.

It is most difficult to comprehend that any person, just because he is not a member of a union, is not as efficient as a teacher who is a union member. A person may have first-class qualifications, but because he is not a member of a union he is not promoted. Another person perhaps not as well qualified may be given promotion over the first man because he belongs to a union. It is most difficult to understand the reasoning behind this, and it is hard to accept such a proposition.

I notice that the Attorney-General has placed an amendment on the notice paper. He seeks to substitute June, 1974, for the date in line 11 on page 3 of the Bill. This means he must have given some thought to enabling people to look at the legislation before it comes into operation.

I have discussed this with a few teachers—not a great number—during my travels around the electorate. This subject has been discussed in the profession, and all the teachers to whom I have spoken do not want to see this type of legislation written into the Statute. They feel it may act to their detriment.

I also join with the Leader of the Opposition—and I know my party members are in accord with this view—when he said that this type of compulsory unionism is not acceptable. We oppose this idea because we feel—

Mr. T. D. Evans: It is not compulsory unionism at all.

Mr. McPHARLIN: Perhaps the Attorney-General could tell me how it is not compulsory unionism?

Mr. T. D. Evans: Read the Bill.

Mr. McPHARLIN: This will force teachers to join the union.

Mr. Sibson: If you don't join the union you do not get promotion.

Mr. McPHARLIN: If a teacher is not a unionist he does not get promotion. If that is not forcing teachers to join the union, the Attorney-General can tell me what it is.

Mr. T. D. Evans: You have not read the Bill—look at proposed subsection (3c).

Mr. Sibson: That applies only if you are a conscientious disbeliever.

Mr. McPHARLIN: Proposed subsection (3a) is clear enough. This means what it says: If a teacher does not join a union, he has less chance of promotion. That is as clear as it possibly can be—there is no doubt why this Bill was brought in. I do not think the Attorney-General can deny that the intention is to get teachers to join the union. I do not argue with his statement that the State School Teachers' Union requested this. However, I really believe that it would be the executive of the union which requested it without canvassing the profession to ascertain whether or not the teachers required it. Teachers have told me that they are opposed to this type of provision. Accordingly, I indicate our opposition to the Bill.

MR. W. A. MANNING (Narrogin) [12.38 p.m.]: I intended to speak about proposed subsection (3a), but as the two previous speakers have covered this ground thoroughly, I will content myself with a question to the Attorney-General. In his reply, will the Attorney-General explain to the House just how the efficiency of a teacher improves when he joins a union? Does he have to pass an examination to join a union? Does he obtain an achievement certificate? What is it that makes his efficiency so much better than that of a nonunionist?

In this measure we see the categorical statement that the efficiency of any applicant who is a member of the union is superior to the efficiency of any applicant who is not a member of the union. So something must happen at the time the teacher joins the union. I urge the Attorney-General to tell us just exactly what does happen to improve a teacher's efficiency when he joins the union. Surely

it cannot be the fact that he pays his union subscription! I do not think that would improve a teacher's efficiency, so it must be something else. We should be told just what is it that improves a teacher's efficiency when he joins a union.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.39 p.m.]: Mr. Speaker, as you indicated some considerable time has elapsed since this Bill was introduced.

Mr. O'Neil: August, 1972.

Mr. T. D. EVANS: On this occasion I cannot be charged with having introduced the legislation and having pushed it hastily through the Chamber.

Mr. O'Neil: You allowed it to die once, and then you revived it.

Mr. T. D. EVANS: Including myself, some 15 members have contributed to the debate, and *Hansard* will record who they are. I acknowledge the contribution made by each of those members. I would remind the Leader of the Opposition that if the purpose of his contribution was to inform me of the attitude of the Opposition, I would have done less than justice to the speeches of other members had I not arrived at that conclusion long before he spoke.

Sir Charles Court: I just wanted to give you a refresher course.

Mr. T. D. EVANS: This Bill was presented to the House following a request made by the State School Teachers' Union. That request was made to the Premier when he was also the Minister for Education. However, I introduced the Bill and it is now my duty to reply to the debate which has ensued.

Firstly, before referring to the principles of the Bill, I would like to make the point that the justification upon which the union rested its claim for consideration by the Government—and although this has been said in the debate I think it is worthy of repetition—was that it is considered only right that where union effort results in benefits which flow to all members of the teaching profession, then all members of the profession should not be able to enjoy those benefits without either joining the union or else paying a sum comparable to that of the union subscription if they have any conscientious objection regarding the physical act of being a union member.

I would like to indicate the position in the other States of Australia. I concede the point that the overall position does not show that there is precedent for this action by way of legislation in any State in Australia. However, the situation in Queensland is quite interesting. No similar provision exists in the Queensland Act, although there is usage in respect of preference to unionists. This might appeal to the Leader of the Country Party, because a party of the same political colour as his party dominates the Government in Queensland; and my research shows that in Queensland all salary increases paid to teachers are not granted to teachers who are not union members. I understand this is something that was brought about by a Government of the same complexion as the party which the honourable member leads in this House.

Mr. E. H. M. Lewis: Do you go along with what the Queensland Government does?

Mr. T. D. EVANS: Let us have a brief look at the history of this situation. The Government has seen fit at least to meet the request of the union that this legislation be introduced; and the Government believes that Parliament is the proper forum in which the merits or demerits of the legislation should be discussed and considered. However, I make the point that in 1953 the then Minister for Education in Western Australia, who is now the Premier, informed the Teachers' Union that Government policy at that time was for preference to unionists, generally; and the Director-General of Education was asked to carry out that policy. In 1954 the practice grew up under the present Premier of the policy of preference to unionists being implemented in respect of all appointment opportunities within the teaching profession. We did not have a tribunal in those days.

In 1960 the Brand-Watts Government introduced a Bill to amend the Education Act with the purpose of setting up the present Teachers' Tribunal. Under the Act and regulations the tribunal determined appointments on the basis of efficiency. Needless to say, the policy which had existed since 1953 ceased to operate.

It is in that background that the preference to unionists applied—and appeared to apply without a great deal of concern or complaint—from 1953 until 1960. The union is of the opinion that the dedication, the standard, and the professional standing of teachers between 1953 and 1960 did not suffer thereby.

I feel that in the short time I have available to me at the moment I should make the point that the principle of the Bill is that persons who are in the teaching profession either should be members of the union, or should make a contribution of a comparable amount to a fund which will be established to accommodate those who have a conscientious objection.

If one reads proposed new subsection (3e) one will see how the machinery will operate in respect of conscientious objectors. It is intended that the fund which the Minister for Education shall operate will be subject to very close scrutiny by any person who is a member of the union

—any teacher—and, indeed, by any member of Parliament who may ask appropriate questions from time to time.

Mr. McPharlin: Would he get the same consideration?

Sitting suspended from 12.45 to 2.15 p.m.

Mr. T. D. EVANS: Before the luncheon suspension I had mentioned that the Bill was introduced following a request from the State School Teachers' Union of Western Australia, that union knowing that between 1954 and 1960 the principle contained in the measure in fact operated in Western Australia. In 1960 the previous Government introduced the existing legislation governing the operation of the tribunal. At that time the principle operated in practice. To restore that principle which operated between 1954 and 1960 legislation now becomes necessary.

I did indicate that my research into the system operating in other States did not lend a great deal of support to the principle I am submitting to the Chamber for deliberation. I found that in Queensland no statutory provisions existed, but, in fact, the practice operates in that State no doubt on the same basis as it operated in Western Australia between 1954 and 1960.

I believe this measure should receive the consideration of both Houses of the Parliament. The union made the request—to which the Government acceded—to have the principle decided by Parliament, and I believe we should follow that course. Hence the reason for placing the Bill in its present place on the notice paper after it had been languishing, one might say, for a long time on the notice paper.

The sole principle in the Bill has already been canvassed by 15 speakers other than myself, most of whom have strongly opposed the measure, therefore I do not intend to weary members in the Committee stage by debating the principle once again, unless called upon because of some cogent reason. All I intend to do is to move an amendment to proposed new subsection (3a) and in doing so, answer a question asked by the Leader of the Country Party.

When the Bill was introduced, it was intended, if passed, that it would operate, and affect appeals, as from the 1st June, 1972. It is obvious, therefore, that if the measure is passed it is not intended to be retrospective, and the reason for the amendment becomes patent. I reiterate the sole principle in the Bill by reading the essential parts of proposed new subsection (3a) as follows—

> ...it is hereby declared that for the purposes of the determination of any appeal made to the Tribunal... the efficiency of any eligible applicant who is a member of the Union—

At this point I draw the attention of the House to the material words there—namely, "eligible applicant"—and if we look at proposed new subsection (3b) it will be noted that expression is defined as follows—

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

Whether or not the person is a member of the union is immaterial, but he must be an eligible applicant and he must possess these special qualifications. If he does then it is quite immaterial whether or not he is a member of the union.

Mr. R. L. Young: In other words all things being equal a unionist has to be more efficient than a nonunionist.

Mr. T. D. EVANS: I make the point again that unless there is a strong and cogent reason for me to respond in the Committee stage, I do not intend to do so. The Bill has been thoroughly canvassed in the second reading debate. The Government believes that the Parliament is the forum where this principle should be decided. I leave the fate of the Bill to be determined by the House.

Question put and a division taken with the following result—

Ayes—22	
Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. B. T. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Moiler *(Teller)*

Noes—22	
Mr. Blaikie	Mr. Mensaros
Sir David Brand	Mr. Nalder
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Sibson
Mr. A. A. Lewis	Mr. Thompson
Mr. E. H. M. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning *(Teller)*

Pairs	
Ayes	Noes
Mr. Harman	Mr. Gayfer
Mr. Jones	Mr. Stephens
Mr. T. J. Burke	Mr. O'Connor

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 37AF amended—

Mr. T. D. EVANS: I have an amendment to proposed subsection (3d), but if I move it at this stage I might preclude other members from speaking to the preceding part of the clause.

The CHAIRMAN: If the Attorney-General moves the amendment he will do that.

Mr. T. D. EVANS: I shall move the amendment when we reach proposed subsection (3d).

Mr. E. H. M. LEWIS: The clause seeks to amend section 37AF of the Act. As we have been reminded by the Attorney-General, this section concerns the Teachers' Tribunal and the conditions under which it shall operate. The representation in this Chamber being as it is, we on this side realise we have no chance of defeating the measure or any part of it. Nevertheless we consider this principle so important to the education of the children in the future that we must oppose the clause.

As the Attorney-General pointed out earlier today, the Bill was introduced in August, 1972, and it has remained well down on the notice paper since that time. I think the highest position it reached was item 8 on the notice paper.

The excuse given by the Attorney-General today for the Bill remaining on the notice paper for so long is that a great opportunity for consideration of the Bill was afforded to members. I listened very carefully to the Attorney-General's reply to the second reading debate, but I found he was not up to his usual form. It appeared that he was not wholly in agreement with the Bill, but he did emphasise it had been put up by the Teachers' Union and he felt the Government was doing the right thing in presenting it to Parliament.

I suspect the reason that this Bill has remained on the notice paper for 15 months is that the Government has been contemplating dropping the Bill altogether.

Mr. J. T. Tonkin: Of course, the member for Moore is entitled to guess if he so desires, but he cannot be sure his guess is right.

Mr. O'Neil: He said that when he commenced his remarks.

Mr. E. H. M. LEWIS: Very few Bills introduced by the Government have floated around on the notice paper for so long. Since the Bill was introduced on the 17th August, it has been debated only once, on the 24th August.

As the Minister pointed out, the real meat of the Bill is in clause 2, and concerns the appointment of a teacher to a promotional position. Hitherto, appointments to promotional positions have been subject to appeal to the Teachers' Tribunal. The Teachers' Tribunal, on appeal, considers two factors; firstly, the qualifications of the appellant against the person who has been appointed, and if the qualifications are equal the next consideration—and the only other factor—is seniority. Unless the appellant can defeat the appointee under those headings then the appeal fails.

It is the intention of the Government to introduce a new condition to supersede the two I have just mentioned. The new qualification will give preference to the person who is a member of the Teachers' Union.

I am amazed that the Government has seen fit to introduce this provision, particularly when there are so many ex-teachers on the Government side of the House. I know quite well that the general body of the 8,000 teachers in Western Australia are very jealous to maintain the standard of teaching in this State. I think it was the member for Mirrabooka who, only a few evenings ago, emphasised that we must jealously guard the teaching standards in this State, and I believe he maintained that inferior teachers should not be employed, but should be dismissed from the service.

Under the provisions of clause 2, regardless of any other qualifications and so long as a person is considered efficient for the particular job, priority will be given to the person who is a member of the Teachers' Union. We are very much opposed to that principle.

In his second reading speech the member for Boulder-Dundas said something to the effect that he would not have a child of his taught by what I think he termed, "a scab".

Mr. Hartrey: I said "a man who lacked the moral fibre to join a union".

Mr. E. H. M. LEWIS: If the member for Boulder-Dundas were a parent, and his child came home one night and said that he had a new teacher, would the member for Boulder-Dundas go to the teacher and ask him whether he was a member of the Teachers' Union?

Mr. O'Neil: He would not have to!

Mr. E. H. M. LEWIS: I do not think he would worry whether or not the teacher was a member of the Teachers' Union; so much for the argument he put forward.

The Government will rue the day that it introduced this legislation because I sincerely believe the parents of the children in Western Australia will realise that the Government is more concerned with

a teacher being a member of the union than it is with his qualifications. I will not repeat the arguments I raised at the second reading stage of the Bill but I violently oppose it.

Mr. MENSAROS: In opposing the main provision of this clause I do not intend to repeat what has already been said. The Minister contended that people who did not participate in union affairs, or who did no support the union in its fight for the benefit of teachers generally, did not merit any support. That is a very old argument and in my view it could possibly be applied—wrongly—to the industrial affairs of workers within unions. In this case we are dealing with an entirely different matter.

The effect of the proposed amendment is that any eligible applicant for promotion who is a member of the Teachers' Union will be considered to be superior in efficiency to any other teacher. Of course, the Leader of the Opposition very pointedly and aptly reminded the member for Mirrabooka that if he were to vote for the clause he would contradict himself in the most outstanding fashion.

The member for Mirrabooka rightly advocated that the qualifications and ability of a teacher came first, and not the fact that he was a quasi public servant, or that he had spent so much time in his particular employment. We do not disagree—within reason—with that policy; in fact, it is our policy. We believe ability should count more heavily than simply the number of years of service; neither do we believe that promotion in employment should be computerised but rather should be decided according to the capacity of the person in question.

It is significant that the Minister suddenly remembered the position which prevails in the other States. When I asked a question, at the time the Bill was introduced, the Minister simply said that it was not the concern of his department whether or not the other States had similar provisions.

Mr. T. D. Evans: But my research was done subsequent to the earlier debate.

Mr. O'Neil: But you could have answered the question.

Mr. MENSAROS: It seems to be the policy of the Government that instead of researching and discussing legislation with those people interested before the legislation is introduced, it makes inquiries afterwards as a result of arguments put forward by the Opposition.

I simply re-emphasise the attitude of the Opposition. I could not agree more with the view expressed by the member for Moore that any Government, no matter what colour it may be, should be ashamed of itself for introducing a measure such as this thereby announcing to all the parents in Western Australia, who have children attending State Government schools, that henceforth the ability of the teachers will be judged on whether or not they are members of the Teachers' Union.

The old argument of the Minister cannot apply even logically, not only because we are talking about teachers but also because this particular provision deals with promotion. Surely the Minister would not contend that it is the result of the endeavour of the union that people are promoted. Of course they are being promoted; that is the natural course of events. So the argument falls down.

Mr. O'NEIL: The member for Moore and the member for Floreat have clearly covered the particular provision which we find not only abhorrent but also totally disgusting. I do not intend to canvass anything they have said.

Mr. J. T. Tonkin: Were you a member of the Teachers' Union?

Mr. O'NEIL: Yes.

Mr. J. T. Tonkin: I am pleased to hear that.

Mr. O'NEIL: And I was an active one.

Mr. J. T. Tonkin: Why did you join?

Mr. O'NEIL: Because I believed the union would serve the interests of education in the State rather than the teachers in the State. However, I do not propose to canvass that area.

Clause 2 proposes to add new subsections (3a), (3b), (3c), (3d), and (3e) to section 37AF of the principal Act. I want to speak about its relationship to other experience in the industrial field because in essence, from this point onwards, it becomes a matter of industrial law rather than a matter related to the education of the children of Western Australia. By way of interjection, the Minister was careful to refer us to the new subsection (3c) (b) proposed in clause 2, and it says—

> (b) a teacher who is eligible for membership of the Union but who objects, on grounds of conscientious belief, to being a member of the Union, shall be deemed to be a member of the Union for the whole of a calendar year if, within one month prior to the commencement of that calendar year, he has paid to the Minister an amount equal to the subscriptions payable for twelve months' membership of the Union.

It is true that under the Industrial Arbitration Act a provision for compulsory unionism also contains a right for a unionist to opt out on the ground of conscientious belief on condition that he pays to the Registrar of the Industrial Commission an amount equal to the union fee, which amount goes into Consolidated Revenue.

Let me say at the beginning it is not currently compulsory for a person who is teaching in the Education Department's schools to be a member of the Teachers' Union, so we do not have compulsory unionism in that area. I want to ask the Government why, if it believes in the principle of compulsory unionism, it did not start right from the beginning. Why did it not say that no person shall be employed by the Education Department unless he or she is a member of the Teachers' Union?

Mr. J. T. Tonkin: We have to make provision for conscientious objection.

Mr. O'NEIL: The Bill does not go as far as that. It simply says if one is seeking promotion, all things being equal, the teacher who is a member of the union is automatically more efficient than any other teacher who is not a member.

The Minister referred to opting out, and that is the provision: that if one does not desire to be a member of the union on the ground of conscientious belief, one pays to the Minister—not to Consolidated Revenue—an amount equal to the union fee. So it is a different principle in industrial law from the principle applying under the State Industrial Arbitration Act.

It must be remembered that in the case of the Industrial Arbitration Act the money is paid into Consolidated Revenue. What happens to the moneys payable under the provisions in the proposed subsection (3c) of section 37AF of the parent Act? The proposed subsection (3e) says—

> (3e) The Minister shall—
>
> (a) pay an amount received by him as described in subsection (3c) of this section to the credit of a fund to be established and maintained by him and may make disbursements from the fund for the purpose of granting financial assistance to—

I stress this part—

> —or otherwise promoting the welfare of, members of the teaching profession in such circumstances and on such terms and conditions as the Minister may determine;

I ask whether the Government considers the activities of a union representing a group of workers are activities promoting the welfare of that particular group of workers. I think the answer must be "Yes", because is that not why unions exist—to promote the welfare of the people who belong to them?

Mr. E. H. M. Lewis: It is a monopoly.

Mr. O'NEIL: I would have no hesitation whatsoever—

Mr. T. D. Evans: Perhaps the Deputy Leader of the Opposition would consider a donation from the fund to the Rooney Library.

Mr. O'NEIL: I do not have to consider it because the Minister will have the responsibility. I would have no hesitation in saying that the moneys contributed to this fund by conscientious objectors to unionism would find their way back to the Teachers' Union anyway.

Mr. E. H. M. Lewis: Hear, hear!

Mr. O'NEIL: That is all the Government is concerned about. So purely in respect of the aspects of industrial law and justice, this is a despicable piece of legislation. I do not intend to go any further. We object to the fact that a person who is a member of the union is suddenly to be regarded as being a more efficient teacher than a person who has equal status in all other respects but who is not a member of the union.

Mr. J. T. Tonkin: I do not hesitate to say he is a better citizen.

Mr. A. R. Tonkin: A long way better.

Mr. O'NEIL: That does not come into it. There is no mention of a man being a good citizen. I refer back to the beginning of the proposed subsection, which says that where two teachers apply for a promotional position and they are assessed as being of equal efficiency, the one who happens to have a union ticket is more efficient than the other. What a ridiculous proposition!

Apart from that concept, the distortion of the principle of arbitration law regarding the right to opt out of union membership has been clearly explained in the balance of this clause. We will not have any part of it.

Mr. HARTREY: Despite the gentle rebuke from the member for Moore, I am still unrepentant in my attitude towards this measure. I think it perfectly logical and reasonable and not at all ridiculous that a test of the efficiency of a teacher should be the degree of reliance one can place upon that man's moral fibre and character.

Mr. Rushton: Do not give us that.

Mr. HARTREY: The efficiency of a soldier in time of peace depends largely upon his physique, his training, the degree of enthusiasm he lends to his training, his skill in handling weapons, and in many cases his skill in a particular trade. In time of war the great quality which marks his efficiency is his loyalty to his mates and his willingness to give his own life, if necessary, rather than leave them in the lurch. I would think the man whose loyalty could be depended upon, even at the cost of his own life, would be an efficient soldier.

Sir David Brand: He does not have to belong to a union in order to make that decision.

Mr. HARTREY: A teacher who is charged with the responsibility of inculcating in the children whom he is teaching the qualities of citizenship, patriotism, and

real devotion to his country and fellow men, and who has proved by joining his mates in a union which is germane to his profession—

Mr. O'Neil: We ought to stand up and sing, "For he's a jolly good fellow".

Mr. W. G. Young: It is conscription.

Mr. Blaikie: You are talking about conscription in education.

Mr. HARTREY: I will continue to address you, Mr. Chairman, as you are a much more intelligent audience than the people on the other side. I will answer criticism in my own time and at my own choice.

I think a teacher has the responsibility of teaching and training the rising generation in loyalty to each other and to their country. But first he must prove that he himself has those elements of loyalty in his own character, and that he sticks with his mates and casts his lot with his own profession. He must show that he is prepared to share the responsibility to obtain the improved conditions to which the Deputy Leader of the Opposition referred.

As far as conscription is concerned, that does not come into it at all. Nobody is conscripting teachers into the Teachers' Union. Nobody is victimising teachers who do not wish to join the union, provided they voluntarily pay a subscription equal to what it would cost them to join the union. Therefore, they are not being forced to do anything. We are simply saying that we regard a person who will not voluntarily either join the union or pay a contribution of an equivalent amount in another direction as being unfit to teach children in preference to a teacher who has this basic, elementary spirit of co-operation and loyalty to his mates.

I think that is a vital necessity for any teacher. He must teach it to others, and if he does not demonstrate it himself he is not likely to teach it efficiently, and is announcing himself to be an inefficient teacher.

Mr. McPHARLIN: We have just listened to some utter balderdash from the member for Boulder-Dundas.

Mr. Brady: You must have gone to a slow learners' school.

Mr. McPHARLIN: His speech raised in me a fear that I have had from time to time, because he implied that teachers should be inculcating pride and citizenship into the students they teach.

Mr. Hartrey: And patriotism. That is right.

Mr. McPHARLIN: My fear is that teachers will be inculcating unionism into students, and not telling them about freedom of enterprise. This is one of the dangers of compulsory unionism in respect of teachers. This country has been built upon the initiative and courage of private enterprise, and we do not want to see it destroyed.

The CHAIRMAN: Order! We must stick to the clause. We are not dealing with private enterprise.

Mr. O'Connor: The member for Boulder-Dundas spoke about this.

Mr. McPHARLIN: The member for Boulder-Dundas claimed that members opposite are not concerned about the financial aspect. Yet, proposed new subsection 3 (e), which has been mentioned by the Deputy Leader of the Opposition, provides that subscriptions paid by conscientious objectors shall be used for the welfare of the teaching profession in such circumstances and on such terms as the Minister may determine. The Minister may determine at his discretion that the funds should be applied in any way he considers to be beneficial to the profession. So it is apparent that the payment of these subscriptions is a most important aspect.

The Deputy Leader of the Opposition referred to payments being made one month prior to the commencement of the calendar year. We would hope this money would be used for the welfare of the profession. I have some very good friends in the teaching profession for whom I have a great deal of respect.

Mr. Bickerton: You have probably lost them now.

Mr. McPHARLIN: They do an excellent job. Compulsory unionism in respect of the teaching profession raises a fear in my mind. Do not tell me that this matter was not pushed forward by the Teachers' Union prior to the last elections when there was talk about a crisis in education.

The CHAIRMAN: I do not think that has anything to do with the Bill.

Mr. McPHARLIN: I am sorry if I got a little carried away. I had not intended to speak until I heard the member for Boulder-Dundas talk about inculcating citizenship into children. I think he implied that teachers will be teaching children to believe in compulsory unionism. That is why I raised my voice in protest.

Mr. RUSHTON: We on this side of the Chamber encourage teachers to be professional, but this measure will act against that. Teachers wish to be accepted as professionals. To be accepted as professionals, they must act professionally. They want to be given freedom of action.

Mr. J. T. Tonkin: When you were a bank officer, were you a member of the association?

Mr. RUSHTON: Yes, voluntarily. I might add that the association was well accepted by the officers, because it was a voluntary organisation.

Mr. J. T. Tonkin: Holding the views that you do, why did you join?

Mr. RUSHTON: Because I believe in voluntary unionism.

Mr. Bickerton: You would have been sacked if you hadn't joined it.

Mr. RUSHTON: The regimentation of effort which is proposed in this measure is completely contrary to the objective of thinking people. Why should we allow the influence of unions to go into the schools through the most influential medium we have in respect of children?

Mr. T. D. Evans: About 99 per cent. of the teachers are members of the union now.

Mr. RUSHTON: I would say that if a referendum on this subject, were held amongst the teachers, they would not accept it. As a matter of fact, I do not think any teachers agree with it.

Mr. T. D. Evans: Well, the union asked for it.

Mr. RUSHTON: Then the union is out of touch with the teachers.

Several members interjected.

The CHAIRMAN: Order!

Mr. RUSHTON: We had this same principle in respect of milk, and apples and pears; and now we have it in respect of education. The Government is not in touch with the people.

Mr. T. D. Evans: A conference has been held since this Bill was introduced.

Mr. RUSHTON: How can a teacher be deemed to be more efficient simply because he happens to belong to the union?

Mr. Hartrey: Because he has a better character.

Mr. RUSHTON: Recently the member for Mirrabooka gave us a very good speech on the question of the responsibilities of teachers. I accept that what he said was perhaps right; however, his remarks were not consistent with this legislation.

Mr. Brady: An ex-schoolteacher would know more than you would.

Mr. RUSHTON: If the member for Mirrabooka were to be consistent, he could not accept this measure for one moment, because he believes that the efficient teacher is the one who should be rewarded. Of course, that will not be so if preference is given to union members instead of those who are more efficient. What happens in the case of those who have a natural ability to teach? Many of us can recall teachers who are natural teachers. I suppose it is born in them and is something that no amount of training would give them. They seem to have a natural ability to inculcate their ideas into others.

The reason I raised this issue is that just the other day I had a desperate call from a small group of people. They are losing staff because a union representative is intruding upon the staff in such an oppressive manner that they would rather leave than remain in that environment. They were not prepared to stand up for their conscientious beliefs.

Mr. O'Connor: Unfortunately they will be compelled to do the same in other industries.

Mr. RUSHTON: It is obvious that this provision must be offensive to any thinking person, and it would not be fair to place teachers in such a position. I feel sure that if a vote were taken among the teachers this particular amendment would be thrown out. This type of legislation confirms the bankrupt thinking of the Government and proves again that it is a socialistic Government and cannot get above that way of thinking.

Mr. E. H. M. LEWIS: Prompted by some of the comments made by the member for Boulder-Dundas I rise to my feet again. I understand that at one time he was a teacher.

The CHAIRMAN: I must warn the honourable member that he must confine his remarks to clause 2 of the Bill and forget the member for Boulder-Dundas.

Mr. E. H. M. LEWIS: The member for Boulder-Dundas mentioned that any teacher who is not a member of the Teachers' Union was lacking in moral fibre. Therefore why is the member for Boulder-Dundas lacking in moral fibre?

Mr. Hartrey: I was never eligible to become a member.

Mr. E. H. M. LEWIS: Would he consider that those teachers who are not members of the Teachers' Union are lacking in moral fibre? It has been said with a certain amount of justice that proposed new subsection (3a) will not bring about compulsory unionism, but when we come to consider proposed new subsection (3c), as pointed out by the Deputy Leader of the Opposition, a teacher is eligible to become a member of the Teachers' Union but if he objects he can opt out under certain conditions. If that is not compulsory unionism I do not know what is. It is compulsory unionism with a clause for conscientious objectors. If he is a conscientious objector he must pay the union fees for the full year at least one month prior to the commencement of the year and that money can be used by the Minister in any way he deems fit.

A teacher who is a union member is able to pay the full year's union subscription progressively by having money taken out of his pay every fortnight and, by arrangement with the Education Department, it is then transferred to the Teachers' Union but, as I have pointed out, the conscientious objector is not in that position; he has to pay a full year's fee

in one lump sum prior to the year in which he teaches. The Bill is a travesty of justice, both morally and legally.

Sir CHARLES COURT: I am surprised that the Minister has not seen fit to contribute to the debate in spite of what he said during the second reading; namely, he would not participate in the debate in the Committee stage. However a number of matters have been raised—

Mr. T. D. Evans: Nothing new.

Sir CHARLES COURT: Yes there has. The Minister has not seen fit to give the real reason why the Government introduced the Bill. The whole principle behind what the Bill seeks to achieve is wrong, and it is also wrong in another particular. The achievement of the objective in the Bill was attempted in a surreptitious way, but it has not worked out that way, thanks to the Opposition.

Mr. T. D. Evans: What do you mean, it was done in a surreptitious way? This is your typical mode of operation.

Sir CHARLES COURT: It was intended to bring this Bill in to try to achieve compulsory unionism of a diabolical nature by the back door.

Mr. T. D. Evans: Your own deputy leader disagrees with you; he is correct and you are wrong.

Sir CHARLES COURT: If the Government wanted to make this compulsory unionism—

Mr. T. D. Evans: It is not compulsory unionism.

Sir CHARLES COURT: —and if the Minister wanted to be frank about that, he should have introduced it in the proper manner, but he has not done so. Instead the Bill is intended to be a back-door method of compulsory unionism, and it means that efficiency is no longer a factor in gaining promotion because under this Bill—and I quote the words in the clause—

> . . . the efficiency of any eligible applicant who is a member of the Union is superior to the efficiency—

Mr. T. D. Evans: Look at the definition of "eligible applicant".

Sir CHARLES COURT: Continuing—

> —of any applicant who is not a member of the Union.

Mr. T. D. Evans: Any eligible applicant.

Sir CHARLES COURT: I will deal with eligible applicant.

Mr. T. D. Evans: You left out the word "eligible".

Sir CHARLES COURT: I did nothing of the sort. I will now tell the Minister about the eligible applicant.

Mr. T. D. Evans: That is what I am asking you to do.

Sir CHARLES COURT: Very well; keep calm. I quote—

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

Mr. O'Neil: Standard practice.

Sir CHARLES COURT: That is so. There is nothing extraordinary about that. A man who is an applicant and a non-unionist will find that no matter how qualified he may be—regardless of his personality, academic or any special qualifications—has no chance of gaining promotion, because if he is competing against a unionist he is automatically classed as being less efficient. To explain how silly that provision could be, we could insert another provision to provide that if two ex-servicemen are applicants for a certain position and one is not a member of the R.S.L. he would be ruled out as he would be less efficient than the other applicant. Such a provision would be no more unfair than the one in this clause.

The member for Boulder-Dundas has referred to "moral fibre". I point out to him that in many instances a man who is a conscientious objector and decides he will not join a certain organisation, is one who has much greater moral fibre than the man who meekly submits. So this Parliament, often with the opposition of the present Government, has endeavoured on many occasions to provide for conscientious beliefs.

Mr. T. D. Evans: And the Bill does that, too.

Mr. O'Neil: Nonsense!

Sir CHARLES COURT: Of course it provides for conscientious beliefs, but in what a way! A person who is a conscientious objector—

Mr. T. D. Evans: I invite you to amend it.

Sir CHARLES COURT: We will not have a bar of the whole Bill—full stop. How lucky the Minister is that the draftsman drew this Bill up as one main clause!

So we continue and have a look at the question of conscientious beliefs, and we cannot overemphasise the extraordinary back-door way the Government has gone about this. When we introduced such a provision in the industrial arbitration legislation, as the Deputy Leader of the Opposition has explained, we provided a very clear-cut mechanism as to what would happen with the fees a conscientious objector paid into the court. Those fees went into Consolidated Revenue, and for a good reason—so that there was no fear in the mind of anybody that that money would find its way into the hands of the

union to which the conscientious objector did not wish to belong. It may not necessarily be a particular union, but the person concerned may not wish to belong to that type of organisation.

As it is a free country we believe that a person should have the right to a conscientious belief.

Mr. Hartrey: Up to a point.

Sir CHARLES COURT: The money in the past has always been placed into Consolidated Revenue which is completely separate from the union.

Mr. T. D. Evans: I would be quite happy to accept an amendment to provide for the money in this case to go into Consolidated Revenue.

Sir CHARLES COURT: We will be deleting the clause, if we get half a chance, not amending it. The Government is not satisfied with inserting a clause about conscientious belief to provide that the money should be paid into the Treasury. What does the Government do? It provides that the money shall be paid into a special account as provided for in proposed new subsection (3e) (a).

Sir David Brand: Can the Minister explain the reason for this?

Sir CHARLES COURT: That is what we are asking. We want some explanation of the Government's thinking. This provision was not included by accident. It was a rather cunning device.

Mr. O'Neil: The Government has had 15 months to think about it, too.

Sir CHARLES COURT: That is true. We are entitled to know why all of a sudden a change is to be made from a well-established principle. I am not so naive as to assume the money would be used to provide school books for the needy, or for some other worthy purpose. I have no doubt in my mind that if the present Government was in power the money would find its way back to the union, not necessarily by a direct grant; but by some means the money would be used for its benefit.

Mr. T. D. Evans: I invite you to amend the clause.

Sir CHARLES COURT: We will not have a bar of the clause.

Mr. T. D. Evans: Or accept the invitation.

Sir CHARLES COURT: It is important that we make it clear to the Government that we do not like the thinking behind the clause or the back-door method by which the provision is to be included. Reference has been made to the professional status of the teachers. My understanding is that the original intention of the union was not only to assist with the industrial conditions, but also—and more importantly—to lift the professional status of teachers.

Mr. O'Neil: That is right.

Sir CHARLES COURT: This should be the aim of a profession as important in our community as is this one. We are trying to increase the standards of training every year and we are imposing more exacting tests of proficiency. Therefore, one would think we would want to give teachers more and more professional status. Is it not a declared intention of the union to endeavour to achieve an acknowledged professional status as distinct from an ordinary technical industrial status? Surely if we include this provision it will destroy for all time the chances of the profession to have a true professional status because it will be recorded in an Act that if a teacher is not a member of the union he is less efficient than his colleague who is a member. According to the provision it will not matter whether or not the teacher is more efficient, if he has a conscientious belief, he will never be able to remove the stigma imposed as a result of the clause.

We regard the claim made by the member for Boulder-Dundas to be completely monstrous as is the Government for introducing the Bill in the first place. We believe the Government is trying to use the back door to achieve a form of compulsory unionism as a result of the disadvantages which will be suffered by non-union members in respect of promotion.

Therefore the whole clause should be tossed out. It does not deserve a second's study to see whether it could be amended. It should be defeated in its entirety.

Mr. THOMPSON: It is rather significant that during the debate on this issue at this stage, we have had no comments from the teacher members on the other side.

Mr. O'Neil: They are ashamed of it.

Sir Charles Court: They are disgusted.

Mr. THOMPSON: One of the two newer teacher members was here until about two seconds before I rose to speak, but, he too, has scarpered.

The CHAIRMAN: That has nothing to do with the clause.

Mr. THOMPSON: I have taken the trouble to discuss the principle in this Bill with my teacher acquaintances and not one of them agrees with it. If the rank and file members of the Teachers' Union had the opportunity to voice their opinion on this issue, they would indicate that they do not want a bar of it.

Mr. T. D. Evans: They did have that opportunity at the last conference, and they did not take it.

Mr. THOMPSON: I might add that many of the teachers with whom I am associated socially vote for the Labor Party.

Mr. T. D. Evans: If their views are in accordance with what you say, why did they not take the opportunity they had at the August conference?

Mr. O'Neil: Ask the Minister for Agriculture what union decisions are like.

The CHAIRMAN: Order!

Mr. THOMPSON: Although these teachers support the Labor Party they cannot agree with the principle in the Bill. I believe that if the matter were put to a referendum the teachers would be against its introduction. I notice that the member for Mirrabooka has returned to the Chamber. As he is silent I can only assume that he has had a reaction from his teacher friends, but he is not prepared to come forward and reveal it.

The CHAIRMAN: The honourable member must debate the clause. He is getting away from it as it has nothing to do with the member for Mirrabooka.

Mr. Bickerton: Furthermore, you have just cleared the gallery!

Mr. Hutchinson: They are convinced!

Mr. O'Neil: After the last vote they went out in disgust!

Mr. THOMPSON: Teachers are highly responsible.

Mr. T. D. Evans: Hear, hear!

Mr. THOMPSON: They do a splendid job. Many of them at great personal sacrifice travel to remote areas of the State to teach—

Mr. Bickerton: Would you like a hanky?

Mr. THOMPSON: —in order to progress up the promotional ladder. In some respects it is a system of blackmail because teachers are forced into the country, but they accede to this because they have a desire to progress.

Mr. Bickerton: What is wrong with the country?

Mr. THOMPSON: They concede that adequate educational facilities must be provided in the remote areas as well as in the metropolitan area. Now they are to have an added impost because unless they are members of the union they will be told they are lesser individuals than are those who elect to join the union. I think the principle stinks. I would like to know what percentage of teachers in the State educational system are not members of the union.

Mr. T. D. Evans: I believe that approximately 99 per cent. of the teachers already belong to the union.

Mr. THOMPSON: Then why has the Government introduced the Bill?

Mr. T. D. Evans: Because the union wants it.

Mr. O'Neil: Who are you chasing?

Mr. THOMPSON: The teachers with whom I have discussed the matter have indicated that they already belong to the union because they feel that as it represents them they have an obligation to support it. However, they do not believe that the Bill should be passed because they do not think that teachers should be forced to join the union if they do not wish to do so.

Mr. Hartrey: It does not force them.

Mr. Bickerton: Would you be happier if it were called a teachers' association?

Mr. O'Neil: Many teachers would be and many times they have tried to have it changed.

Mr. THOMPSON: Under other industrial legislation people have an opportunity on conscientious grounds to opt out of joining a union. I am assured that the majority of people who apply under that provision subsequently withdraw their applications because of the pressure put on them by the radicals within the union. I do not think many teachers would use the provision to opt out on conscientious objection grounds. The majority will join the union, even though they may conscientiously object to becoming a member. The Minister himself has admitted that very few teachers are not already members, so why should he agree to this regimentation just because of a minute percentage who, for reasons best known to themselves, do not want to have a bar of the union?

Mr. Hartrey: This is only a method to put acid on the alleged conscientious objectors to ascertain just how conscientious they are.

Mr. THOMPSON: Mr. Chairman, we are in Committee. I suggest to the member for Boulder-Dundas and to anyone else on the other side of the Chamber who wishes to interject that the appropriate course of action is actually to speak to the clause while on one's feet. In this way I would have another chance to answer any point made by any member opposite.

It is significant that the measure has been lying around for months and months. The conclusion to be drawn is that the rank and file members of the union said to the Labor Government, "This is not a good thing". I expect it was also said that the Government should not proceed with the legislation. I am only making an assumption but it seems pressure has come from the Teachers' Union, probably through Caucus or the State Executive of the A.L.P.

Mr. T. D. Evans: The honourable member is wrong on three counts. He made three assertions and is wrong on each one.

Mr. O'Neil: Let us hear from the Attorney-General.

Mr. THOMPSON: The Minister should tell us why the measure has been on the notice paper for so long.

Mr. T. D. Evans: I gave the reasons when I replied to the debate.

Mr. THOMPSON: After some members had spoken to the second reading, the Bill was suddenly dropped to the bottom of the notice paper but it has now been brought back to the top. This is obviously because pressure has been brought to bear by some other organisation.

The CHAIRMAN: Order! This has nothing to do with clause 2.

Mr. THOMPSON: It is probably the State Executive or Caucus. I oppose it completely.

Mr. T. D. EVANS: At this stage I have heard nothing new. I anticipated this reaction when I replied to the second reading. I gave certain reasons when at that stage. I move an amendment—

> Page 3, line 11—Delete the word "seventy-two" with a view to substituting the word "seventy-four".

Sir CHARLES COURT: I rise to seek clarification. If the Minister is successful in substituting "seventy-four" for "seventy-two" does this mean we can resume general debate on the clause in its amended form or is it intended to be a means of forcing a vote on the clause after the amendment is decided?

The CHAIRMAN: It will be possible for the Committee to debate the clause, as amended.

Sir CHARLES COURT: If this is not the case, we would launch into a full-scale debate as to why we object to "seventy-two" being deleted for the purpose of substituting "seventy-four". I want to clear up the point and I assume we can still debate the clause, as amended.

The CHAIRMAN: Yes.

Amendment put and passed.

Mr. T. D. EVANS: I move an amendment—

> Page 3, line 11—Substitute the word "seventy-four" for the word deleted.

Sir CHARLES COURT: We are totally opposed to the clause, all it stands for, and the principles enunciated by the Government in respect of it. However, there is not much purpose in opposing the substitution of the word "seventy-four" because the Government has the numbers.

So far as this measure is concerned, the best possible form would be for it to be a blank piece of paper. I could go on and suggest that a more appropriate date than 1974 would be 2074 in the hope that by that time sufficient good sense would be shown to forget about it anyway.

I do not intend to mess about and further delay proceedings. I personally do not propose to oppose the insertion of "seventy-four" provided it is clearly understood that this is in no way an acceptance of any principle or of any part of the clause at all.

Mr. O'Neil: There will be a change of Government in 1974.

Amendment put and passed.

Mr. O'CONNOR: I have been surprised at some of the comments made by members in connection with this clause. I am bitterly opposed to it, as I have indicated. Other members on this side of the Chamber have also indicated their complete opposition to the provision.

I was astounded at some of the comments made by members of the Government because their comments indicate that they are not at all concerned with many decent citizens of this State.

The Premier said today that a person is a better citizen if he is a member of a union. This is one of the most ridiculous statements I have ever heard in the Parliament—and believe me, I have heard some!

Mr. Bickerton: The honourable member has also made some.

Mr. O'CONNOR: Not half as many as the Minister for Housing. The Minister makes most of his sitting down instead of rising to his feet.

Mr. Bickerton: The member for Mt. Lawley does not even know why he is on his feet.

The CHAIRMAN: Order! We are debating clause 2, as amended.

Mr. O'CONNOR: I will make the comments I wish to make, despite the interjections of the Minister for Housing. It was ridiculous for the Premier to say that a person is a better citizen if he is a member of a union. Does the Premier also think that one man is better than another because he happens to be a Catholic, instead of a member of the Church of England, a Methodist, or a Baptist? A person is not a better citizen because he belongs to a union, in the same way as he is not a better citizen if he belongs to some particular church, as opposed to another.

The member for Boulder-Dundas made some comments in connection with people in the Army. He said that Army personnel should stand by their mates and indicated that this is what union members would do. The Labor Party is quite prepared to bring in the Army to make a point when it suits it but the same party is opposed to conscription into the Army.

The CHAIRMAN: We are debating clause 2, as amended.

Mr. O'CONNOR: Surely I am entitled to reply to a comment that has already been made. The member for Boulder-Dundas maintains he is opposed to conscription but he wants to conscript people into this union.

Mr. Hartrey: I did not say that and I do not mean that.

Mr. O'CONNOR: The member for Boulder-Dundas does not want them to be members of the union?

Mr. Hartrey: I do not want to conscript them.

Mr. O'CONNOR: No, but the honourable member wants to compel them, which is the same thing.

Mr. O'Neil: You cannot have your cake and eat it.

Sir Charles Court: Teachers who were not members of the union would still be teaching "First Bubs" when they retired.

Mr. O'CONNOR: Unless a teacher becomes a member of the union the whole of his career will be threatened. His future promotion will be threatened. Quite frankly I doubt whether someone who is not a member of a union would receive promotion under this Government.

Mr. Hartrey: He would be a conscientious objector.

Mr. O'CONNOR: Why should he not be? Teachers will be compelled to become members of the union because of the dictatorial attitude on the part of the Government. Will the Government compel them to become members of the A.L.P.? Will the Government compel them to spend three years in Siberia, if they do not? Members on this side of the Chamber are completely opposed to the provision.

I am ashamed at what the Government is trying to do in connection with this measure. Just think: Decent citizens who want to teach children and do the right thing by them will not be entitled to proper promotion if they are not prepared to bow to the dictates of the Government or the A.L.P.

Clause, as amended, put and a division called for.

Points of Order

Mr. O'CONNOR: The only Minister on the Government front bench who called "divide" was out of his place.

The CHAIRMAN: There is no point of order.

Mr. Bickerton: You only need one to call "divide".

Mr. O'Neil: The only one who called was not in his seat.

Sir CHARLES COURT: On a further point of order, Mr. Chairman, the member for Mt. Lawley had not finished his point of order before you said that there was no point of order. The member for Mt. Lawley raised the query because the Minister who called "divide" was out of his seat. We heard only one voice. If you, Sir, say that more than one Minister called "divide", I will not dispute it.

The CHAIRMAN: I heard the voice of the Minister for Works, who was in his place.

Sir CHARLES COURT: I will not dispute your word, Sir, if you say that the Minister for Works called "divide".

Bells rung and the House divided.

Remarks during Division

Mr. Bickerton: You do not have to have more than one voice calling for a division.

Mr. O'Connor: Can you call from the gallery?

Result of Division

Division resulted as follows—

Ayes—22

Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. May
Mr. B. T. Burke	Mr. McIver
Mr. T. J. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. A. R. Tonkin
Mr. T. D. Evans	Mr. J. T. Tonkin
Mr. Fletcher	Mr. Moiler
	(Teller)

Noes—22

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Sibson
Mr. E. H. M. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
	(Teller)

Pairs

Ayes	Noes
Mr. Harman	Mr. Gayfer
Mr. Jones	Mr. Stephens
Mr. Brown	Mr. A. A. Lewis

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Clause, as amended, thus passed.

Title put and passed.

Bill reported with amendments.

Report

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [3.32 p.m.]: I move—

> That the report of the Committee be adopted.

Question put and a division called for.

Bells rung and the House divided.

Remarks during Division

Mr. Bickerton: Only one person called "divide".

Mr. W. G. Young: But he was in his seat.

Sir Charles Court: We were not concerned that one voice only called.

Mr. O'Neil: We were concerned about who had called "divide" and from where.

Mr. Jamieson: Can you show me in your Standing Orders where you cannot vote by voice from somewhere other than in your own place? Show me that, smart aleck!

Mr. O'Connor: We asked for the Chairman's decision. What is wrong with that?

Sir Charles Court: We accepted the Chairman's decision.

Mr. Jamieson: This is Thursday again!

Mr. O'Neil: This Bill was discussed on a Thursday way back in August of last year.

Mr. Bickerton: Either you know what you are talking about or you do not.

Mr. R. L. Young: We are the only ones who know what we are talking about.

Mr. Jamieson: The Leader of the Opposition changes the rules every time he wants to and not just on one thing—on everything.

Mr. O'Neil: The Chairman applies the rules.

Mr. Jamieson: I know, and just as well that he does.

Mr. O'Neil: We abide by the Chairman's rulings.

Mr. Jamieson: You change the rules on everything—pairs or whatever it is.

Mr. R. L. Young: *Hansard* is having trouble catching your remarks.

Mr. Jamieson: As long as it cannot hear you, you idiot!

Mr. R. L. Young: You are getting worse.

Mr. W. G. Young: Impossible!

Result of Division

Division resulted as follows—

Ayes—22

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. May
Mr. B. T. Burke	Mr. McIver
Mr. T. J. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Moiler
	(Teller)

Noes—22

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Sibson
Mr. E. H. M. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
	(Teller)

Pairs

Ayes	Noes
Mr. Harman	Mr. Gayfer
Mr. Jones	Mr. Stephens
Mr. Brown	Mr. A. A. Lewis

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Report adopted.

DEATH DUTY ASSESSMENT BILL

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Assistant to the Treasurer) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr. T. D. EVANS: With your indulgence, Mr. Chairman, at this stage I would like to correct a statement I made in the second reading debate about the impact of this Bill on revenue. When I replied to the debate, as distinct from my introduction of the Bill, I told members that the full impact was expected to be around about $3,000,000 over three years. However, I was mistaken with that figure. Over three years the expected impact, if we have regard for present-day values and other intangibles—which do vary but on the assumption they shall remain constant—it is expected that the net loss to revenue over three years will be $1,000,000.

I apologise to the Chamber for this mistake. When I introduced the Bill I did say that the loss to revenue at the end of the three-year period was expected to be about $1,000,000.

Sir CHARLES COURT: I just seek to clarify this situation with the Assistant to the Treasurer now he has been good enough to give us this information. From my study of the legislation, the present figure he gives us seems to be a little difficult to follow unless the adviser who gave him the information had regard for the concessional part of the legislation only. If that is so we can understand the figure, but if it refers to the total impact of the legislation, even using today's values, simple arithmetic leads us to believe that the increase in revenue to the Government will be very considerable.

For instance, I think an increase of something like $600,000 is budgeted for this financial year alone. The legislation will have a practical impact for roughly half the year; but still the Government has budgeted for an increase in revenue for a year from this particular source.

I would have felt the impact would be much less than would be effected in later years if the legislation followed its natural course and people did not take alternative action in the meantime ahead of their death.

I wonder whether the Minister could clarify the position and tell us whether he is talking about a loss of $1,000,000 over three years from the concessional part of the Bill or whether he is referring to the total impact of the Bill.

Mr. T. D. EVANS: I am advised by the Commissioner of State Taxation that it is expected over a three-year period the loss of revenue will be about $1,000,000,

having regard to certain constants such as valuations—to which we must have regard—remaining constant.

For the balance of the financial year the Bill will make very little financial impact on revenue because the legislation contains a provision—as does the existing Administration Act—that on the death of a person the administrator or executor, as the case may be, is not required to furnish a statement of assets and liabilities and other accompanying documents to the commissioner until six months after the death of the person concerned.

It can be done within the six months, but the person concerned has six months' grace to lodge an application for consideration of the assessment of duty. So one can reasonably estimate that six months will pass before the provisions of this Bill will have any impact at all.

The Leader of the Opposition drew attention to the fact that the amount of probate duty expected for this financial year—as evidenced by the Estimates of Revenue—shows an increase. This is quite so; but such increase will not be brought about by any provision in this Bill; it is brought about by the fact that it is expected, because of improved conditions in the economy, that there will be a greater collection in this financial year of arrears of probate duty which have been owing for some time; having regard for the fact that the commissioner, under the Administration Act, has power to defer, where he sees merit, the payment of probate duty.

I asked the Commissioner of State Taxation about the point raised by the Leader of the Opposition and he advises that the expected increase for this financial year will be brought about largely by the fact that there will be a greater recovery of arrears of probate duty that had been deferred in the past and which will be collected in this financial year. The increase estimated for 1973-74 will not be due to the provisions of this Bill.

Mr. R. L. YOUNG: The question asked by the Leader of the Opposition is a pertinent one, and the answer given by the Attorney-General does not quite explain the position.

I understand his reasons for there being no effect on the collection of probate duties in this financial year. He made that quite clear. I wonder why instead of a collection of $3,000,000 over three years the amount is reduced to $1,000,000.

Mr. T. D. Evans: I was mistaken. I mentioned $3,000,000 in my second reading speech.

Mr. R. L. YOUNG: In his second reading speech the Attorney General said it would have the effect of decreasing revenue from probate duty by $1,000,000 a year.

Mr. T. D. Evans: I was mistaken. It will take three years to show any impact, and that impact will be a net loss of $1,000,000.

Mr. R. L. YOUNG: The answers given by the Commissioner of State Taxation and the Attorney-General to questions I asked indicate that the figure will be $1,000,000 a year.

Mr. T. D. Evans: I am quoting the latest advice I have received from the commissioner.

Mr. R. L. YOUNG: The situation may have to be cleared up, because we want to know how much it will affect probate duty per year. The answers given to date do not tell us that.

Sitting suspended from 3.45 to 4.02 p.m.

Mr. R. L. YOUNG: The Minister's second reading speech indicated that the loss to the State revenue under the provisions of the Bill will increase to a total amount of $3,000,000 by the end of three years. The answers to questions which I have asked the Minister indicate that in a full year the cost to the State will be in the vicinity of $1,000,000. The Minister now says that the loss over the three-year period will be $1,000,000.

Mr. T. D. EVANS: During the afternoon tea suspension I took the opportunity to check on this point. In my second reading speech I said that it had been estimated from past statistics that the net cost to revenue on current assessing levels would rise to approximately $1,000,000 per annum in three years as a result of the proposed changes. I took the opportunity to contact the Commissioner of Probate Duty but unfortunately he was not available. I was, however, able to speak to the former Commissioner of Probate Duty who is now in charge of the death duties section of the State Taxation Department.

The point I made before was that it would take three years on expected levels of collection before this Bill would have any impact at all, and at the end of three years the net loss to revenue was expected to be $1,000,000. It could be that at the end of three years the net loss each year thereafter would be $1,000,000.

I wish to correct the estimate I made that over the first three years the net loss was expected to be $3,000,000. That is not so; it could be $1,000,000.

Mr. McPHARLIN: The Attorney-General has said that the net loss would be $1,000,000. I notice that comment has been made about the avoidance of death duty. The Attorney-General stated that in respect of the life governor side of private companies the Government was losing something like $650,000.

It appears that this legislation is aimed at closing what have been regarded as loopholes in this part of probate duty, and

the Attorney-General must be aiming at this section in order to give concessions to other sections.

Mr. T. D. Evans: After three years the overall effect will be a net loss of $1,000,000 to revenue.

Clause put and passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr. Moller.

QUESTIONS (33): ON NOTICE

1. TAXIS

Armadale, Kelmscott and Gosnells

Mr. RUSHTON, to the Minister representing the Minister for Transport:

(1) Will he increase the number of taxis servicing Armadale, Kelmscott and Gosnells?

(2) Will he ensure at least one taxi is stationed at each of the three centres at Armadale, Kelmscott and Gosnells?

(3) If "No" to (2), will he please explain the reasoning for rejecting this request?

Mr. T. D. EVANS replied:

(1) Applications have been called for the operation of an additional restricted area taxi car license to service the Gosnells and Armadale-Kelmscott Shires. These applications will be considered at a meeting of the Taxi Control Board on Monday, 12th November, 1973.

(2) The board will give consideration to the place of residence of applicants in making a determination as to the issue of the license.

(3) Answered by (2).

2. YUNDERUP CANALS DEVELOPMENT

Sale to Foreign Interests

Mr. RUSHTON, to the Treasurer:

(1) What is the Government's present commitment on the Yunderup canals project?

(2) Has the sale of part or the whole of the Yunderup canal project to foreign interests been effected?

(3) If "No" to (2), what progress has been made?

(4) Will he advise the Assembly the present schedule for reduction and clearance of the Government's commitment under its $1,750,000 guarantee?

Mr. J. T. TONKIN replied:

(1) Under its guarantees, the Government has a contingent liability of $1,810,000.

(2) and (3) Not known.

(4) The guarantees are to be retired from sales proceeds within five years of the issue of the first guarantee.

3. *This question was postponed.*

4. ABORIGINES

Royal Commission Secretary

Mr. W. A. MANNING, to the Premier:

(1) Is it a fact that the Royal Commissioner on Aboriginal affairs has an officer of the Department of Community Welfare as his secretary?

(2) Is this considered advantageous and why was not an independent person appointed?

(3) Could not the presence of a departmental officer be a restraining influence on the free presentation of facts?

(4) Was this desired?

(5) Is it a fact that all written submissions to the commissioner are first scrutinised and those selected commented on by the Secretary?

(6) What opportunity exists for the presentation of verbal or written submission direct to the Royal Commissioner?

Mr. J. T. TONKIN replied:

(1) No. The secretary is the relieving Regional Liaison Officer of the Aboriginal Affairs Planning Authority.

(2) Yes. The commissioner was not conversant with Western Australian conditions, and it was considered desirable to appoint as his secretary, a person with knowledge of the local situation.

(3) I can see no reason why this should be so. The role of officers of the Aboriginal Affairs Planning Authority is to promote the cause of Aborigines, not to inhibit it in any way.

(4) See answer to (3).

(5) All submissions are referred to the Royal Commissioner and, on his direction, made part of the evidence. Most of the written submissions are tendered during the hearings conducted by the commission, and are taken by the secretary as a court officer and handed directly to the commissioner.

(6) There is no lack of opportunity.

5. COTTESLOE SCHOOLS

Grade I Teachers

Mr. HUTCHINSON, to the Minister representing the Minister for Education:

(1) During 1973 and 1974 will all grade I classes in primary schools in the Cottesloe electorate be taught by teachers who at least have basic teaching qualifications?

(2) If not, will he please indicate in which schools classes will be taught by teachers who have not graduated from a recognised teachers' training college and give reasons for this situation?

Mr. T. D. EVANS replied:

(1) No.

(2) One class in the Cottesloe district will be taught by a teacher without the basic teaching qualifications but with long and efficient service in our schools.

6. BRIDGE

Thornlie-Maddington

Mr. BATEMAN, to the Minister for Works:

(1) In view of the ever increasing housing and industrial development in Thornlie and Maddington, and the need for the two to be more closely linked, will he advise if provision has been made to connect the two by a bridge across the Canning River?

(2) If so, at what location?

(3) Is there an overall plan prepared for roadworks in this particular area?

(4) If "Yes" when is it anticipated development will commence?

Mr. JAMIESON replied:

(1) to (3) A preliminary plan defining land requirements has been drawn up extending Olga Road, Maddington, from Phillip Street, crossing the Canning River, to Spencer Road, Thornlie, running parallel to and approximately 90 metres south of Glyndebourne Avenue. A copy of this plan has been forwarded to the Gosnells Town Council to enable the necessary land to be protected.

(4) No decision has been made as to when this development will commence as there are many other projects in the metropolitan area with a higher priority.

7. MT. BARKER DISTRICT HOSPITAL

Additions

Mr. STEPHENS, to the Minister for Health:

(1) Further to question 17 of Tuesday, 6th November, as only $26,000 has been allocated in the 1973-74 loan programme for the Mt. Barker District Hospital, will he indicate what this is for?

(2) How many extra beds and facilities will be provided by the proposed additions and the approximate cost of same?

(3) When will construction actually commence?

Mr. DAVIES replied:

(1) The allocation of $26,000 in the 1973-74 loan programme is to permit a commencement of work this financial year.

(2) The new building will provide—

(i) 25 beds and 3 cots;
(ii) birth suite and nursery;
(iii) two day rooms;
(iv) clean and dirty utility rooms;
(v) bathrooms and toilets;
(vi) children's bathroom;
(vii) flower room and drinks room;
(viii) stores;
(ix) patients' laundry;
(x) nurses station and sister's office;
(xi) morgue, boiler room and staff toilets.

No firm estimate has been prepared but it is expected that the cost will exceed $300,000.

(3) This cannot be stated until a tender is accepted.

8 and 9. *These questions were postponed.*

10. TEACHERS

Salary Increases

Mr. MENSAROS, to the Minister representing the Minister for Education:

(1) Can he list all the dates on which determinations regarding teachers' salary rises became effective during the past six years?

(2) Was it correctly reported on 6th November, 1973 that a new determination is due soon?

(3) If so, when is it due?

(4) What was the amount allowed in the current budget for teachers' salary increases during 1973/75 and from which date were such increases calculated in the budget?

Mr. T. D. EVANS replied:

(1) 1st July, 1967.
1st July, 1970.
1st January, 1973.

(2) and (3) The report in the newspaper referred to possible salary movements in New South Wales.

(4) The departmental Budget is on the basis of maintenance of existing salary levels. It is normal for additional finance to be made available should salary variations occur.

11. TEACHERS' TRAINING COLLEGES

Staff Salaries: Determination

Mr. MENSAROS, to the Minister representing the Minister for Education:

In view of the announced acceptance of the Government of the Commonwealth Government's proposition to directly finance teacher education in Western Australia—

(a) which authority is going to determine the salaries and conditions of employment of the staff of autonomous teachers colleges;

(b) in particular, will such determinations be made by the Australian Commission on Advanced Education—

(i) upon submission by the colleges;

(ii) upon submission by the Teacher Education Board,

or by a purely State authority?

Mr. T. D. EVANS replied:

(a) The Council of the Teacher Education Authority acting on the advice of the Tertiary Education Commission and subject to the approval of the State Minister for Education.

(b) No.

12. BOXING

Commonwealth Government Policy

Mr. MENSAROS, to the Minister for Recreation:

(1) Has he been informed by the responsible Federal Minister about the Commonwealth Government's policy towards the reported recommendations of the National Health and Medical Research Council in connection with boxing?

(2) If not, will he make inquiries?

(3) Is it the Government's policy to vacate the legislative and/or administrative field of organised sport to the Commonwealth Parliament and/or Government?

Mr. T. D. EVANS replied:

(1) and (2) The Australian Government has set up an interdepartmental committee to inquire into a need for controls in boxing and other combat sports. Membership of this committee includes the Attorney-General's Department, the Department of Social Security, the Department of Health, the Australian Broadcasting Control Board, the National Health and Medical Research Council with a member of the Department of Tourism and Recreation as Chairman.

On 14th August, the Minister for Tourism and Recreation advised me that the chairman and one or two members of his committee would be visiting Western Australia and asked if I was prepared to meet with them. On the 17th August, I advised the Minister that I would be pleased to meet the chairman and members of the committee. In the meantime, my department has been obtaining the necessary information from representatives of the various sports in anticipation of the proposed visit. It is understood that the report of the committee will be completed by the end of the year.

(3) No.

13. *This question was postponed.*

14. DEVELOPMENT

New Industries: Benefits

Mr. W. A. MANNING, to the Minister for Development and Decentralisation:

Under what major headings does he list the benefits to be derived by the State and its citizens from the establishment of new industries?

Mr. TAYLOR replied:

Some reasons in general terms with which I concur are:

Employment and career opportunities. Growth in employment is a means to the objective of growth in income and economic activity per capita.

Opportunities for diversification and economies of scale which contribute to constancy in the level of prices.

New investment and new technologies.

Multiplier effects, with benefits accruing to service and supply industries.

Growth in real disposable income per capita.

Growth in non-pecuniary services per capita, for example, recreation and education.

However no such list could be finite and I can envisage circumstances when any one or several of the above reasons could take on a special short term significance or recede in general priority.

15. NEWMONT PTY. LTD.

Temporary Reserves: Appointment of Royal Commission

Mr. GRAYDEN, to the Minister for Mines:

In view of the fact that—

(a) the Government has reversed the previous Government policy in respect of temporary reserves and the Minister for Mines has granted temporary reserves totalling in excess of 300 square miles in the Paterson Range to Newmont Pty. Ltd., thus effectively preventing Australian mining companies from continuing to explore in the area;

(b) at least two of the temporary reserves each totalling approximately 72.2 square miles were granted long after he was aware that anomalous gold values had been found over a wide area on the Paterson Range and that this constitutes an unheard of abuse of temporary reserves;

(c) the size of the potential field is indicated by the fact that Newmont Pty. Ltd. has already pegged mineral claims and gold leases in the temporary reserves extending over an area 30 miles long and up to six miles wide and a parallel range has been pegged over a distance of approximately 20 miles;

(d) altogether a huge number of mineral claims and gold leases have been pegged and pegging is proceeding;

(e) only a small portion of the 300-odd square miles has yet been explored for gold and yet reserves of the extent disclosed by Newmont Pty. Ltd. have already been proven;

(f) if the area becomes a significant new gold region Australians could find themselves almost completely excluded from the area,

would he appoint a Royal Commission to inquire into the circumstances in which the temporary reserves were granted?

Mr. MAY replied:

In view of the fact—

(a) That the Government's reversal of the previous Government's policy in respect of temporary reserves has stimulated mineral exploration and created an incentive for companies to prospect in unattractive and isolated areas of the State;

(b) That Newmont was the only company offering to spend substantial exploration money in the high risk Paterson Range area, and no other applications were received for the temporary reserves granted to that company;

Mr. Grayden: There were a lot of other companies which were interested.

Mr. MAY: Continuing—

(c) That in this remote region temporary reserves totalling 366 square miles represent only a very small area on which to base a large exploration programme;

(d) That Australian mining companies did have, and still have, the opportunity to risk exploration funds in this vast desert area but, apart from the Carr Boyd-Hill Minerals-Texins Development-Burkett and Hazlett group, only Esso Minerals has indicated interest as shown on the plan tabled yesterday;

(e) That the granting of the temporary reserves long after anomalous copper and gold values were known, did not "constitute an unheard of abuse of T.R's" but, on the contrary, was described by one of the companies which has pegged a large number of mineral claims next to Newmont, as a very fair decision;

(f) That the erratic occurrence of the mineralisation in this field is indicated by the separated groups of claims and leases which has been pegged;

(g) That pegging does not appear to be still proceeding as no applications in this area have been received by the Mines Department since last September;

(h) That preliminary ore reserves disclosed by Newmont have resulted from 18 months intensive exploration costing that company more than $800,000 to date;

(i) That Newmont first advised the Department of Mines of their interest in gold and copper occurrences which they had observed in the Paterson Range in May, 1972, after which they pegged some mineral claims. At the end of 1972 the company applied for,

and was granted, three temporary reserves, one of which included the mineral claims pegged earlier. Later, the company obtained gold mining leases and temporary reserves for gold within the area originally taken up as mineral claims. It was not until early July, 1973 that any other parties became interested in pegging by visiting the area and applying for ground;

(j) That during this period Newmont had carried out prospecting and exploration in a harsh, remote area at considerable expense. The company had gradually unravelled the geological picture of the area and drilling had shown the existence of gold mineralisation which is most erratic in occurrence, and still requires further testing which is presently being carried out;

(k) That the company considers it has shown the existence of 2.2 million tons of ore containing 0.42 ounces of gold per ton but it has not yet shown whether it will be feasible to extract this gold in this undeveloped, remote locality under the existing economic conditions for gold mining. If this proves to be a viable proposition—

Mr. Grayden: That is worth $57,000,000 gross.

Mr. MAY: Continuing—

—the amount of gold proven so far would be less than the total production of such mines as Hill 50, Sons of Gwalia or Central Norseman, and only a very small fraction of that produced from the Golden Mile;

(l) That to date, the occurrences of copper show no prospects of proving to be of economic importance although Newmont is still prospecting the temporary reserves;

(m) That if the area ever became a significant gold region, great credit would be due to Newmont's efforts;

(n) That there are, of course, examples of the previous Government granting, not only large numbers of gold temporary reserves to companies, both foreign and Australian but also very extensive reserves of up to 28,000 square miles for other minerals;

(o) That no complaints have been received to support the contentions of the Member for South Perth;

the requested inquiry is totally unnecessary.

16. RAILWAY BARRACKS

Manjimup

Mr. A. A. LEWIS, to the Minister representing the Minister for Railways:

(1) (a) Has the Railways Department made approaches to the Manjimup Shire Council in regard to building a barracks in Manjimup;

(b) if so, is this building to accommodate personnel transferred from Bridgetown?

(2) Is it a fact that his department has told the Manjimup Shire Council that the depot will be transferred from Bridgetown to Manjimup?

Mr. MAY replied:

(1) (a) The matter of acquisition of land for a possible future barracks site has been discussed with the shire council.

(b) Should a barracks be provided at Manjimup it will be primarily for the use of train crews working services into Manjimup and who will require to rest between turns of duty.

(2) The Manjimup Shire Council is aware that such a proposal is under examination.

17. DEPARTMENT OF AGRICULTURE

Officers at Bridgetown and Manjimup

Mr. A. A. LEWIS, to the Minister for Agriculture:

(1) (a) Is it intended to move departmental officers from Bridgetown to Manjimup.

(b) if so, how many and when?

(2) What are the positions filled by departmental officers at—

(a) Bridgetown;

(b) Manjimup?

Mr. H. D. EVANS replied:

(1) (a) and (b) No future moves have been planned. Due to the resignation of the dairy adviser at Bridgetown and the reduced scale of the dairy industry in that district, dairy advice is now covered from Manjimup.

(2) Bridgetown staff:

Agriculture Department—

1 adviser, wheat and sheep
1 technician wheat and sheep
1 veterinary officer
1 stock inspector
1 horticultural inspector (fruit)
1 clerk
1 clerk/typist

Agriculture Protection Board—

5 (1 Regional vermin control officer, 2 district vermin control officers, 1 district weed control officer and 1 unit weed control officer)

Manjimup staff:

Agriculture Department—

2 horticultural advisers (vegetables)
1 horticultural technician (vegetables)
2 irrigation advisers
1 irrigation technician
1 dairy adviser
1 dairy instructor
1 dairy technician
1 veterinary officer
1 stock inspector
1 clerk/typist

18. DEPARTMENT OF AGRICULTURE

Office at Northam

Mr. McIVER, to the Minister for Agriculture:

(1) Is it intended to renovate and extend the Department of Agriculture building in Northam?

(2) If so, what is proposed?

(3) Will extra staff be necessary if extra offices are to be made available?

(4) When will work commence and what is the cost involved?

Mr. H. D. EVANS replied:

(1) Yes.

(2) 1 library
1 drawing office
5 individual offices
renovations to existing offices.

(3) No. At present 17 officers are accommodated in 7 offices. Additions and renovations will overcome present overcrowding and allow for anticipated requirements for the next 5 years.

(4) (a) February, 1974.
(b) $34,000.

19. ALBANY HIGH SCHOOL FIRE

Insurance

Mr. BLAIKIE, to the Minister for Works:

Further to question 32 on 7th November would he advise what amount of liability was accepted by the insuring company for—

(a) building;

(b) fixed fittings,

at the Albany High School?

Mr. JAMIESON replied:

The Albany Senior High School group is presently insured for a total liability of $1,000,000. There is no dissection for buildings and fixed fittings.

20. TRANSPORT WORKERS' UNION

State Secretary: Television Interview

Sir CHARLES COURT, to the Premier:

(1) With reference to question 22, 6th November, 1973, and the answers given, has he obtained copy of the transcript of the programme "State File" shown on Channel 7 on 30th October, 1973?

(2) If not, when does he expect to receive it?

(3) If he has received it, will he make his views known to the House on Mr. Cowles' comments?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) Answered by (1).

(3) According to Erskine May's *Parliamentary Practice*, questions raising matters under the control of local authorities, e.g. bodies or persons not responsible to the Government, such as banks, the stock exchange, joint stock companies, employers' organisations and trade unions, are inadmissible.

21. TOWN PLANNING

Westfield Park

Mr. RUSHTON, to the Minister for Town Planning:

(1) Will he please advise me details of his decision for the rationalisation of development for Westfield Park, Kelmscott, in accord with his previous undertaking to resolve the retardation of this community's development and civic services?

(2) Have the Shire of Armadale-Kelmscott and the development company indicated their agreement with his decision?

(3) When will his decision be implemented and effective?

Mr. DAVIES replied:

(1) to (3) A summary of the position is now before me and will be dealt with as soon as possible.

22. ROCKINGHAM HIGH SCHOOL

Enrolments and Accommodation

Mr. RUSHTON, to the Minister representing the Minister for Education:

(1) How many students are at present enrolled at Rockingham high school?

(2) How many students are estimated to enrol at the beginning of the 1974 school year?

(3) Is accommodation to be available in February, 1974 to meet accepted class sizes for general and specialist subjects?

(4) If "No" to (3), what arrangements are being made to properly accommodate the students?

(5) If there is a shortage of accommodation in any sector will immediate plans be made to minimise the time the students and staff are to be disadvantaged?

Mr. T. D. EVANS replied:

(1) 702 (August 1973 enrolment).

(2) 912.

(3) Yes.

(4) Not applicable.

(5) Demountable classrooms will be provided as required.

23. GOVERNMENT DEPARTMENTS

Northam Office Block

Mr. McIVER, to the Premier:

(1) How far advanced is the inquiry by the Public Service Board on future office requirements for Government departments in Northam?

(2) Could this report be expedited to permit early planning of a central office block to accommodate the various Government departments so as to create greater efficiency and provide as modern facilities as their counterparts in the city?

Mr. J. T. TONKIN replied:

(1) and (2) The Public Service Board survey of departmental office requirements in Northam has been completed. This indicates that, while current offices are not of high standard, they are sufficient to meet existing requirements. The previous urgent demand has been alleviated by proposed extensions to the Department of Agriculture office and the conversion of an office for the Department for Community Welfare.

There is a requirement for relatively small areas by the State Housing Commission and the Bush Fires Board, and action will be taken to acquire leased space, in due course.

On an overall view the board considers the situation in Northam is not of the highest priority.

24. STATE FINANCES

Public Moneys Investment Fund

Mr. RUSHTON, to the Treasurer:

Referring to my question 12 on 6th November, 1973—

(a) has he previously claimed he inherited a bankrupt Treasury;

(b) with the knowledge that the Public Moneys Investment Fund held $8,805,000 at the time of the change in Government in 1971, does he now acknowledge his claim was incorrect;

(c) if "No" to (b) will he support his claim with detailed facts?

Mr. J. T. TONKIN replied:

(a) to (c) When my Government ment came into office, the State was facing a prospective deficit for 1970-71 which, at that stage, was estimated to be in the order of $10 million. This, in itself, was serious enough, but continuation of this trend into 1971-72 could well have resulted in the State's financial position becoming unmanageable.

The seriousness of the situation required my Government to take immediate action to limit expenditure to unavoidable outlays and to increase taxes and charges in the 1971-72 Budget.

In the circumstances, it could scarcely be claimed that my Government inherited a healthy financial situation.

25. RAILWAYS

Wood Chip Trains: Route

Mr. SIBSON, to the Minister representing the Minister for Railways:

What route does the Railways Department intend to use to enable woodchip trains to enter the Bunbury inner harbour, discharge their freight and leave the area?

Mr. MAY replied:

Initially this traffic will be hauled via Bunbury and the north shore route to the wood chips harbour berth. Continuation of this movement could be dependent upon future harbour development.

26. TRAFFIC

Training of Trotters: Macao Road

Mr. MOILER, to the Minister representing the Minister for Police:

(1) May the police traffic branch take action in regard to traffic offences which occur within a local authority area which has its own traffic control?

(2) Has his department received complaints in regard to the training of trotters along Macao Road, High Wycombe?

(3) If "Yes" to (2) and his department concurs that the training of trotters along Macao Road constitutes a traffic hazard or contravenes the Traffic Code, will his department request the local authority concerned to take appropriate action to correct the position?

(4) In the event of the local authority failing to correct the problem, will he consider having his department take appropriate action?

Mr. BICKERTON replied:

(1) and (2) Yes.

(3) The matter will be drawn to the attention of the Shire of Kalamunda, which is the local authority concerned.

(4) It is considered the local authority will act responsibly in the matter and take appropriate action if there is a traffic hazard.

27. NATURAL GAS AND OIL

Pipeline Authority Act: Validity

Sir CHARLES COURT, to the Premier:

With reference to the answers given to my question 1, 7th November, 1973; in view of the clear indications that there is increasing Canberra acceptance in both Government and other circles of the fact that the Pipeline Authority Act 1973 is outside the Constitution, will he make inquiries with the Prime Minister, or other appropriate Commonwealth Minister, as to the latest opinion held by the Commonwealth Government?

Mr. J. T. TONKIN replied:

Advice received by me from the Prime Minister this morning by telephone, confirms the view which I had held that there is no change in the opinion of the Australian Government that the Pipeline Authority Act is not *ultra vires* the Constitution.

28. STATE FINANCES

Commonwealth Special Grants

Mr. MENSAROS, to the Treasurer:

Could he please list for each of the financial years from 1968-69 to 1972-73 inclusively the yearly total amounts of all—

(a) Commonwealth Special Grants and advances for recurrent expenditure (as opposed to general grants which figure in the Consolidated Revenue Fund)—

(i) received through accounts of the State as stated in Statement No. 1E in the State balance sheet;

(ii) received by other bodies, authorities or instrumentalities directly (such as universities, W.A.I.T., etc.)?

(b) Commonwealth Special Grants and loans for capital expenditure—

(i) received through accounts of the State;

(ii) received by other bodies, authorities or instrumentalities directly (such as universities, W.A.I.T., etc.)?

Mr. J. T. TONKIN replied:

(a) and (b) Details of receipts in 1968-69 to 1972-73 taken to various funds other than the Consolidated Revenue Fund, are contained in return No. 42 appended to the Budget speech.

29. HOUSING

Harvest Road, North Fremantle

Mr. HUTCHINSON, to the Minister for Housing:

(1) Further to the question I asked some weeks ago regarding the need to renovate and let a State Housing Commission house in Harvest Road, North Fremantle, will he advise what action has taken place to fulfill his assurances on the matter?

(2) Is he aware that the urgency of the matter is being daily accentuated through the increasing fire hazard arising from a drying crop of grass in the yard?

Mr. BICKERTON replied:

(1) Inspection has been carried out and the necessary action to make the house suitable for occupation is in progress.

(2) Yes.

30. BUS DEPOT

Innaloo: Land Resumption

Mr. O'CONNOR, to the Minister for Works:

In connection with the land obtained by the Government for a bus depot at Innaloo and adjoining Boans Innaloo—

(a) was the land resumed;

(b) is it intended to continue with the bus depot;

(c) if so, on what basis and what cost to the Government;

(d) if not, what is the current position of the land;

(e) has the land been offered to The Grove or some other group;

(f) what is the estimated value of the land?

Mr. JAMIESON replied:

(a) No.

(b) Yes.

(c) Funds will be sought to allow construction. Estimated cost is $140,000.

(d) Not applicable.

(e) No. The land is zoned under the Stirling City Town Planning Scheme as a bus station and cannot be used for any other purpose.

(f) $100,000.

31. TRAFFIC

Taxi Drivers: Protest

Mr. O'CONNOR, to the Minister representing the Minister for Police:

(1) Has he seen the *Daily News* article of 7th November, 1973 headed "Taxi Drivers Plan Protest"?

(2) Does he intend to take action to assure the public have a reasonably free traffic flow?

(3) Will he advise the action to be taken?

Mr. BICKERTON replied:

(1) and (2) Yes.

(3) No, but the Member may be assured that steps will be taken to deal with any situation which may arise.

32. *This question was postponed.*

33. ABORIGINES

Kindergarten at Derby

Mr. RIDGE, to the Minister representing the Minister for Education:

(1) Is it correct that the Federal Government has rejected a claim from the Kindergarten Association of W.A. for a grant of $50,000 to build an Aboriginal kindergarten in Derby?

(2) If so, will he indicate why the Federal authorities withdrew support for the Bundja Wulan Nunga kindergarten?

(3) Has the State Government withdrawn financial support from the proposed project?

(4) If so, why?

(5) Does the Pre-School Education Authority approve of pre-school classes being conducted in the adult community centre which was not designed for continual use by small children?

(6) Is it a fact that kindergarten classes in the centre have resulted in cancellation of many adult activities which were to be held there?

(7) Because of a lack of facilities are pre-school or "pre-preschool" activities being conducted in a bough shed on the town reserve and, if so, is this considered desirable?

(8) Considering the extreme importance of a pre-school and "pre-preschool" programme for northern Aborigines will he urgently seek to have the grants reinstated with a view to erecting and equipping a formal kindergarten in the town in the current financial year?

(9) In the event of Federal aid being rejected will he seek to have State funds appropriated for the project?

Mr. T. D. EVANS replied:

(1) The Australian Government has reversed its earlier decision and has recently announced an allocation of $50,000 for this purpose.

(2) Apparently the Federal authorities considered that the community hall provided in Derby would also serve as a pre-school centre. However, the separate centre is now assured.

(3) No. No State Government grant of $6,000 will be provided on completion of the building.

(4) Not applicable.

(5) Approval of this type would only be considered as an emergency measure until proper facilities were available.

(6) Some curtailment of both adult and pre-school activities has resulted from the sharing of premises.

(7) The bough shelters on reserves are part of the Aboriginal Education Scheme financed by the Australian Government, for supplying a three-stage pre-school programme for Aboriginal children. These

shelters are erected by Aboriginal parents and used as pre-pre-school centres for younger children, who then proceed to a transition and finally to an integrated pre-school group before attending school. This phase is considered to be highly desirable.

(8) and (9) Action of this type is not necessary.

QUESTIONS (9): WITHOUT NOTICE

1. TRADE UNIONS

Pressure to Join

Mr. MAY (Minister for Mines): I wish to correct a statement made on behalf of the Minister for Labour in reply to question 4 on yesterday's notice paper. It is regretted that incorrect information was provided. I now tender the correct reply, which is—

> If a worker is covered under an award which has the preference clause, there is an obligation to join the union.
>
> If the worker is not covered by an award or there is no preference clause in the award covering the work, there is no requirement to join the union and such person has the rights of any ordinary citizen in redress which are dependent on the form that the pressure takes.

The portion corrected is in the first paragraph of the reply, where the answer given yesterday was "there is no obligation to join the union", and the word "an" has been substituted for the word "no".

2. MEMBERS OF PARLIAMENT

Staff and Offices

Sir CHARLES COURT, to the Premier: My question relates to the circular which has been distributed to all members regarding offices in electorates. It is addressed to members of the Legislative Assembly, and we are all members of the Legislative Assembly. Can he clarify whether it is intended that the office facilities will be available to Ministers, the Leader of the Opposition, the Deputy Leader of the Opposition, and the Leader of the Country Party, for instance, as well as those who are generally referred to as back-bench members?

Mr. J. T. TONKIN replied:

It is intended that the office facilities will be provided for each and every member of the Legislative Assembly who applies for them.

3. "THE INDEPENDENT SUN"

Cessation of Publication

Mr. THOMPSON, to the Minister for Development and Decentralisation:

(1) Did he read an article in *The Independent Sun* today outlining the reasons for closure of the paper?

(2) Does he not agree that the action forced on the management of the paper is a sad blow to—

(a) the public of W.A. who, in the light of this experience, may never again see a second daily newspaper;

(b) the journalists and other employees of the existing media interests who will be denied increased employment opportunity and the stimulus which flows from healthy competition?

(3) Will he state why his department, in its extensive campaign to urge people to buy W.A.-made goods, did not advertise in *The Independent Sun*, which is a wholly W.A.-owned newspaper?

(4) Does he not agree that by its failure to lend support through advertising the Government of Western Australia has in a major way contributed to the premature setting of the "Sun"?

Mr. TAYLOR replied:

I thank the honourable member for adequate notice of the question. The reply is—

(1) Yes.

(2) I have become aware that certain suggestions have been made regarding the reasons for the closure of *The Independent Sun* but my reading of the claims and counter-claims has not yet clarified for me the question as to whether the closure was "forced" on the management and the likely reasons for such closure. In summation, I have no proof that the management of the newspaper was in fact "forced" to close the newspaper.

(a) I do not agree with the honourable member's contention that it is reasonable to assume the failure of this particular newspaper will prevent any new newspaper venture being undertaken in Perth. In fact the principal of *The Independent Sun* (Mr. Wright) is reported to have said he

would certainly consider at some stage in the future trying again to establish a similar paper.

(b) I do agree that it could be most difficult for the employees concerned if they were denied employment opportunities. I am not aware of the likely impact on employment of the decision to cease daily publication. However, because the management intends to continue publication of the *Sunday Independent*, hopefully this will be minimal.

(3) Though never directly approached by representatives of the newspaper prior to publication of the first issue, the department's advertising consultants attempted to place an advertisement in the inaugural issue but were unable to participate because the issue was fully booked. There is a misconception implicit in the editorial in today's issue which states that the department was reluctant to advertise in the newspaper; this is totally false. To rectify this misconception I quote in full the text of a letter dated the 25th October, 1973, sent over the signature of the co-ordinator of the department (Mr. D. C. Munroe) to the advertising manager of the newspaper group in response to a letter dated the 16th October, 1973, from the Managing Editor of *The Independent Sun* seeking advertising support from the department—

> Mr. Keith R. Beech,
> Advertising Manager,
> The Independent Group of Newspapers,
> P.O. Box 40, Bentley.
>
> Dear Keith,
>
> My Minister, the Hon. A. D. Taylor, B.A., M.L.A., has asked me to communicate with you in response to a letter to him from your Managing Editor, Mr. P. J. Nilon, dated October 16, 1973.
>
> Parkes Clemenger Pty. Ltd. inform me that they had made a request for space in your first issue but had apparently been a little slow off the mark and there was none available.
>
> The Agency's general attitude with which we broadly agree, has been one of "wait and see" during these early weeks of your new paper. However, notwithstanding this attitude they are at present finalising details of a press campaign for us during the period December, 1973, to June, 1974. Their recommendations include both the *Independent Sun* and the *Sunday Independent*.
>
> Needless to say we wish you every success for the new venture and trust that the final results justify your enterprise.
>
> Yours sincerely, etc.

At the same time I had been personally contacted by the newspaper's advertising manager and within a matter of days had arranged an appointment to discuss departmental advertising. This meeting took place in my office on Monday morning, the 22nd October. I indicated every sympathy with the request for advertising and discussed the allocation as between the daily newspapers with a proportion of advertising based roughly on daily circulation. However, I said I could not make a firm allocation until I had discussed the matter with ministerial colleagues. This was done as promised. The letter quoted above was independent of, and in fact crossed over, the personal discussion with the advertising manager and *The Independent Sun* closed today without further contact between the paper and myself or my department. In point of fact, from the day *The Independent Sun* first appeared on the 10th October, until today's date, the 8th November, the date it closed, my department spent no money on advertising in *The West Australian*, and the only advertising given in the other daily, the *Daily News*, was a once-weekly, long-standing series entitled "Enterprise", the total cost of which, during the period in question, was just on $2,000.

(4) Definitely no!

4. HARVEST ROAD, NORTH FREMANTLE

Closure

Mr. HUTCHINSON, to the Minister for Works:

I apologise for giving short notice of this question but I would not ask it if it were not an urgent matter. My question is—

(1) Further to the requests and complaints made to him on Monday last, when a deputation from North Fremantle met him on human problems arising out of the closure of Harvest Road and the reconstruction of Bruce Street, is he aware that as of today bulldozers have closed off—I am told without notice—seven houses in Bruce Street from access to public roads?

(2) Is he also aware that apart from difficulties of access to their homes, the people affected will have very real and practical problems associated with the servicing of their homes in regard to matters such as rubbish service, meat, milk, and paper deliveries, calls by doctors and other visitors, etc.?

(3) As it appears that the comfort, convenience, and living conditions of these folk is seriously prejudiced, will the Minister urgently request his department for a short-term and long-term solution?

Mr. JAMIESON replied:

(1) to (3) I have had a brief opportunity to talk to the Acting Commissioner of Main Roads since a copy of this question was handed to me. I could not give a full answer without the question being placed on the notice paper for next week.

However, I inform the member for Cottesloe that I asked the Acting Commissioner of Main Roads whether he would take immediate action to overcome the problems which seem to have manifested themselves. He was surprised that the action—which I mentioned was referred to in the member for Cottesloe's question—had, in fact, been taken. I am sure appropriate action is probably being taken at this very moment.

Mr. Hutchinson: Thank you.

5. GRAIN AND SEEDS BOARDS

Amalgamation

Mr. McPHARLIN, to the Minister for Agriculture:

When was it decided to hold a referendum to determine the attitude to a State Government proposal that the Barley Marketing Board, the Seeds Board and the Grain Pool should be consolidated into a single marketing organisation?

Mr. H. D. EVANS replied:

I thank the Leader of the Country Party for giving me ample notice of his intention to ask this question. I can indicate to him that the decision was announced on Wednesday, the 24th October, 1973.

6. BUS DEPOT

Innaloo: Land Acquisition

Mr. O'CONNOR, to the Minister for Works:

I wish to ask the Minister a question arising out of the answer given to question 30 on today's notice paper. I refer particularly to part (f) of the answer given. Was that for the total area involved or was it per acre?

Mr. JAMIESON replied:

I think I know what the member for Mt. Lawley is contemplating. The higher figure which he has in mind would have applied had the zoning been different. However, the zoning is for a specific purpose at this stage and, as far as we can see into the future, the purpose will stay the same.

The answer given is for the total area that the Government holds for this purpose.

7. GOVERNMENT EMPLOYEES

Appointments: Preference to Unionists

Mr. THOMPSON, to the Premier:

In view of his statement in the House today that a member of the Teachers' Union is a better citizen than a teacher who is a non-member, is it his intention to legislate to give preference in determination of appeals made to the respective tribunals in the case of civil servants, police officers, and employees of the S.E.C. and Railways Department?

Mr. J. T. TONKIN replied:

In reply to the member for Darling Range—more in sorrow than in anger—I point out in the first instance there is no necessity to take action such as has been suggested so far as the Police

Union is concerned. I am pleased to say that there is 100 per cent. membership of that union, and members of the Police Force are setting an excellent example as citizens.

With regard to the remainder of his question, it is not intended to introduce legislation to deal with this matter this session.

8. NEWMONT PTY. LTD.

Gold Drilling Results

Mr. GRAYDEN, to the Minister for Mines:

(1) Does he accept the statement by Newmont Pty. Ltd. in *The West Australian*, November, 1973, to the effect that results of drilling this year showed an ore reserve of about 2,200,000 tons of 0.42 ounces of gold a ton in one of four deposits already discovered in the Paterson Range?

(2) Does he realise that the values quoted in respect of this one deposit as distinct from the others already discovered represents over 8 dwt. of gold per ton in an open-cut proposition and that on today's prices of approximately $66 Australian per ounce of gold that deposit alone would have a gross value of $57,080,000?

(3) In view of the fact that other similar geologically structured areas have already been found and only a small portion of the 300-odd square miles of temporary reserves has yet been explored, does he not consider that the area represents a significant new goldfield in Western Australia?

Mr. MAY replied:

(1) to (3) In view of the length of the question, I request it be placed on the notice paper and that the answer be given on the first sitting day following my return to the State after the 16th of this month.

9. STATE FINANCES

Changeover of Government

Mr. RUSHTON, to the Treasurer:

I seek clarification of the answer given to question 24 on today's notice paper.

Has the Treasurer previously claimed that he inherited a bankrupt Treasury?

I ask the Treasurer to answer that question for me.

Mr. J. T. TONKIN replied:

In my opinion an adequate answer was given to the question that was placed on the notice paper. I have no intention of adding to it.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Development and Decentralisation) [4.47 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before members is to authorise a variation agreement which has been drafted to effect a number of alterations to the Iron Ore (Cleveland-Cliffs) Agreement Act, 1964.

The alterations and amendments proposed in the variation agreement have been framed to achieve three main objectives; namely, to include new development conditions in the agreement providing for a substantially increased output of iron ore pellets from the Robe River iron ore project; to make several temporary reserves, over which the joint venturers in the project have been granted occupancy rights, subject to the terms, conditions and obligations of the principal agreement; and to bring other conditions of the principal agreement into line with changed practice or new terms negotiated in more recent major agreements covering iron ore projects.

Broadly, the variation agreement gives the Robe River joint venturers the "umbrella" protection of the principal agreement with respect to eight new mineral reserves in return for a new obligation to establish a second pellet plant with a designed capacity of 5,000,000 tonnes of iron ore pellets per annum, at a capital cost of not less than $100,000,000.

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

The new obligations on the joint venturers introduced in the variation agreement will bring significant benefits to the State through additional royalties and in terms of new capital expenditure in the Pilbara. The second pellet plant will also introduce a requirement for a greater work force in the region with consequent added population which will allow the more economic provision of services for both existing and new population.

A most significant feature of the variation agreement is that it provides for the establishment of a new pellet plant which will increase the degree of processing of Western Australian iron ore before export.

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

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

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

However, opportunity has also been taken in the variation agreement to introduce other amendments providing for a revised royalty escalation clause, revised conditions applicable to water rights, and revised provisions relating to environmental protection. I will explain these in detail shortly.

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

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

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

Occupancy rights were granted in respect of temporary reserve No. 5733H following Executive Council approval on the 8th March, 1973. Temporary reserves Nos. 4982H and 5845H, also in the West Angela region, were exchanged following negotiations with the Mines Department, for two reserves previously held by Cliffs International under the terms of the Iron Ore (Cleveland-Cliffs) Agreement Act Amendment Act, 1970. The reserves relinquished by Cliffs International were situated within the area of the Public Works Department Millstream water reserve. Executive Council approved the allocation on the 11th September, 1973.

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

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

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

The joint venturers have advised me of their anticipated construction timetable which provides for detailed engineering design to commence in March, 1974, and construction by August, 1974.

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

I mentioned before that opportunity had been taken to revise some other terms and conditions of the principal agreement to bring them into line with current practice, and the main matters affected are royalties, conditions relating to power and water, and environmental protection.

The royalty escalation clause in the Iron Ore (Cleveland-Cliffs) Agreement, 1964, provides for the adjustment of royalties based on variations of the average prices payable for foundry pig iron f.o.b. Adelaide. This method is no longer applicable as price schedules currently issued in respect of pig iron produced in South Australia only gave the prices covering delivery f.o.r./f.o.l. works or c.i.f., Australian capital city ports.

Clause 9 (2) (j), as amended in the variation agreement, provides for the escalation of royalties in accordance with the

announced c.i.f. prices capital city ports and reflects a basis for escalation which is consistent with the intent of the original agreement, and is also identical with the basis of royalty escalation featured in all the iron ore agreements entered into over the last three years.

The variation agreement has been framed to separate the provisions of the principal agreement relating to power and water. This was done as a matter of convenience and to allow amendments to be made to the provisions of the agreement relating to water supplies for the joint venturers' port, port town, and port processing facilities.

Under the provisions of the principal agreement the joint venturers were entitled to explore, drill for water, and use water from the Fortescue Valley to supply their industrial and town water requirements at Cape Lambert.

As these needs are being met at company cost from the Millstream water supply scheme under separate agreement, there is no longer any need for the joint venturers to have separate rights to additional supplies of water. Adequate provision has been made in the Millstream water supply agreement for additional water to be supplied to meet reasonable demand caused by any future approved expansion of the joint venturers' operations.

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

As is the case with all recently negotiated and varied agreements, a standard clause has been included in the variation agreement to cover the full protection of the environment.

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

The variation agreement requires significant new development to be carried out by the joint venturers and provides for the revision of the principal agreement to bring its provisions into line with changed conditions and current practice.

These variations to the principal agreement are necessary to bring about new development, and to ensure the economic use of the facilities already established by the joint venturers. For these reasons, I commend the Bill to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

RAILWAY (BUNBURY TO BOYANUP) DISCONTINUANCE, REVESTMENT AND CONSTRUCTION BILL

Second Reading

Debate resumed from the 6th November.

MR. SIBSON (Bunbury) [4.58 p.m.]: I rise to speak to the Bill. There are two parts to it; the first part relates to the building of a new section of the Boyanup-Brunswick railway line, and the second part deals with the closure of portion of the railway line from Picton to Boyanup. It is upon this closure that I would like to commend the Minister for his action because it will remove the problem in the Picton area. This is a very small area and it is not suitable for marshalling yards and so on. I commend the Minister and the Government for this move.

I must say, however, that I am a little concerned about the situation regarding the proposed new line to join the East Perth-Bunbury line at Picton. As the member for Bunbury, I would have been much happier to see a plan of this type evolve along with the total plan for the whole Bunbury area. We need a plan to include not only the railway but also the harbour and the various other facilities in the town.

It appears to me that there is some indecision and muddling in respect of what the eventual plan will be. The reply to a question I asked today stated that initially the wood chips will be taken in through Bunbury and into the inner harbour area by that route: but there was no mention of how long that will continue, or of what will be the eventual plan when this change is made.

Firstly, with regard to the new area, I am very concerned about the future of the marshalling yards. I notice that the Picton area is referred to. I would like to clear this matter up with the Minister. I presume that when the Minister refers to Picton he really means Waterloo.

Mr. May: It is between Picton and Waterloo.

Mr. SIBSON: When one looks at the map it appears to be more towards Waterloo than Picton. I think the proposed marshalling yards should be sited more to the north rather than to the south, as this will benefit the future expansion of Bunbury. I think we must realise that as time goes by the Town of Bunbury will grow into a city, and, in fact, the whole region will grow. Therefore, it will be necessary to have in the area a smaller version of the Kewdale marshalling yards before many years have passed. So I would impress upon the Minister the need to ensure that the development takes place more towards the Waterloo area rather than in the Picton area.

I commend the Minister for the fact that his department will be able to make arrangements with the landholders in the area, because there is no question that as time goes by the land will become very valuable. The only point I would raise here is that I sincerely hope sufficient land will be purchased to provide for future development.

I now come back to my point regarding a complete plan. I would have liked to see presented to this House a complete plan from Boyanup right through to the inner harbour, and with long-term arrangements made in respect of how wood chip and alumina trains will enter and leave the harbour area. I am very much afraid we will be stuck with the proposed loop system and that trains will be brought in from Manjimup through the North Picton loop, which is now known as the S.E.C. loop, and taken from there into the inner harbour area, from where they will leave on the Bunbury station line.

That would be a most undesirable situation in which to place the people of Bunbury when we take into consideration the fact that I believe the trains will be up to half a mile in length. We have seen the problems created by such trains in the metropolitan area of Perth and, perhaps, more particularly, in Collie. During Collie's heyday we saw very long coal and wheat trains being shunted through the middle of the town and creating chaos. At that time Collie was handling something in excess of 20 trains a day. We would certainly not want to see that situation in Bunbury, because I think that town is different from many others.

Collie was catering for coal and wheat only, but in Bunbury we are catering for many industries. Bunbury is the service town for a large region. It is interesting to note that 50 per cent. of the retail income of Bunbury comes from outside the Bunbury area. That gives some idea of just how much service Bunbury provides for the hinterland. I know that the Bunbury Town Council and various people involved in the development of the town are most concerned regarding what is to be the future of the railway system.

The ideal situation would be eventually to remove the line from Bunbury to Picton, and to make the sole rail inlet into Bunbury come from the Waterloo area and travel across into the inland harbour area. That is the type of plan I would like to see presented here, along with an explanation of what will happen within the town and the region.

I would ask the Minister whether he will consider having his department make a definite plan available within a short time. I would also like the department to provide us with an estimate regarding how long we will have to put up with the loop system, because it seems to me to be evident that it will be used for some time, much to the disadvantage of Bunbury. I want to know the eventual route, and what system will be used, to service the inland harbour and the land-backed wharf areas.

The Minister referred to servicing and said there are problems connected with it. He said that the new railway has been designed to enable fuelling and trip servicing facilities to be provided. The map which has been presented shows a loop-type railway line at Waterloo. This is where the marshalling yards and servicing facilities should be installed. I think the plan is most unsatisfactory, because as it does not indicate the exact intentions of the Government and the department it does not enable one to debate the issue in this House.

I would sincerely hope that when consideration is being given to the provision of servicing facilities, plans are made for an area to be available so that no more of our servicing work goes to the metropolitan area as it has in the past. If it does, it will have an adverse effect upon my electorate.

I have already referred to the removal of the line from Boyanup to Picton. I commend this proposition because it will remove the congestion in the Picton district, which has the river on one side and the highway in the middle, along with C.S.B.P. and other companies in a fast-developing industrial area. We also have the problem of the redirection of railway wagons.

At the moment I imagine the wagons will still have to go into Bunbury, because there is no provision in the plan for trains to be made up in the Waterloo area. So here again I cannot see that the plan will be of immediate advantage, because the trains will still have to come into Bunbury to be made up; and according to the Minister the idea was that this problem would be partly overcome. Perhaps this aspect could be given some serious consideration.

The Minister went on to say that a technical committee concerned with the approaches to the inner harbour at Bunbury is composed of officers of the Department of Development and Decentralisation, the Town Planning Department, the Main Roads Department, the Public Works Department, the Railways Department, the S.E.C., and local authorities. That seems to be a very sensible composition. However, I would like to point out that we must look far ahead into the future with our planning. I do not know for how many years the committee is looking ahead, but I believe we should be thinking in terms of 40 to 50 years and not 14 to 15 years, as has quite often been the case in the past.

If one visited Bunbury 20 years ago, one would not have imagined that the development which would occur would be anything like it has been. I have always been a firm believer that the area would grow, and I am convinced now that it will grow even greater. I would like to ask the Minister to take into consideration the fact that planning should be based on a solid and sound future of 40 or 50 years, otherwise we will be caught in the same silly situation in which many other towns and cities throughout the Commonwealth find themselves. We have in Bunbury the nucleus to solve this problem because we have a large build-up of commercial and residential buildings. Although land is reasonably expensive, by modern city standards it is still cheap.

So for this reason, and bearing in mind that these projects need large tracts of land, we should look very closely at this matter so that the Minister may return to Parliament with a long-term, formulated, technical plan that will solve the future problems of the town.

For example, we have the problem already that we are running out of area in the harbour and it has been necessary to keep our planning well advanced so that at all times there is a free flow of rail, road, and shipping traffic; and further, that there is a sufficient area of land to allow for the construction of a pipeline and similar projects. Keeping all these factors in mind, we must still plan for the unrestricted growth of Bunbury so that people in the future may look back and say of the Minister "He did a very good job when he held that portfolio." This is the type of thinking the people of Bunbury expect. We have no desire to criticise or rubbish the Minister of the day; the only desire is that people in the future may be able to look back and say, "What we have now is the result of very sound planning."

I know our leader, Sir Charles Court, has strong thoughts on this question and he has raised them on a number of occasions. It is a very important matter that has to be considered; that is, planning the services for an area of approximately 7,000,000 acres and embracing 100,000 people. One can imagine in another 40 or 50 years what sound planning will mean to those people who are living in the Bunbury area, and the Port of Bunbury is the focal point of that region.

I will now make brief reference to several maps that are at present being circulated. The Minister is probably aware of the number of maps that have been prepared, together with the varying thoughts that have been expressed on the whole situation. In fact I am greatly concerned that there is not just one plan instead of several. Before going into any detail on these plans I will refer to a statement made in this House in 1970 by the member for Mt. Lawley who at that time was the Minister for Railways. An extract from his speech reads as follows—

> As I have previously stated the immediate necessity is construction of the northern spur line which it is estimated will cost $400,000. This will retain for the railways a direct connection with the power house. It is also worth mentioning that when this line is brought into use it will reduce the traffic density on the Picton to Bunbury station yard section of line by the diversion of the power house coal traffic of approximately 200,000 tons annually.

So it was not for the want of thought on the part of the previous Government that this problem existed at that stage and it has intensified since then. However, the foundations for such thinking were laid by the previous Government and steps along these lines should have been taken by the present Government. Map No. 658A, signed by the Chief Civil Engineer of the Railways Department, was presented to this House in May, 1969, and it illustrates some forward thinking. This map relates to the loop leading into the harbour and that is the line which the Bunbury people are determined they will not have in the future.

Then we have another plan which relates to the spur line that will go out to the port. This map joins various other plans that have already been prepared, but probably this one is nearer the mark in regard to the closure of the railway line than any I have seen, because it shows that the proposed railway will commence from the inner harbour area and go across to the land-backed wharf without necessarily coming through the centre of the town.

There is also another map I have already mentioned; that is the one which shows the loop. I will not debate the mechanics of the situation where the line comes in from Boyanup and follows a fairly circuitous route and then, in the same way, goes out to Boyanup. Possibly there is some reason for the plan being prepared in that manner, but to me it appears that it will not permit of very sound planning for the future marshalling yards. However, that is a technical matter upon which I will not offer a great deal of comment.

My task this evening is to impress upon the Minister and the Government the need to study the overall future planning of Bunbury and at the same time to consider the total environment of the whole region. I can only impress upon the Minister the points I have raised and request that if possible he answers the questions I have posed. If the planning is in line with the thinking of the people of my electorate I will then be only too pleased to support the Bill.

MR. O'CONNOR (Mt. Lawley) [5.15 p.m.]: I support the view expressed by the member for Bunbury who, being the member representing the area, is more closely associated than any other member with the problems highlighted in this Bill. As he pointed out, this measure seeks to achieve two objectives; the closure of one line and the construction of a new section of line. As members know, when a Bill of this nature to construct a new railway is introduced a margin of half a mile either side is allowed. Therefore, whilst the lines are drawn on the map these can be altered to a degree.

There has been a great deal of talk over a long period of time in regard to what should happen with the rail operations in the Bunbury area. I am pleased to see that administration buildings are to be built, because these are most necessary. Such a move will prove to be of advantage not only to Bunbury itself but to the south-west also, because Bunbury is the hub of the south-west as far as transport operations are concerned. The member for Collie may not agree with me, but I would point out to him that Collie does not have a need for port facilities, but Bunbury has, and that makes all the difference.

Over a long period of time Picton has been mentioned as being a suitable area for the site of the marshalling yards, but I am inclined to agree with the thoughts expressed by the member for Bunbury; that is, that the site for the marshalling yards should be at a point a little further afield so that a greater area of land can be used to advantage in the future. Members will clearly recall that when the Kewdale freight terminal was first mooted the area suggested was 236 acres, and some people said, "What will you do with all that land?" However, before Kewdale was even commenced it was found that an area of 700 or 800 acres was needed, and indeed 800 or 900 acres are now being used for all the facilities connected with the Kewdale freight terminal, including a number of small industries which are situated in the area.

A similar situation could occur with the marshalling yards at Picton because Bunbury is a large town and, being the hub of the south-west, the population of the township must increase and, in turn, the activities of the town must increase. Bunbury has a deep port and this alone must generate a great deal of activity, because, for instance, from that port is shipped a great deal of timber which is a large commodity railed from various parts of the south-west. Also, we must look forward to the future when the wood chip industry will be established and probably grow to large proportions, resulting in the employment of many people.

We also have to keep in mind that coal is railed to Bunbury for the power house, and ilmenite is shipped through the port, together with many other products.

Sir Charles Court: There is another factor. When Bunbury becomes tied in with the standard gauge it becomes involved interstate.

Mr. O'CONNOR: That is quite correct. I believe that eventually all the railway lines throughout the State will be standardised, and the point made by the Leader of the Opposition is quite valid; that is, that when our lines tie in with the existing standard gauge they will all become part of the interstate lines.

In looking at the map depicting the loop that will go out through Picton, passing the power station along the foreshore to Bunbury, and then returning through the Bunbury township, I could not understand why it could not have followed the form of an arc from the main line through to Picton and Bunbury, because the proposed loop will cover a greater distance with resultant increased cost.

That would reduce the length of the line, and as regards the trains it would also reduce the travelling time and the costs. While I can see the reason for the building of the loop I think an arc built each way would serve the same purpose, and would reduce both the time and the costs.

Mr. Jamieson: Are you sure of the radius?

Mr. O'CONNOR: Yes. The radius would be correct in accordance with the suggestion I am making. That would reduce the length considerably. If the Minister looks at the map that will become evident.

Mr. May: Geographically it is very difficult to do that.

Mr. O'CONNOR: If the Minister is telling me that what I am suggesting is unreasonable, I am happy to hear his comments. We cannot always pick out the necessary details on a map; there are more practical ways to do that.

With the establishment of a deep-water port at Bunbury, and with the possibility of a large influx of industrial activity and transport into the town, I believe we should prepare an overall plan, not just from the railways point of view, but one embracing the railways, the port, and the town.

I am aware that whenever we build a railway line or take one up, some people are not happy. I realise that complaints have been made about the line being located along the foreshore in Bunbury, to join up with the main line passing through the town. When I was Minister for Railways I had hopes of eliminating the line through the town. I think that can be done.

Mr. May: It will be for local use.

Mr. O'CONNOR: The line running through the town is not satisfactory. I know that in places like Geraldton the railway line does go through the town.

Mr. May: That cuts the town in half.

Mr. O'CONNOR: We should look at this question on the basis of an overall plan being prepared. Complaints have been received from people who do not want the line to be established along the foreshore, because that would interfere with the recreation areas. Other people do not want the line to go through the town, and personally I would like to see the line through the town eliminated if at all possible.

If we take into account what took place at Kewdale before the establishment of the railway marshalling yards, we will find that when 236 acres of land were acquired it was considered to be adequate for the purpose. As the Minister for Railways is aware, it was not long before that area proved to be quite inadequate. The Government then trebled and quadrupled the original area through the acquisition of other land, and used the original area as a freight terminal.

I can envisage the position in Bunbury with the marshalling yards established north of Picton. I am in agreement with the yards being established in that locality. However, the area required would be much larger than is now contemplated. I see no reason why industries should not be located around that area, with transport and other ancillary services established close by.

By doing that we would have a modern and up-to-date operation. I am quite sure that both the Railways Department and the Minister have it in mind to establish an efficient operation. In speaking to the Attorney-General earlier this afternoon he indicated that an adjournment of the second reading debate would be taken, and the Bill would not be taken through the Committee stage. At the time the Minister representing the Minister for Railways was not in the Chamber.

Mr. May: My understanding is that the Bill will be dealt with at all stages, in view of the fact that it was introduced in another place and has been transmitted to this Chamber without amendment. The only reason that I desire to proceed with the Bill today is that I shall be away for a week.

Mr. O'CONNOR: As we see the position, this will be the major area for the south-west. We would like an overall plan on a major scale to be adopted. With the possibility of alumina and other products being shipped through this area we have to make adequate provision not only for the present and the next 10 years, but for the next 50 years. On that basis I hope the Minister will examine the feasibility of preparing an overall plan for the town and the Port of Bunbury, of which a deep-water port and an efficient railway system are important factors.

With those comments I support the second reading.

MR. I. W. MANNING (Wellington) [5.25 p.m.]: This measure deals solely with the electorate that I represent, so I should like to make some comments on it. I am very familiar with the area which is mentioned in this proposition.

As the Minister has indicated, there are two proposals which we have to consider. Of course, they were touched on by the two previous speakers from this side of the House. The first proposal is the closure of the section of railway line between Picton and Boyanup; and the other is to construct a deviation or replacement line. As other members have pointed out there is no quarrel with the section of line to be closed.

The SPEAKER: I ask members to be more quiet.

Mr. I. W. MANNING: We should give very careful consideration to the area on which the construction will take place, because this proposition of the Government will introduce into that area a major undertaking, and we will have to make provision for the marshalling yards to service Bunbury and the south-west.

This point cannot be stressed too much: While the proposition in the Bill is for the construction of a deviation to serve the lower south-west, and so divert the trains that are scheduled for the south from actually passing through Bunbury, there is the bigger question of the establishment of the marshalling yards. The provision of these yards cannot be overlooked at this point of time.

The proposition put forward by the Minister was that under this proposal the department would be given the opportunity to proceed with the acquisition of land. I do not know the reason for the urgency to acquire land, but I would make this particular point: The sooner the land becomes the property of the Government the sooner will the shire lose that land as a ratable area. I do not know to what extent consideration has been given to that point. I make it, because it is factual.

Once the area is taken over—in this case I imagine it would be of considerable acreage—it would be set aside for the future planning of the Bunbury marshalling yards. While I have this opportunity to speak I would like to make the point which has been touched on by the member for Bunbury; that relates to the lines which serve the Bunbury port area. There was no problem in the construction of the line from Picton to the Bunbury power

house, because the line ran through mainly open country. However, the section of line which goes through Glen Iris, across the Preston River in the vicinity of the Moonlight Bridge, and down to what might be described as the south-west of the port facilities, passes through fairly closely settled country.

When this proposition was debated previously I suggested that with some minor variations a number of objections could be overcome. I do not know whether this point has been looked at, but the proposed line would bring about the displacement of some people living in the area.

If the local people had been consulted a satisfactory route could have been found without those living in the area being disturbed. I want to make that point again because undoubtedly from now on further consideration must be given to the construction of that section of the line.

Those are the points I desire to raise at this stage. I think the Government should be commended on its move to deviate the line, because for a long time many people at Bunbury have urged that the south-bound traffic should be deviated so that it did not go into Bunbury simply in order to enter the marshalling yards. This meant the removal of the marshalling yards beyond Picton, and that is the proposition in the Bill. To that extent I offer my support to the measure.

MR. MAY (Clontarf—Minister for Mines) [5.31 p.m.]: I wish to comment briefly on the speeches made by various members. I thank them for the information they have given and the questions they have raised, the answers to which will be given during the Committee stage at the next sitting of the House.

I would like first of all to indicate to the member for Bunbury that the Bill was subjected to considerable debate in another place where members who have a thorough knowledge of the area discussed it at length. In addition, a technical committee was established and has been investigating the whole situation for about two years. The technical committee comprises representatives of all the major Government departments as well as the local authority concerned. I can just imagine what would have occurred had the measure been introduced and the local authority was not in agreement with it. Immediately it would have approached the member for Bunbury in order to ask him to ensure that its objection was known here. Evidently, however, it is reasonably satisfied with the legislation.

I agree with the member for Bunbury that the town will be a major centre, if not the major centre, in the south-west and that the provision for bulk-train loads will require careful planning, particularly in regard to the marshalling yards. To keep the record straight I wish to advise that the area will not be at Picton, but north of Picton in the Waterloo area where the road turns to go to Dardanup and where ample land is available for adequate planning. As the member for Mt. Lawley indicated, the situation there is similar to that obtaining in the Kewdale area.

The Director-General of Transport has studied the legislation and approves of it and of the committee's recommendation. In passing, I might mention that the question asked in this regard was answered in the second reading speech, but that is beside the point.

The Bunbury area is difficult geographically because of the isthmus. Problems arise when a railway bisects a town and this is the reason for the closure of the line. However, at this stage it is difficult to say just when the line for the cartage of the wood chips into Bunbury will be rerouted. This problem, together with the others which have been raised today, will be studied.

With regard to the question of resumptions raised by the member for Wellington, he will appreciate that when planning a project of this nature plenty of time must be made available in which to negotiate resumptions, and this is the idea behind the attempt to resume as much land as possible as quickly as possible for future planning.

The member for Mt. Lawley referred to the routing of the railway line and this will be considered. As was pointed out by the member for Wellington, before Bunbury started to develop it was reasonably easy to route a line to the State Electricity Commission area, but the situation is entirely different now.

The overall plan suggested by the member for Bunbury is excellent. I agree that when a fragmented approach is made to a proposal of this nature the situation becomes very difficult, particularly when various plans show alternative routes.

I will consult with the Minister for Railways on the various problems which have been raised and will deal with them in Committee. The tolerance referred to by the member for Mt. Lawley is necessary. I think it is approximately half a mile and this will enable the line to be moved backwards or forwards. The same situation applies to transmission lines for the State Electricity Commission. When this tolerance is provided and the survey is being made, a reasonable area is available in which to operate.

I will delay the House no longer. As I have said, I will consult with the Minister for Railways on the various matters which have been raised and answer all queries when the Bill is discussed in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. May (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. McIver.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th November.

MR. O'CONNOR (Mt. Lawley) [5.40 p.m.]: When the Minister introduced this Bill he indicated its implications, and on examination those implications are as set out by the Minister. The question of gambling is by no means a simple subject to discuss.

Mr. A. R. Tonkin: Did you say "simple"?

Mr. O'CONNOR: There are complications associated with any Bill dealing with gambling, dogs, or liquor. Each of these matters causes considerable debate. Many people ask whether it is necessary to extend gambling facilities in Australia, and I am sure that members from both sides of the House would agree that it is necessary to extend such facilities. There are indications that gambling is increasing throughout Australia, and we have only to look at the casino which has been established in Tasmania. Of course this Bill will not extend betting facilities to that extent.

Mr. Jamieson: It had better not; your leader's hair stood on end at that remark.

Sir Charles Court: The Bill should be held up to the light to make sure that it does not extend the facilities to that extent.

Mr. O'CONNOR: People who are opposed to gambling, generally, will be opposed to this Bill. Generally speaking, I have no opposition to it, but I will mention a couple of points I hope the Minister will comment on.

The purpose of the Bill is to allow novelty betting in the future. Section 20 of the principal Act will be amended by substituting a new paragraph (ba) which reads as follows—

> (ba) for novelty bets by way of wagering or gaming in respect of such races as are selected by the Board,—

I would like the board, in the future, to give more attention to racing in this State and to forget about some of the smaller racing events which take place in the country centres in the Eastern States. The industry in this State is very important and I would say that some 3,000 people are directly involved in it, and many more are involved indirectly. I feel sure that members of the Government would agree that the board should extend its activities to the assistance of the industry in this State rather than fiddle around with smaller race meetings in the Eastern States which have very little bearing on this State. As a matter of fact, some of the horses which race are not even known in this State.

Mr. Lapham: This Bill will provide only for an extension of betting activities.

Mr. O'CONNOR: I believe that is right.

Mr. Lapham: To get a few more bob off the public.

Mr. Bickerton: That is not exactly true.

Mr. O'CONNOR: I will leave that point for the two members opposite to argue among themselves. I am expressing the view that very little interest is shown in racing which takes place at country centres in the Eastern States. Races such as the Melbourne Cup, the Caulfield Cup, the Sydney Cup, and the weekend races which take place in the various capital cities are important and should be included in the activities of the Totalisator Agency Board. However, I see little benefit to this State in making facilities available for betting on small country meetings in the Eastern States. They tend only to draw more people into the T.A.B. shops on more days during the week than is the case at present, and for very little purpose.

I make the point because I think it should be taken into consideration. Rather than time being devoted to races in the Eastern States I think the time would be better spent on racing in this State where people are involved in the industry. To continue the proposed new paragraph (ba)—

> —being races conducted on race courses in the State or on such race courses outside the State as are prescribed, to be lodged with and received by or on behalf of the Board and placed by the Board in a totalisator pool conducted by it on those races in accordance with this Act;

From a reading of that paragraph it will be seen the board can prescribe that races held on any track anywhere in Australia can be included in its activities. I do not think that is really what the Government desires, and I know members on this side of the House are not particularly keen on that principle.

The Bill also contains an amendment to make an alteration to the parent Act which was omitted when it was last amended. The last amending Bill was to include greyhound racing and in one section of the Act the word "horse" should have been deleted. We agree entirely with the proposed amendment.

The new form of novelty betting to be introduced is known as tierce betting. I had not previously heard of this form of betting although I follow racing and know a little about the industry. Tierce betting has been conducted in France and Hong Kong for a number of years, and a great deal of interest is shown in it. I believe that considerable interest will be shown in this form of betting in Western Australia.

Tierce betting is similar to quinella betting. In the case of quinella betting the first and second horse has to be picked. In tierce betting the punter has to pick the first, second, and the third horse in any order.

Mr. T. D. Evans: It is hard enough to pick one horse.

Mr. O'CONNOR: You can say that again! As I was saying, in tierce betting the first, second, and third horse can be picked in any order.

Mr. Jamieson: Why is that name used instead of "triella" as is used in the United States?

Mr. O'CONNOR: I think that triella would be a better word. The average person would understand the meaning of triella, but I think that 95 per cent. of the people in this State would not understand the meaning of tierce betting. I agree with the Minister that triella is a better word.

In the case of nominated tierce betting the horses have to be picked and nominated in the order in which they are to finish. Of course, the term applies to horses or dogs. The first, second, and third animals have to be nominated in their correct order of passing the post.

The dividend payable on a 50c ticket, in tierce betting, could involve many thousands of dollars. For instance, take the Melbourne Cup. If three outsiders ran first, second, and third, it is possible that no-one would have a ticket on them, although those odds are not long.

If tierce betting is conducted to any degree I believe that the first, second, and third horses will not be picked in many races. The Minister has given no indication as to what will happen to the money if there is a carry-over, and if no-one selects the combination.

Sir Charles Court: Can it be done by regulation?

Mr. O'CONNOR: I do not know; perhaps the Minister can explain what will happen with regard to a carry-over, and whether the money will go straight into the Treasury. I do not think it will. Perhaps a portion may be taken out and the balance carried over as is normal. That system would attract more people to this type of betting.

I believe that tierce betting will be introduced in this State. Because of the great foresight of the T.A.B., it purchased sophisticated equipment and computers, and it is now in the position of being able to conduct tierce betting. However, the other States of Australia did not have sufficient foresight to purchase such equipment so ours will be the only State to operate this type of betting.

The Bill is fairly small but I would like the Minister to comment on the two points I have raised. Firstly, we are permitting an extension of betting on small country races held in the Eastern States. I do not think we should encourage this form of betting to any great degree. I believe the races we handle now are sufficient and are of the type which interest most people. We do not want to encourage people to go into T.A.B. shops on days other than they now do.

I am quite happy about the idea of tierce betting. However, I would like the Minister to explain what will happen with any other events.

MR. BICKERTON (Pilbara—Minister for Housing) [5.51 p.m.]: The main provision in the Bill is, as the member for Mt. Lawley stated, that relating to tierce betting. I suppose it could be called by another name and I think the Minister for Works referred to it as "triella" or something of that nature.

Mr. O'Neil: It should be called a "twinella".

Mr. BICKERTON: It is a type of novelty betting. Most novelty betting is introduced with the object, undoubtedly, of extracting from the person with a small amount of money the maximum which can possibly be extracted from him. In other words, someone who has 20c may have a nominated tierce bet. This means he could nominate the animals which he thought would come first, second, and third in that order. Alternatively he could place his 20c on three animals and would receive a dividend regardless of the order in which they finished provided that, between them, they came first, second, and third.

The odds which are attached are probably so attractive that it will encourage the person who is betting to have a little splash. Perhaps that same person could not afford a bet of $1 or $2.

Mr. O'Connor: It is for the real gambler!

Mr. BICKERTON: That is right! There is a reason for this suggestion from the Greyhound Racing Control Board. I am sure members will find that greyhound racing attracts, even from an owner point of view, a different type of person altogether from the person who is attracted to horse racing. In other words, it is not quite as expensive to buy or own a greyhound. It is not quite as expensive, if one is physically fit as I am, to train one. It is almost a kind of do-it-yourself-kit

job. I had a great deal to do with racing greyhounds when I was young and I could beat most of them!

Greyhound racing probably does attract into the racing game a person who would not normally think in terms of buying a racehorse. This is why this type of betting is attractive. I do not care by what name it is called. The term does not matter in the least but I think that a good general description would be that of novelty betting. Tierce betting is the main issue in the measure.

The member for Mt. Lawley brought up other matters. He is a person who has had far more experience in gambling than I have had, or ever will have. Also he has had far more experience with racehorses than I and, therefore, is a much greater authority than I will ever be.

Nevertheless, in connection with the matters he raised, such as small races, encouraging additional gambling through broadcasting, and T.A.B. shops being open more frequently, I do not think we will ever overcome this. We cannot always save a person from himself.

If a T.A.B. shop is open in a small country town in the afternoon, quite apart from the fellow who gambles more money than he can afford to gamble, there is perhaps the little old lady who enjoys putting her 20c on a bet. This kind of betting could be an advantage in such a town and it certainly would not exist unless the races were broadcast.

The member for Mt. Lawley has said that he supports the measure, and I thank him for that support. I have looked into it and I do not think it is a question of going into the morals of gambling. Of course, we could talk about this aspect but it would be up to the individual to decide whether it extends beyond what he considers to be reasonable.

Mr. O'Connor: Could we alter the spelling of "tierce" to "tears"?

Mr. BICKERTON: Perhaps there would be nothing wrong with that if we were to see the draftsman. However, as the member for Mt. Lawley and I are due in the same place at the same time this evening it may be an idea to leave things as they now are. It is a French term.

Mr. Hartrey: Was it pari-mutuel?

Mr. BICKERTON: No, I received most of this information from someone who had written from France. There it is pronounced "tyèrss". Most of the information came in a French letter. The expression means to bet upon horses in any particular race, either in a nominated form or as they come in.

If the honourable member wants to alter the term he can do so in the Committee stage. I will have no objection so long as the principle of the Bill remains the same.

Mr. Nalder: The Minister means that he received his information in a letter from France?

Mr. BICKERTON: Yes.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Bickerton (Minister for Housing), and passed.

House adjourned at 5.59 p.m.

Legislative Council

Tuesday, the 13th November, 1973

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

QUESTIONS (4): ON NOTICE

1. EDUCATION

Isolated Children: Allowances

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Would the Minister state what allowances or subsidies the State Government pays in respect of fares for students who are forced to live away from home?

(2) (a) What is the cost to the Government for these services per annum;

(b) was this figure included in part or wholly in the answer given to question 16 on the 25th October, 1973?

(3) (a) Has the State cancelled any of the aforementioned allowances or subsidies;

(b) if so, what transport subsidies or allowances have been replaced by Commonwealth assistance?

(4) (a) What is the average cost to the Government per recipient of rail and air fare payments;

(b) how many pupils are in receipt of these concessions?

The Hon. J. DOLAN replied:

(1) The scheme of subsidised travel for students provides for free travel for one return trip and two