Pairs

Ayes	Noes
Hon. G. E. D. Brand	Hon. R. Thompson
Hon. V. J. Ferry	Hon. H. C. Strickland

Amendment thus passed.

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

Page 4, lines 27 and 28—Delete paragraph (b).

Amendment put and passed.

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

Page 5, line 24—Delete the words "during the pleasure of the Governor" and substitute the words "for a period not exceeding three years from the date of his appointment and shall be eligible for re-appointment".

This restricts the period of office of a member to three years after which he will be eligible for reappointment. I realise that one cannot limit the term of the Governor's pleasure.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 16 put and passed.

Clause 17: General powers of the Board—

The Hon. N. McNEILL: Without further explanation, I move an amendment—

Page 9, lines 9 and 10—Delete paragraph (f).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 18 to 28 put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. L. A. Logan (Minister for Local Government).

EDUCATION ACT AMENDMENT BILL

Assembly's Message

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

House adjourned at 11.3 p.m.

Legislative Assembly

Wednesday, the 29th October, 1969

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

QUESTIONS (17): ON NOTICE

1. INSTITUTE OF TECHNOLOGY

Agricultural Courses

Mr. RUSHTON asked the Minister for Education:

(1) Referring to my question of the 6th August, has a decision been reached by the Western Australian Institute of Technology for a one year post diploma (associateship) course in agriculture of a specialised nature?

(2) If so, when will the course commence?

Mr. LEWIS replied:

(1) The present two year diploma course is currently under revision and it is expected that a modified course will be introduced in 1970. When the diploma course has been finalised, probably within a few weeks, active consideration will be given to a one year post diploma course.

(2) If a post diploma course is approved it will not be introduced until 1972 at the earliest.

2 to 4. *These questions were postponed.*

5. GERALDTON HIGH SCHOOL

Library

Mr. SEWELL asked the Minister for Education:

(1) When is it expected that the construction of the library at the Geraldton High School will commence?

(2) By whom will the library be staffed?

(3) What will be the class and the scope of the reading material available?

Mr. LEWIS replied:

(1) A letter of acceptance of tender is in course to the contractor who is required to commence construction within 14 days.

(2) The Education Department will provide a teacher-librarian and a full time library assistant.

(3) Fiction and non-fiction materials to serve the needs of secondary pupils between the ages of 12 and 18 years.

6. WHEAT

Quotas

Mr. SEWELL asked the Minister for Agriculture:

(1) What is the position of share-farmers engaged in the wheat growing industry in relation to the allocation of a wheat quota?

(2) What is the position of wheat farmers who are leaseholders of farming properties and who desire to have a wheat quota?

(3) What is to become of wheat grown where no quota has been granted; that is, wheat grown in good faith by a grower who had reason to believe that he would be granted a quota?

Mr. NALDER replied:

(1) Share-farmers are not allocated a wheat quota—they are required to make their own arrangements with the land holder.

(2) If a wheat farmer has the full lease of a property, the quota would be issued in his name. If only a cropping lease is held, a delivery quota must be obtained from the land holder.

(3) Arrangements have been made for Co-operative Bulk Handling Ltd. to receive all wheat offered for delivery for the 1969-1970 season.

7. BUILDING BLOCKS

Rockingham

Mr. RUSHTON asked the Minister for Lands:

(1) Have arrangements been finalised for providing services for the Crown residential building blocks at Rockingham which are shortly to be released?

(2) If "No", when is it expected arrangements will be completed?

(3) When is it expected these blocks will be offered to the public?

Mr. BOVELL replied:

(1) No. However, the method of financing has been resolved and estimates of cost for the provision of services are being obtained.

(2) and (3) Immediately services have been provided which will be completed as expeditiously as possible.

8. SWAN RIVER

Reclamation at Alfred Cove

Mr. LAPHAM asked the Minister for Works:

With regard to the proposed island in Lucky Bay—

(1) From scale map exhibited in the Legislative Assembly how many chains of road must be constructed from Burke Drive to the boat ramp?

(2) Would he indicate an approximate cost of this road work?

(3) Would the Government, the Melville City Council, or the yacht club be responsible for the cost of this work?

Mr. ROSS HUTCHINSON replied:

I would like to preface my answers to the next four questions by saying that the answers will be largely academic, because the Government has dropped its plan to proceed with the proposal for the island treatment. The answers are as follows:—

(1) 45 chains.

(2) $21,000.

(3) Responsibility for cost has not yet been determined.

9. SWAN RIVER

Reclamation at Alfred Cove

Mr. LAPHAM asked the Minister for Works:

With regard to the proposed island in Lucky Bay—

(1) Would the Government, the Melville City Council, or the yacht club/marina be responsible for the establishment and development costs and annual upkeep of the—

(a) six acres buffer zone on the adjacent foreshore;

(b) five acres buffer zone on the island;

(c) 13 acres public open space on the island?

(2) What is the—

(a) estimated cost of establishment and development of the areas;

(b) estimated cost of the annual upkeep?

Mr. ROSS HUTCHINSON replied:

(1) (a) Although shown on plan as buffer zone this area could be grassed and used for recreational activities provided a single row of screening trees is planted along the radio station boundary. This area is within City of Melville boundaries and could be developed on these lines, if agreed to by them.

(b) and (c) Responsibility for developmental costs not yet determined.

(2) (a) and (b) Not yet estimated as cost would depend on the type of development. Because of proximity of water, trees would require a minimum of attention after five years.

10. SWAN RIVER

Reclamation at Alfred Cove

Mr. LAPHAM asked the Minister for Works:

With regard to the proposed island in Lucky Bay—

(1) Would he agree that the height of the bridge planned to link the island to the mainland would have to be at least 20 feet above low water mark?

(2) Would he agree that the bridge, with satisfactory abutments, would have to be at least 200 feet in length?

(3) Would he advise an estimated cost of such a structure even if he does not agree with the dimensions indicated in (1) and (2)?

(4) Would the Government, the Melville City Council, or the yacht club/marina be responsible for the cost of construction of the bridge?

Mr. ROSS HUTCHINSON replied:

(1) No. The provision of a waterway at the western end of the island is primarily to provide water circulation. It is proposed that the bridge height be kept deliberately low to prevent its use by all but the smallest boats.

(2) No. Length of bridge as planned would be only about 50 feet between abutments.

(3) Cost would depend on materials and type adopted. A simple timber bridge of adequate width would cost approximately $10,000. In concrete arch form cost would be approximately $16,000.

(4) Responsibility for cost has not yet been determined.

11. SWAN RIVER

Reclamation at Alfred Cove

Mr. LAPHAM asked the Minister for Water Supplies:

With regard to the proposed island in Lucky Bay—

(1) Would he agree that sewerage facilities on the island would have to cater for at least 2,000 persons at the proposed yacht club as well as for marina patrons, boat ramp patrons, and patrons of any of the public open space?

(2) Is it not correct that the clay base of the island and its low terrain will preclude a septic system?

(3) Would he agree that deep sewerage facilities recently installed on the adjacent foreshore could not, if connected, cope with such extra load?

(4) If "Yes" to (1), (2), and (3), would he advise how disposal of sewage is likely to take place?

(5) Would the Government, the Melville City Council, or the yacht club/marina be responsible for any cost of sewage disposal?

Mr. ROSS HUTCHINSON replied:

(1) The estimated population using the proposed island is not known but on occasions the suggested figure of 2,000 persons may be reached.

(2) The use of septic tanks would not be recommended.

(3) The sewerage facilities on the adjacent foreshore could cope with the extra load on the assumption that peak flow from the island would not coincide with normal peak domestic flow occurring from 7.30 a.m. to 9.30 a.m.

(4) If the facilities were provided, sewage would be pumped from the island to the mainland.

(5) The payment for provision of sewerage facilities has not been decided.

12. TRAFFIC

Uniform Control

Mr. HARMAN asked the Minister for Traffic:

Does the Government intend during the life of this Parliament to legislate for uniform traffic control by the police or some other Government department for all of Western Australia?

Mr. CRAIG replied:

No.

13. NATIVES

Child Mortality Rate

Mr. HARMAN asked the Minister representing the Minister for Health:

(1) Did he see a report in *The Australian* dated the 16th October, 1969, headed "Aboriginal child mortality six times higher"?

(2) What is the infant mortality rate among Aborigines in Western Australia?

(3) Have any recent surveys been made to ascertain the trend in such mortality rate?

(4) If so, would he give details?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) This is not known as separate statistical data for Aborigines is not collected by the statistician.

Calculations based on known deaths of full bloods indicate a death rate of 75-80 per 1000 live births.

(3) Yes.

(4) An examination of all deaths under age of five for 1967 and 1968 was carried out and an effort made to determine race, i.e. white, full

blood Aboriginal, part-Aboriginal, in these cases. The results of the survey will be published when completed.

14. HOUSING

Maniana

Mr. BATEMAN asked the Minister for Housing:

In view of the dangerous fire hazard existing at the rear and sides of many of the pensioner homes in Maniana, will his department ensure that all long and dry grass is burned under supervision to prevent a serious accident?

Mr. O'NEIL replied:

It is normally the responsibility of the tenant, within the terms of the tenancy agreement, to maintain the grounds of his home in neat and tidy condition, and this would include removal of any growth or rubbish causing a fire hazard.

Where the tenant, by reason of age or disability, is not able to meet this requirement and keep down heavy weed growth, the commission normally ensures that any resulting fire hazard is removed. Action in this regard will be taken soon at Maniana.

15. TRAFFIC ACCIDENTS

Installation of Traffic Lights

Mr. BATEMAN asked the Minister for Traffic:

How many accidents, fatal or otherwise, at intersections have to be recorded before traffic lights or warning lights are installed?

Mr. CRAIG replied:

The provision of traffic control signals at any site is largely controlled by the volume of traffic although the accident pattern, especially right-angled collisions, influences the priority of installation.

16. SHARK BAY INLETS

Closure

Mr. GRAYDEN asked the Minister representing the Minister for Fisheries and Fauna:

(1) What advice did Mr. R. Lenanton tender to the Government in respect of the closure of inlets in Shark Bay?

(2) When was the advice tendered?

(3) Was the advice in writing?

Mr. ROSS HUTCHINSON replied:

(1) Mr. Lenanton appeared before and gave advice to the General Fisheries Advisory Committee on the subject of whiting in Shark Bay.

(2) November, 1967.

(3) He submitted a preliminary report on the status of the Shark Bay whiting fishery.

17. HEALTH

Psychiatric Patients: Approved Hostels

Mr. DAVIES asked the Minister representing the Minister for Health:

With reference to the subsidy of $1 per day to approved hostels accommodating persons discharged from Government psychiatric hospitals, can he advise—

(1) The number of hostels assisting in this way?

(2) How many are—

(a) Government controlled;

(b) privately controlled?

(3) What standards are required to be met before the subsidy becomes payable?

(4) What treatment is given to persons so accommodated?

Mr. ROSS HUTCHINSON replied:

(1) 11.

(2) (a) Three.

(b) Eight.

(3) Must be licensed by the local shire council as boarding or lodging houses and must meet the requirements assessed by the Superintendent, Claremont Hospital.

(4) Physical ailments are covered by regular general practitioner visits; psychiatric treatment by Claremont Hospital doctors who visit regularly; and social rehabilitation is assisted by mental health auxiliary workers, community care nurses and Mental Health Association members.

QUESTIONS (4): WITHOUT NOTICE

1. BLUFF POINT SCHOOL AREA

Fire Hazard

Mr. SEWELL asked the Minister for Education:

(1) Is he aware of the complaints received from residents living in the vicinity of the old disused Bluff Point school on the North-West Coastal Highway at Geraldton in regard to the dangerous fire hazard created by the dry grass bush on the area, and the number of snakes, rats, and other vermin living in this undergrowth?

(2) The work could be completed quickly by the town council or the

town fire brigade, so will he take action to have this area cleared and burnt off at once?

Mr. LEWIS replied:

(1) and (2) When my office received notice of this question, inquiries were made at the Public Works Department, which attends to these matters, and telephoned instructions have been sent to Geraldton to have this matter attended to immediately.

2. "S.S. DORRIGO"

Disposal

Mr. RIDGE asked the Minister for Transport:

(1) For what reason was the State ship *S.S. Dorrigo* disposed of?

(2) What was the amount of the annual loss being incurred by this vessel?

(3) What would have been the estimated cost of having modifications effected in order to prolong the useful life of the ship?

(4) For what price was the ship sold?

(5) Is it considered that the sale of the ship will adversely affect the turn around time of other vessels operating on the northern coastline?

Mr. O'CONNOR replied:

(1) The vessel being 23 years old was nearing the end of her economic life and additionally was due for a special survey in 1970 which would have included an estimated expenditure outgoing of $200,000.

(2) Working loss—$152,500. Inclusive of depreciation and interest, the loss is $248,000.

(3) Answered by (1).

(4) $92,500 United States, which is equal to $82,744 Australian.

(5) No. The round-Australia voyages of the *M.V. Koolama* have been discontinued and this vessel will now be confined to continuity of operation in the north-west trade.

3. LEGISLATIVE PROGRAMME

Bills to be Presented

Mr. TONKIN asked the Premier:

Is he able to give an estimate of the number of Bills, of which notice has not yet been given, which are to be presented to this House before the end of the session?

Sir DAVID BRAND replied:

There are very few Bills to come forward, but I have asked the Minister for Justice to let me know what the true position is.

4. SWAN RIVER

Reclamation at Alfred Cove

Mr. GRAHAM asked the Minister for Works:

Having regard to the announcement made today of the Government's intention to shelve the motion for the reclamation of the Swan River in the vicinity of Alfred Cove, does the Minister consider that he owes this House an explanation, at the very least, in view of his words appearing on page 1552 of the current *Parliamentary Debates*—

> In conclusion I advise that the Swan River Conservation Board and the Melville City Council approve and recommend this project . . .?

Mr. ROSS HUTCHINSON replied:

I am not at all sure that I do owe the House an explanation. I do not think I owe it an apology, because during the course of the debate on the motion, on several occasions members queried whether or not support was given by local government. I was asked about this, and even the Leader of the Opposition asked, "Is this verbal or written?"

At the time I said, "I cannot say at the moment whether it was written," but it was certainly made verbally, and I expected to have a reaffirmation of this verbal understanding that was given to me on a number of occasions, after last night's meeting.

In the course of the debate I did say—and my words may be found in *Hansard* shortly after an interjection by the Leader of the Opposition—that I wanted to make things quite clear; that if support was not forthcoming from local government whence virtually this proposition came—I submit I said that in my speech when moving the motion—the Government had no desire whatsoever to proceed with either motion. In this particular context I concluded by saying, "I want to make this quite clear."

During the course of the debate thoughts were expressed that this was not so, and I made it quite clear that the Government would not proceed if the support were not forthcoming. It is true that I said that these projects were supported. I am in a situation now to be able to say that I have written support for the Preston Point proposition.

Mr. Graham: My question related to the other one.

Mr. ROSS HUTCHINSON: Yes; I am merely following along the lines of the other one since the Deputy Leader of the Opposition asked the question, but in regard to the Alfred Cove proposition my advice was verbal and it was not supported at the meeting held last night. I understand quite a number of members supported it but some, presumably because of communications trouble, said that they did not know anything about it. The situation is that the explanation I have given sums up the position.

At a meeting yesterday of the combined parties, this very matter was discussed and at the meeting it was resolved to await the result of the meeting of the council, and, depending on the findings of that council meeting, we would take the proper action.

Mr. Graham: Then both the Government's motions were premature.

Mr. ROSS HUTCHINSON: I do not think I could agree that these motions were premature. Certainly the Preston Point one was not. It might be said by some that the other motion was premature. I know that my remarks are becoming rather lengthy, Mr. Speaker, but may I say that early this year, when on site at Point Waylen and in company with the Chairman of the Swan River Conservation Board and the engineer of the Harbours and Rivers Department (Mr. Gillespie), I produced plans there and spoke to the Mayor of the City of Melville, to the clerk of the council, to another councillor, and some other officers. These plans displayed the island treatment proposal and I was asked by the mayor to proceed with this proposition before the Preston Point reclamation.

So it might be considered by some that this is not premature.

Mr. Tonkin: If it is not premature, then it is abortive.

Mr. ROSS HUTCHINSON: Let me go a step further.

Mr. Tonkin: You can go 10 steps further if you like, but you are getting more entangled.

Mr. ROSS HUTCHINSON: That is the view of the Leader of the Opposition.

Mr. Tonkin: Many statements have been made by you which cannot be substantiated.

The SPEAKER: Order! The Deputy Leader of the Opposition has asked a question, and the Minister has gone beyond the normal indulgence of the House in replying to it. If other members wish to ask further questions they should do so in the proper way.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 23rd October.

MR. MOIR (Boulder-Dundas) [4.51 p.m.]: This is only a small measure. It contains two different amendments to the Licensing Act. The first is to provide for the beverage known as honey mead to be brought within the ambit of the Australian wine license. This license permits the sale of wines made from Australian fruits in premises licensed for this purpose; and, as the Minister pointed out in his introductory remarks, there is no mention of the beverage, honey mead, in this license.

It is only in comparatively recent times that this beverage has appeared on the market in Western Australia. It is true that it is quite readily obtainable from other licensed premises, but its sale in Australian wine license premises is prohibited.

The honey mead that is on sale in the State is not a true honey mead. As the name denotes, in very ancient times the mead was made entirely from honey, However, as time progressed and as experimentation took place, certain herbs were added. From my reading on this matter I find that it was quite a common beverage way back in the Anglo-Saxon times.

Mr. Ross Hutchinson: You have not got the recipe for it!

Mr. MOIR: I have it at home, but I did not bring it along with me. If I had it here I could read it out, and have it recorded in *Hansard*. Members of the public would then be able to use the recipe!

Mr. T. D. Evans: It is a pity you do not have it here.

Mr. MOIR: It is a very simple recipe. The instructions are to take certain parts of honey, a certain quantity of apple juice, if this is the juice that is preferred, a certain quantity of water, and then add yeast to the mixture.

Mr. T. D. Evans: Then allow some time before bottling it.

Mr. MOIR: The honourable member who interjected said one would have to wait some time before one bottled the beverage. That is because while the yeast is working there is a great deal of reaction, and if the beverage ferments prematurely then

there will be a few broken bottles. I have come in contact with some friends of mine who make a form of honey mead. I might say that I found this be a very likeable beverage. It was very low in alcoholic content. I understand that the beverage which is on sale at the present time is also fairly low in alcoholic content. I have partaken of this honey mead, and I found it to be very palatable. As mentioned by the Minister, this beverage is akin to table wine. I understand that honey mead is very popular with people who like to partake of some beverage in place of table wine.

I do not know what is the effect on a person who goes on and on drinking honey mead; but I have had a few glasses of it and I have found it to be quite a pleasant beverage which had no ill effects on me at all. I am informed that it is a popular drink with the ladies, who prefer to mix it with lemonade. I have been told by friends who have made small quantities of honey mead—whether this is within or without the law I do not know; I am not sufficiently conversant with the Licensing Act to know whether it is permitted—that it is permissible to brew this beverage to contain a certain alcoholic content; and as long as the beverage does not contain a greater alcoholic content, is used by themselves, and is not sold, it is within the law.

I understand that books containing recipes for this and other beverages are readily obtainable at the bookshops. As a matter of fact, such books usually contain recipes for other beverages, including those made from fruit and vegetable juices. It is rather interesting to read about all the substances from which alcoholic beverages can be made.

Honey mead can be made to suit different palates. I understand that the greater the quantity of honey that is added, the sweeter becomes the beverage; and that if less honey is added and the yeast is allowed to work itself out, a fairly dry type of beverage is obtained.

Some people make honey mead by adding apple juice. We know that it can be brewed in this manner, and this practice has been adopted for centuries. I believe the brewing of beverages goes back to Anglo-Saxon times, when apple cider was produced. Apple cider was produced in this State at one time, but I do not know whether it is still being produced. I remember a factory was established at Donnybrook to make apple cider, and it operated for many years. What has happened to that factory, I do not know. Whether it ceased operations because cider was not popular with the public, and sales did not reach the anticipated level, I do not know. In Britain apple cider is a popular drink; and it has been popular for hundreds of years.

With the addition of apple juice to honey, a composite beverage which can be accurately described as mead is obtained. When reference is made to honey mead we know from what that beverage is made. I am in favour of the amendment which deals with honey mead, and it is very good to see that someone has been enterprising enough to put this beverage on the market in Western Australia. It seems to meet with the approval of the public, because it sells quite readily. Probably sales will increase as the public become aware that it is a palatable beverage which can be enjoyed by people, without their suffering the ill effects which they sometimes suffer from consuming other alcoholic beverages.

I now pass on to the other amendment in the Bill; that is, the amendment to rectify what I consider to be an anomaly. As this is an anomaly, I think the Minister will agree that it should have been dealt with long ago. It is probable that only in recent times this matter has come before the notice of the Licensing Court—the body which administers the legislation. If somebody wishes to obtain a liquor license in respect of premises which he has purchased or which he proposes to build, he can apply to the Licensing Court for a provisional license. When he applies for a provisional license he has to submit plans to the court to indicate what he intends to do. The court can then approve the plans or request the applicant to comply with certain requirements before it grants a license.

Therefore, everybody knows what is required and where he stands. In some cases the court may say that it is not prepared to grant a license, but the same provisions do not apply to the owner of licensed premises who wishes to change something on his licensed premises to cater for a different type of trade, or to provide better amenities. He is not given the privilege of approaching the court and asking for a provisional license; he cannot place the matter before the court; and it is to rectify this anomaly that I understand the Bill has been introduced. Therefore, I think it is a necessary provision.

We all know that these days the requirements of the public are changing. I am pleased to say that in Kalgoorlie recently one of the leading hotels carried out some quite extensive alterations and installed what is called a steak bar. This is something completely new to Kalgoorlie and it is being well patronised by the public. I think the time is long overdue for facilities in hotels to be altered to meet the requirements of different types of people.

There will always be those who want only a long bar where they can be served beer. They stand up and have their drink at the bar. There are others who like to

sit down in a comfortable lounge and relax in pleasant surroundings while they are having a drink. There are those who wish to have drinks other than beer and they like to have mixed company. They, too, want to sit down in decent comfortable chairs in a nice lounge and mix socially with their friends.

Many of the hotels these days are improving the facilities for their patrons. Today we have drive-in bottle departments where one can drive in in a motor vehicle and pick up whatever bottles one requires. That is a considerable convenience to the public and at one time it would have been unheard of, and to have suggested such a proposal would have been considered extraordinary.

However, I predict that as time goes on many more alterations to licensed premises will be made and we will see further facilities provided at the new hotels. This will be all to the good but, apparently, there has been an impediment in the Act which has prevented a proper approach to the court for certain types of people. This Bill proposes to remove that anomaly and I agree with it. I have much pleasure in supporting both the amendments in the measure.

MR. DAVIES (Victoria Park) [5.3 p.m.]: I believe that if we wish to be consistent we cannot possibly agree to this Bill. The Government has set up a committee to inquire into all aspects of our liquor laws and therefore, in my view, the Government is showing a great deal of temerity in bringing before this House amendments to the Licensing Act when the committee has not yet brought down its recommendations.

Although only two changes are proposed in this Bill, the position is that they may be amendments that the committee of inquiry does not approve of. In that case we may be in the position where we will have to veto the proposals in this measure. I agree with the member for Boulder-Dundas that there does not appear to be any great harm in agreeing to the proposal for the selling of honey mead which, apparently, is on all fours with a table wine. The amendments in the Bill will change the channels for releasing this beverage to the public. As I have just said, that proposal does not appear to be objectionable but the committee to which I referred may have other views.

However, that is not the important aspect, or the one with which I am particularly concerned. The second proposal in the Bill is to amend the basic conception of a license, and, as far as I understand the position, this provision has been in the Act since it was first introduced. It appears that the Bill will extend to persons who already hold licenses of various kinds the right to apply, while still the holders of such licenses, for an additional license.

In my view we have to be consistent. With a great deal of righteous indignation the Minister for Works said the other night in this House that he could not agree to the appointment of a Select Committee because a committee of the Swan River Conservation Board had already carried out work in regard to the proposal for certain reclamation of the river. The Minister went on to say that it was not up to this Parliament to alter what that committee had suggested. Yet in this instance that same Government has appointed a committee with wide powers to inquire into every aspect of licensing, and before the committee is half way through its inquiries the Government has brought down legislation to make at least one basic alteration to the Act; namely, in relation to the method by which a provisional and general license can be issued.

As the present provision has been in the Act for so many years, why is it suddenly necessary to bring in an amendment at this time? On a number of occasions when the Government has sought amendments to various Acts only at a later date have I been able to find out or isolate the specific purpose for which the amendments were made.

Mr. Rushton: What are these cases?

Mr. DAVIES: Be quiet!

Mr. Rushton: What are these cases?

Mr. DAVIES: I wonder what specific reason there is for introducing this amendment at this time. The Minister took less than five minutes to introduce the Bill; he gave some very sketchy background as the reason for its introduction and, as a matter of fact, no solid reason has been given to show why this Bill has been introduced. For the life of me I cannot find out the real reason behind it, but I cannot help feeling that some particular application has been made, or there has been a particular instance where some person or other has been hamstrung because of the present conditions in the Act.

Mr. Rushton: Why imply things which cannot be supported?

Mr. DAVIES: I am making this speech. The honourable member can get up and speak at a later stage if he wishes to do so. At the moment he is talking like a budgerigar and I cannot hear him.

Mr. Graham: You are not missing anything.

Mr. DAVIES: If the Minister can tell me the reason behind the introduction of the Bill I will probably accept it. A similar point was raised in regard to the Chiropractors Act and I noticed it at the time. However, there was a good purpose behind

the introduction of that legislation and you, Sir, referred to the matter when you spoke to that Bill. You explained the position fully and I applauded you for doing that. You told the House why the Bill had been introduced and you deserved the approbation of the House for doing what you did. I gather that in this instance there is a reason behind the introduction of the Bill and, if it is a good reason, I would be prepared to agree to the proposal.

However, to do what is being done at this time, in a matter of this nature, can only be regarded as a slap in the face for the committee which is inquiring into all aspects of licensing, and which is still operating. The members of that committee must surely feel alarmed about the fact that while they are considering the overall position of licensing the Government has taken it upon itself not to seek the committee's recommendations, or to await the findings of the committee, but to bring down certain amendments to the Licensing Act which may or may not be proper.

It has just occurred to me that I referred to a similar position and mentioned the Chiropractors Act. Actually the reference should have been to the Chiropodists Act, but I am sure you would be aware of the Act to which I was referring, Mr. Speaker, and I would like to make that correction.

In my view we must be consistent. On the one hand we cannot have the Minister getting up and, with a show of righteous indignation, saying that we as a Parliament cannot do something because a certain committee—to wit, that connected with the Swan River Conservation Board—has inquired into the matter; and then, on the other hand, agree to a proposal such as the one put forward in this instance when a committee is still inquiring into all aspects of the overall position. The committee inquiring into licensing will probably recommend extensive alterations to the Act and, no doubt, it will require a complete overhaul. As a matter of fact, I applaud the Government for setting up the committee. We have had committees inquiring into this matter before and, no doubt, we will have other committees doing the same thing in the future. However, this committee is doing a very necessary job.

In this instance the Government has acted with a great deal of temerity in bringing down this Bill at this time. As I said, I believe it has been introduced for a particular purpose because no evidence has been put forward to show that any hardship has been caused, or why there is a pressing need to alter the existing conditions.

I believe the member for Boulder-Dundas was absolutely correct when he referred to the need to review our drinking laws and to alter the existing licensing conditions. But many of the matters which he mentioned can already be attended to within the ambit of the Act as it exists at the moment, and I do not think the amendments proposed in this Bill will alter the position in any way—certainly not in regard to the type of alterations he mentioned. Therefore, unless I can be convinced that there is a pressing need for this reform I could not agree to being a party to a backhander, or what I consider to be an insult to the committee of inquiry whilst it is still working.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.12 p.m.]: I wish to thank the member for Boulder-Dundas for his support of both amendments in the Bill. Also, I thank the member for Victoria Park for his contribution to the debate. I agree with the member for Boulder-Dundas that both the amendments in the Bill are important. The one dealing with honey mead and permitting the holders of Australian wine licenses to sell honey mead, which is a local product, is a logical step to take and one that should be taken as soon as possible.

Let me add, before I leave that subject, that if at any time the member for Boulder-Dundas decides to brew honey mead from the recipe he holds, I would like to have a cup with him.

Mr. Davies: It might be your last one.

Mr. ROSS HUTCHINSON: I think it would probably be quite a brew.

As regards the second proposition, which involves the position where the holder of a license is not able to get a provisional license to allow him to change his license, let me say that it appears to me to be a pressing amendment. In my second reading speech I set out a simple statement of fact that people with unlicensed premises can secure a provisional license, and this ensures that the expenditure to which they are put to provide these very expensive facilities is not wasted. However, the holder of some form of license who, maybe, wants to change to a publican's general license is not permitted to obtain a provisional license.

To me, Sir, that is a striking anomaly in the Act and if one wants a reason for an amendment, what better reason could one have than that? Frankly, I cannot think of a better proposition and to say that the Government has temerity in introducing the amendment, or is insulting the committee it has set up to inquire into the Licensing Act, to my mind does not make a great deal of sense. I think it is being querulous about something where there is no need for it at all. If amendments of importance like this—on which decisions can be made—are

soundly based, then, perforce, the Government can surely go ahead with some degree of surety that they will be accepted by the House. I think both fall into this category and I commend the Bill to members.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: section 61 amended—

Mr. DAVIES: The Minister, when replying, did not give the slightest indication of any pressing need, or of any pressure which had been brought to bear on the Government, to bring about this amendment. The Minister says he thinks it is desirable because the holder of a license may, at some time, decide that he wants to get another license of a different nature, or change his license.

This is one reason against which the committee inquiring into licensing laws may strongly recommend. It could recommend that no person hold more than one license. We know that chemists, for instance, are allowed to have only two chemist shops. This principle may be carried over by the committee of inquiry to hotels. I do not say that the committee will recommend that only one hotel may be owned by a person, because the Swan Brewery owns about half of them now. However, the committee could recommend that a person hold a license for one hotel only, and not for a hotel and some other kind of licensed premises.

There are grounds for suggesting that no action should be taken until the committee of inquiry has brought down its recommendations. The present provision has been in operation ever since the Act was introduced, so why is it so urgent for the amendment to be approved at this time?

Various people have been interested in more than one license in more than one locality and there has been no difficulty up until now. The Minister has given no evidence as to why the amendment is required. I suggest that unless the Minister can give an instance of a pressing need to change the existing provision then we should not deal with this matter until the autumn session.

Mr. ROSS HUTCHINSON: I do not think the honourable member has made out a case at all. I have given an explanation which has general application. To me the member for Victoria Park appears to be seeking a particular instance, but as I have said, this has general application so that any person who is the holder of a license can obtain a provisional license.

It is better to have a law that is based on a general principle, such as I have mentioned, than a law based on a particular instance, although at times this House does go into operation and through its manoeuvres for a special case.

However, it is inestimably better to clear up a faulty piece of legislation—and this is a faulty piece of legislation. It is not actually necessary for the committee, which has been appointed, to look at this aspect at all. This stands out as being ripe for amendment.

Mr. DAVIES: I can only say, finally, that we still have not had an instance quoted. In the absence of any case I oppose the clause.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works) and passed.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse — Minister for Lands) [5.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes some further amendments to the Mines Regulation Act, which was amended last year, as experience has shown that some additional modification is necessary for its proper implementation.

The three main items covered by this Bill have to do with second class mine managers' certificates of competency, the hours of work permitted underground, and the regulations. Several interpretations which appear in the Act require tidying up and important among these is the interpretation of "quarry." Members will note that opportunity is taken, with the introduction of this measure, to correct some small errors and omissions which are evident in the Act.

The need for the initial amendment in the Bill is obvious because we refer to shift bosses not staff bosses. It is necessary to widen the interpretation of "inspector" because both the State Mining Engineer and the Assistant State Mining Engineer are, in fact, executive inspectors of mines. A specific reference to the Senior Inspector of Mines is also necessary.

With respect to the interpretation of machinery," it was intended to exclude some handtools but the word "hand" was omitted and this oversight is now being

corrected The next amendment to insert the word "cart" in lieu of the word "cut" will rectify a printing error.

The reasons for the next amendment may not be expressed so briefly. It hinges on the interpretation of a "quarry" introduced into the Act last year and this interpretation brought the operators of all clay and sand pits under the provisions of the Mines Regulation Act. The parent Act has always regulated the operations of hard rock and other quarries where explosives are used but the enlargement of this interpretation last year caused some concern to members of the Extractive Industries Branch of the Chamber of Manufactures. Members of the chamber felt that many of the quarry operations, which resultingly came under the provisions of the Act regulating mining operations, extended, in fact, into the manufacture of bricks, tiles, and earthenware products.

However, there was no intention when amending the Act last year of classifying those occupations as "mine treatment" or subjecting them to the provisions of the Mines Regulation Act. The intention at the time was to provide for the safety and health of men working in a pit or subsequent crushing and screening operation. It is, of course, essential that a line of demarcation be made between mining and manufacture. An appropriate amendment in the Bill clarifies this aspect of the definition and, further, because it has been claimed that the interpretation of "quarry" should be specific in itself and not subjected to further classification in writing by the Senior Inspector of Mines, it is proposed to remove these latter words.

It is apparent that should the Senior Inspector of Mines be required to declare in writing in relation to all works which excavate mineral or rock for commercial purposes, or for use in industry, his clerical work, as related to his professional duties, would increase inordinately. The requirement now contained in the Act appears to be quite unnecessary with the clarification of the interpretation of "quarry" as now proposed.

Another interpretation amendment rectifies an error of omission in the interpretation of "underground." The reason for the insertion of the words "from the surface" after the word "sunk" in this context, is to ensure that winzes over six feet deep sunk from the surface are included.

Reverting to representations made by the Extractive Industries Branch of the Chamber of Manufacturers in deputation, several other points were put to the Minister for Mines in discussion, and were found on investigation to be reasonable.

The academic requirements of managers of quarries have been investigated. From these investigations, it has become apparent that in quarries for clay or sand, where the operations consist mainly of digging, loading, and carting, the man in charge need only be an experienced practical man. On the other hand, in quarries where explosives are used the man in charge should be more highly qualified. These hard rock quarries normally involve complex blasting techniques, crushing, screening, and dust control, and obviously, the person in charge should be technically trained.

In the managerial context, the size of the quarry must also be taken into account. In this respect, both mine and quarry have always been classified according to the number of men employed in their operations. This method of classification has created a problem, which is evident, particularly in respect of clay and sand pits, where customers frequently enter with their trucks for loading. Quite obviously, such persons are not normal quarry workers.

The amendments proposed in this Bill provide, therefore, that in determining managerial requirements, the matter of whether or not explosives are used and the number of men employed by the "owner" are both to be taken into account. Members will find the relative amendments in clause 3 of the Bill.

The necessity or otherwise for second-class mine managers' certificates of competency has been investigated and discussed with mine management, the Mining Division of the A.W.U., the Gold and Nickel Mines Underground Supervisors Association, the Acting Director of the W.A. School of Mines, and finally, the Crown Law Department.

The scope of this inquiry became necessary because of the shortage of men holding second-class certificates, which are required to be held by foremen and underground managers of mines employing less than 25 men underground. It may surprise members to know that since those certificates were introduced in 1962, only six have been issued. This number is only a fraction of the certificates necessary under the present requirements of the Act and, as a consequence, the statutory requirements can be neither observed nor enforced. It has now been agreed by all concerned that the concept of this certificate and the attempted application of it has failed.

I might, at this juncture, add that the situation became further complicated when The Western Australian Institute of Technology took over the administration of the W.A. School of Mines and, as a result, subjects for the course became no longer available, and the standard of entry to the school was raised, thus making it virtually impossible for the practical mining man to enrol.

In view of the circumstances now explained, it is proposed to delete the statutory requirement for these certificates; and, indeed, experience has shown that good practical men holding underground supervisors' certificates are capable of carrying out the duties presently prescribed for holders of second-class certificates.

Another matter, which has been the subject of criticism by mining companies, generally, is the requirement under the Act that all accidents occurring on mines must be reported to "the Secretary of the Mining Branch of the body known as the Australian Workers' Union, Westralian Branch, Industrial Union of Workers, at Boulder." This requirement was considered to be reasonably satisfactory in its purpose when mining in Western Australia centred mainly in the eastern goldfields region. Now, however, with mining operations extending through the length and breadth of the State, there is considered to be no justification for insisting that all accidents be notified to the A.W.U. at Boulder; and I think members will readily agree that that is so.

These days members of many unions are employed in the mining industry and it is the prerogative of each union to represent its own particular members. Consequently, the secretary or local representative of the union whose member is involved in a particular accident should be advised, in addition to the report being made to the Inspector of Mines, and the Bill provides accordingly.

In further elaboration, I would add that the Act already provides that a representative of an industrial union of workers representing the worker concerned, shall be entitled to investigate accidents and appear at inquiries. It is apparent that he can hardly be in a position to do this if he is not advised of the accident. In order, then, to ensure that the relevant union is advised so that an on-the-spot investigation can be made, with a view to avoiding unnecessary delays and to make the relative provisions in the Act consistent with each other, the section dealing with the reporting of accidents is being amended.

The next amendment with which I shall deal concerns the maximum number of hours which a person may be employed underground. An amendment passed last year was directed at bringing these hours of work into conformity with the relevant industrial award. However, legal advice has now disclosed that a loophole in this section exists which could permit overtime to be worked underground.

It has transpired that men have been working underground for long hours in excess of the seven and a half hours because the relevant award referred to in the Act provides that a person may work or be compelled to work overtime. It was not intended that overtime should be worked underground on a normal working day, but provision was made for overtime to be worked by a person by way of working a sixth shift in a week, providing the worker gave his express consent to work the additional shift. It is now proposed to close this loophole by amending the Act to specifically restrict the hours in any day to seven and a half. Also, with a view to ensuring that this provision is enforced and observed, an amendment is proposed to place the onus of any breach on both the employer and the employee concerned.

Members will note that this requirement will, of necessity, not apply in case of a serious breakdown of the plant, machinery, or mine workings, or when any other event occurs which causes a hazard or danger to the health or safety of the personnel employed in or about a mine.

I turn now to clause 6 which deals with the regulations. It is well recognised throughout the mining industry that a revision of regulations made under the Mines Regulation Act is overdue. Furthermore, the need for this revision has been accentuated by the upsurge in mining activity which has been going on now for some time past. Draft regulations covering all classes of mining operations have been prepared and these are currently under review by the Chamber of Mines of W.A. and the Mining Division of the A.W.U.

Advice has been received from the Crown Law Department, however, that many of the regulations which have been in force for a considerable period of time and which have always been accepted by both mine management and the A.W.U. are not, in fact, lawful for the reason that they give discretionary powers to the Minister for Mines, the State Mining Engineer, and inspectors of mines, whereas no such discretionary powers are authorised by the parent Act.

Cases in point are: regulation 73 requires that additional rises, winzes, chambers, drives, or other workings shall be constructed if required by the Minister to ensure the safety or good health of the workmen employed.

Regulation 64 states that rises of more than 30 feet in height shall not be made in any mine unless the sanction of the district inspector of mines has been first obtained and that such sanction shall be in writing and may impose conditions under which the work shall be carried out and may at any time be cancelled or altered by the district inspector at his discretion.

These are but two of many examples of regulations made under the Act which are now said to be unlawful because they allow a certain amount of discretion. In effect, then, the advice that has been received is that the Governor's authority for making regulations under the Act does not extend to the granting of any discretionary

power to the Minister for Mines, the State Mining Engineer, or inspectors of mines, in the making of these regulations.

Appropriate amendments in the Bill are directed at rectifying this omission and providing the flexibility necessary to control the varying and changing conditions experienced in the mining industry throughout the State.

While it is not possible to draw up regulations which would cover every circumstance and eventuality which may occur in a mine, some discretionary power must be given the inspector who is on the job. He must have authority to enlarge upon regulations and impose specific conditions to meet particular cases. Additionally, it is proposed that regulations may be made to provide for certain matters to conform with progressively changing standard code specifications or accepted standards in relation to health, safety, machinery, radioactivity, structures, and so forth.

The regulations need to vary according to the mineral mined, the method of mining, and the geographical locality. For instance, special regulations would need to be made where a particular mineral such as uranium was being mined, and such regulations could not be applied to mining for all other minerals. Again, regulations made for underground mining methods would not properly apply to quarrying or dredging.

The geographical location can affect the application of regulations, for an inspector must have power to prohibit electric firing in quarry blasting if, in his opinion, a danger exists in that particular locality because of the likelihood of electrical storms.

I have endeavoured to outline some of the reasons in support of the amendment now proposed to widen the scope of regulation-making in order that it might cover all classes of mining operations being carried out under the varying circumstances encountered throughout the countryside. I think the amendments are reasonable and are in the interests of both the mines management and the work force. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Moir.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.40 p.m.]: I move—

> That the Bill be now read a second time.

Before I outline the details of the Bill I would like to inform the House of the reason for its introduction. The Australian Wheat Growers' Federation, which has representatives from all States, met recently to discuss the matter of reducing the price of wheat for stock feed. It reached a decision in favour of that suggestion and communicated its decision to the Minister for Primary Industry. The Minister then contacted the State Ministers and requested that they reach agreement and communicate the agreement to him.

Several Eastern States Ministers felt that a special meeting of the Agricultural Council should be called to discuss the matter. This meeting was held several weeks ago in Sydney and agreement was reached between the States with the exception of Victoria, which requested an opportunity to take the matter up with its local organisations. However, it was not long before that State agreed. This legislation is a result of the agreement reached between the States.

In more detail, the Bill is designed to implement a decision—which I have just quoted—that the price of wheat for stock feed may be fixed at a price lower than that fixed for wheat used for human consumption.

Under the Fifth Wheat Stabilization Plan, which will operate until the 1972-73 season, the guaranteed price for the 1968-1969 season was fixed at $1.45 per bushel free on board for fair average quality bulk wheat. The guaranteed price applies to a maximum of 200,000,000 bushels of exports; it is adjusted in each year of the plan according to movements in cash costs. The adjustment in the guaranteed price is calculated by index methods, and the price for each season is normally announced at the end of November each year.

The home consumption price for 1968-69 was set at $1.71 per bushel for fair average quality bulk wheat free on rail at ports. This price is to be adjusted annually by the same amounts as the guaranteed price. Thus, up to the present time there has been only one home price for wheat irrespective of the intended use of the wheat.

With the slowing-down in wheat exports and the build-up of stocks, plus the prospects of a good harvest in the Eastern States, doubts arose as to the adequacy of storage facilities in the Eastern States. Subsequently, the Minister for Primary Industry authorised the Wheat Board to finance storage to a maximum of $10,000,000—equivalent to 60,000,000 bushels storage—in those States that required it. At this time the Minister for Primary Industry indicated that all above-quota wheat should be in storage by the middle of next year.

Nevertheless, it was recognised by the industry that in view of the general surplus situation, and the possibility that this could continue for some time, the price for feed wheat should be reviewed. By that I mean feed wheat for the purposes

of stock feed. The Australian Wheat Growers' Federation considered that feed wheat at $1.71 per bushel was not at a competitive level, and requested that the domestic price of wheat sold for other than human consumption be reduced from $1.71 per bushel to a level not below the price corresponding to the guaranteed free on board price of $1.45. The guaranteed price of $1.45 per bushel free on board would correspond with a price of $1.413 free on rail at ports.

The Australian Wheat Board was aware of the likelihood of across-border sales in overquota wheat. The reduction in the home consumption price of wheat for uses other than for human consumption was considered a step towards preventing across-border sales which could present a threat to the orderly marketing of wheat within Australia. In this context I refer to the Eastern States, because there is not much likelihood, of course, of across-the-border sales from Western Australia to South Australia for example.

The amendment proposed in this Bill contains provisions that allow the minimum price of feed wheat to be varied to allow for quality differences.

Where the board sells wheat intended for the manufacture of products for human consumption, and the process results in by-products which are not used for human consumption, then the board may grant a rebate to the purchaser with respect to that amount of wheat equal in weight to the weight of products other than for human consumption. Thus, a flour miller effectively will pay $1.71 per bushel for that proportion of wheat which is converted to flour, and $1.413 per bushel for that proportion of wheat which is converted to feed or industrial products. I think most members will know that in the main the by-products in this situation will be bran and pollard.

I would now like to give some figures. It may be a little difficult for members to appreciate these figures as they are read out, but when they are printed I think the information will be of value to the House. The following figures indicate the situation that has arisen as a result of recent large harvests and the slowing down of sales:—

Year	Production (m. bus.)	Local Consumption (a) (m. bus.)	Exports (b) (m. bus.)	Stocks (c) (m. bus.)
1965–66	200	92	208	16
1966–67	467	89	256	80
1967–68	277	100	256	52
1968–69	538	100 (est.)	196	260 (est.)
1969–70	435 (est.)	...	200 (est.)	...

The figures referred to in (a), for local consumption, are for all uses for the year ended the 30th November of the second year referred to, while those mentioned in (b) in connection with exports include the grain equivalent of plain white flour from which bran and pollard have been removed. The figures quoted in (c) in relation to stocks are those at the 30th November of the second year referred to in the table.

On the assumption that the estimated figures for the Australian wheat yield this season, and the amount estimated for export sales, prove accurate, there is likely to be something in excess of 400,000,000 bushels of unsold wheat in storage when the 1970-71 crop is ready for harvest.

If agreed, this two-price system will enable the exercise of control over both prices and movement of wheat used for stock feed purposes and thus maintain order in the industry.

This is a departure from the system that has operated over the years since the wheat stabilisation plan has been in existence, but I think it is fair to say that the industry has looked at the situation as it exists at the moment and has decided to experiment—if I may use that word in this context—to see whether or not there may be an increase in the consumption of wheat in the future for stock feed purposes in Australia.

I am not prepared to predict what effect this is likely to have on the position as it obtains in this State, though I should imagine there would be an increase in the breeding of pigs in the State. Because of this prediction I have already made provision for advice to be readily available to those farmers who might move into this industry, perhaps for the first time. I have ensured that officers of the department will be available on request to give advice and assistance on every section of pig husbandry and production.

This is designed, of course, to make sure that those who do move into the industry will have information available which will help them develop the industry and assist in the production of a product that is acceptable and which will find a ready market. I hope to have this information and if I do receive it I will supply it to the House before the close of the first sittings in order to show that there is a developing market for pigmeats overseas, and, although we have already taken advantage of such market, we hope we will continue to have at least some share of it. I am sure it is the earnest desire of us all, if the product is of good quality, for it to find a continuing market in Western Australia.

I make this point because most members will recall—especially those representing country electorates—that in the past people have decided to rush into the production of pigs without taking the necessary precautions to ensure that they knew how to produce the type of animal required, only to find that in 18 months there was not as much in this production

as they had thought, and, as a result, they produced a second-rate animal which they put on the market and which resulted in a drop in price and a consequent slump in the market.

This occurred on a number of occasions and we hope the position will not be repeated on this occasion. There may be a move to rush in and produce more poultry, but here again I issue a warning to those wishing to move into the industry that it is advisable to make sure of the economics of any venture before rushing into it.

I will not predict at this moment what influence there might be on the cost of food stuffs, but in the event of there being any influence I am sure the egg board will have a look at the situation quickly and carefully and it is possible—I emphasise the word possible—that we might expect a drop in the price of eggs to the consumer.

Here again I am not in a position to assess the possibility of this happening, but there is every chance that it could. I do issue a warning, however, to those who may desire to move into these industries as a result of this legislation. I urge them to look at the matter carefully and to be certain that the move they are making is a sound one. If they do move into the industry I hope they will obtain all the information that is available to them so that they might produce a quality product which is so important in this type of production.

Debate adjourned, on motion by Mr. Sewell.

EDUCATION ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Second Reading

MR. NALDER (Katanning — Minister for Agriculture) [6 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains 17 clauses which are designed to provide for further amendments to the Local Government Act as the result of representations to the Minister for Local Government.

Clauses 1 to 3 are formal clauses necessary to amend the title and the arrangement of the Act, and to provide for the date of operation to be fixed for proclamation.

Clause 4 deals with wards and municipalities. The only provision in the Local Government Act for the creation of wards in municipalities is contained in section 12 (1) (g) and in section 12 (2) (b), (g), and (h). The former section provides for the division of a district into wards and the fixing of the boundaries of the wards, and requires a petition from at least one-third of the persons whose names appear on the municipal roll of the municipality of the district. The second provision requires a petition bearing the common seal of the municipality directly affected by the order. It would seem desirable that there should be provision for the Governor to initiate action to prescribe wards within a municipal district, and recent instances have occurred where the absence of this power has been detrimental to the efficient operation of local government.

In the case of the abolition of the Town of Boulder and the inclusion of the area within the district of the Shire of Kalgoorlie, it would have been preferable if wards could have been defined at the outset to enable the representation to be from the existing town and shire districts respectively and to enable the creation of wards in which pastoral and mining interests could be represented.

Difficulty has also been experienced in determining wards and representations in the proposed new district of the Shire of Swan which will result from the amalgamation of the district of the Town of Midland and the district of the Shire of Swan-Guildford. It would be preferable if the Governor could determine the number of wards and the representation without having to have a petition from the council concerned.

There are other instances, particularly in the metropolitan area, where development and variation in population densities have created a considerable imbalance between wards as at present constituted in respect of representations. Councils, however, are reluctant to take any action to remedy this situation. The amendment is therefore to enable the Governor, without petition, to alter and determine the wards within a municipal district.

The usual procedure when determining wards and representations is to endeavour to obtain some degree of parity, taking into consideration factors such as population, number of ratepayers, area, mileage of road, revenue, and valuations. The amendment is to section 12, and the clause also provides for a further amendment to section 12 to enable the Governor to exercise such power as is recommended by the boundaries commission when a petition has been referred to it.

Frequently petitions for severance and annexation of territory between municipal districts or the creation of new districts, are referred to the boundaries commission and when this occurs the commission has made a practice of considering alternative proposals. The recommendations of the commission may not be identical with the proposals contained in the petition and this amendment is designed to enable the

Governor to make an appropriate order where the commission, in a report, recommends a course of action which would travel beyond the course of action prayed for in the petition and it is designed to give effect to the commission's recommendations.

Clause 5 is to amend section 111 of the Act relating to absentee voting. The first amendment is to remove the reference to the 12th schedule and to provide that the forms may be prescribed in regulations. The second amendment is contained in paragraph (d) and is designed to make clear the period during which an application for an absent vote can be made. Paragraph (c), like paragraph (a), is designed to substitute a prescribed form for the forms contained in the schedules to the Act.

Clause 6 amends section 112 and requires that, in future, the returning officer will have to post all absent vote certificates unless they are delivered to the applicants at the place of issue. Paragraph (b) of this clause substitutes the words "prescribed form" for the "forms in the 12th Schedule" and paragraph (c) requires that the returning officer must notify applicants for absent voting papers whether an application has been rejected, and the reasons for the rejection.

Clause 7 amends section 113 which relates to authorised witnesses and makes it clear that the witnessing is in respect of absent vote certificates and not the absent votes. The words "vote certificates" are substituted for the word "votes."

Clause 8 amends section 114(e) which at present requires the elector to hand the sealed envelope containing his absent voting papers to the authorised witness for insertion in the outer envelope. The amendment is designed to bring the requirements of the Local Government Act into line with the Electoral Act, which requires that except in the case of an incapacitated elector, the elector retains possession until he forwards the completed postal voting paper to the Chief Electoral Officer.

Clause 9 is designed to amend section 117 of the Act to clarify the requirement that a separate ballot paper must be provided for each vote in municipal elections. Previously there has been a certain amount of confusion amongst returning officers, some of whom have sent one paper only.

Clause 10 is to amend subsection (2) of section 135 which prescribes the payment to officers who act at municipal elections. The provision is designed to make the rate similar to that applicable to elections conducted under the provisions of the Electoral Act, with a minimum of two hours for the payment of officers who are required to work overtime.

Clauses 11 and 12 amend section 179 which at present provides that a council may appoint such number of members being less than half of the total number of members of a council, as an occasional or standing committee. Section 182 (2) provides that the mayor or president is *ex officio* a member and chairman of a committee so appointed. It has generally been understood that the total number of members of a committee shall be less than one half of the total number of the council. However, it was recently discovered that because the mayor or president is not appointed to the committee, the number prescribed in section 179 does not include the mayor or president. This means that contrary to previous belief, a committee can consist of more than half of the members of a council and thus be certain of having its recommendations confirmed by the full council if all members are present.

The Local Government Association, the Country Shire Councils' Association, and the Country Town Councils' Association have all indicated that they favour an amendment to provide that the number of members of a committee including the mayor or president, shall be less than half the total number of members of a council. Clauses 11 and 12 are designed to give effect to this requirement and also to enable a mayor or president, if he so chooses, to not serve on a committee or to be included in an *ex officio* capacity in the numbers.

Clause 13: In recent years there has been a number of drownings in swimming pools appurtenant to private dwellings and these accidents have been followed by many requests for legislation to enable municipal councils to enforce owners to provide some form of protection at swimming pools. This amendment is designed to enable a council to make by-laws relating to swimming pools and also for the Governor to make uniform general by-laws on this subject. The by-laws will be for the purpose of protecting persons who may, with or without the knowledge or consent of the owner or occupier of the premises, enter upon land on which a private swimming pool is constructed.

Clause 14 amends section 374 relating to appeals to the Minister. The amendment proposed is designed to enable the Minister to appoint persons to hear appeals and to report to the Minister. The number of building appeals in recent years has grown and it is now deemed advisable for the Minister to delegate some of the duty in respect of the hearing of appeals.

Clause 15: The present form of the 18th schedule of the Act has not proved satisfactory and it has been suggested that it should be amended to give some information in respect of the property the subject of appeal against valuation and it is considered desirable that such forms should not be included as a

schedule to the Act, but should be prescribed in regulations. This clause is designed to provide for the change.

Clause 16 is designed to amend section 665A to include a similar provision to that contained in the traffic regulations and to add a further paragraph "(c)" as follows:—

> drives a vehicle carrying a load unless the load is so arranged, contained, fastened or covered that the load or any part of it cannot fall or otherwise escape from the vehicle.

This amendment was recommended by the Local Government Association and agreed to by the Minister for Police and Traffic. By being included in the Local Government Act this provision will enable councils in the metropolitan area to police the provisions and thus assist in reducing the litter problem.

Clause 17 is designed to delete the 12th and 18th schedules which will in future be prescribed in regulations.

Debate adjourned, on motion by Mr. Jamieson.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

MUSEUM BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1

Clause 19, page 8, line 1—Insert after the word "may" the passage ", with the consent in writing of the Minister".

No. 2.

Clause 19, page 8, lines 7 and 8—Delete the words "Trustee or committee of Trustees or to any officer or officers of the Museum" and substitute the words "person or committee of persons".

No. 3.

The Schedule, page 24, line 22—Delete the word "Trial" and substitute the words "Known as the Tryal".

Mr. LEWIS: I move—

That amendment No. 1 made by the Council be agreed to.

This merely gives the trustees power to delegate with the authority of the Minister.

Question put and passed; the Council's amendment agreed to.

Mr. LEWIS: I move—

That amendment No. 2 made by the Council be agreed to.

In delegating the authority, the trustees, with the consent of the Minister in writing, will be empowered to delegate to a person or committee of persons. This covers the point in connection with the Fremantle Museum mentioned by the member for Fremantle during the general debate. This amendment would allow trustees to delegate authority to a local committee to manage the Fremantle museum.

Question put and passed; the Council's amendment agreed to.

Mr. LEWIS: I move—

That amendment No. 3 made by the Council be agreed to.

I have ascertained that the only authority for the names of these ships is the Admiralty, and the Admiralty knows this ship as the *Tryal*. It has therefore been deemed advisable to amend the schedule accordingly.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

Sitting suspended from 6.15 to 7.30 p.m.

COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd October.

MR. T. D. EVANS (Kalgoorlie) [7.31 p.m.]: This is a Bill to amend the Companies Act, which was, in 1961, enacted in the form we know it now. Prior to 1961 we had a codified form of company law in Western Australia which was enacted in 1943. It may be of some interest to members to know that some of the provisions of the 1943 Act still apply today, because these provisions have not been incorporated in the 1961 Act. The provisions in question relate to co-operative societies. Generally, though, company law as we know it today was codified by the 1961 Act.

Since 1961 company law throughout Australia has generally been uniform and the uniform scheme has worked particularly well. This was a gigantic step to take; namely, for all States in Australia to pool their experience, compare notes, and come forward with a scheme which would unify company law throughout Australia. Naturally weaknesses have been found in the uniform Act. As a matter of fact, the scheme is not completely

uniform, but generally speaking it is. Since 1961 we have had occasion to amend what is termed the uniform Act.

On this occasion, the Bill before the Chamber seeks parliamentary approval for what might be called provisions to tighten up the legislation by providing sanctions for instances of fraudulent trading and fraudulent practices. The principal Act is quite clear in its provision so far as sanctions are concerned for practices which may be termed outright fraudulent practices where the company concerned deals with another company or with the public. It appears, however, that the Act itself is lacking in certain provisions so far as sanctions are concerned for practices which may go on within the company itself during the active and viable life of the company. If such practices are allowed to continue—and provided Parliament agrees that they are fraudulent—naturally the shareholders of the company and the general public at large are likely to be jeopardised.

Members may think that most of the provisions in the present Bill are included already in the principal Act. I refer members to sections 300 to 305 of the principal Act. However, a closer examination will reveal that the provisions which are directed against fraudulent practices apply only to a company at a time when it is being wound up.

The amending Bill seeks to apply these provisions to companies during a period which might be said to be the viable life of the company but when some form of financial equilibrium is lacking. The company need not necessarily be in a stage of being wound up, but it could certainly be in a stage of experiencing some financial difficulties. The effect is that provisions which were incorporated in the 1961 legislation and which Parliament saw as desirable provisions to apply to a company when it was being wound up are not applicable to a company which is still viable but experiencing some form of financial instability.

The Bill will also add some new provisions in accordance with the advice contained in the recent Royal Commission report delivered by Mr. Justice Burt.

Clause 4 of the Bill sets out the categories of companies to which the provisions I have already mentioned shall apply. The clause states that the legislation will apply to a company—

> (a) which is in course of being wound up;

I mention that this category is already provided for in the principal measure. To continue—

> (b) which is under official management;

This category of company need not necessarily ever be wound up. To continue—

> (c) in respect of which an inspector has been appointed pursuant to Division 3 or Division 4 of Part VI.;

Again, this category of company may never be wound up or determined. To continue—

> (d) in respect of which a receiver or manager has been appointed whether by the Court or pursuant to the powers contained in any instrument; or
>
> (e) which has ceased to carry on business or is unable to pay its debts.

It is of some interest to refer to section 5 of the principal Act, which is the definitions section. The term "company" is defined to mean—

> a company incorporated pursuant to this Act.

I mention that this means the 1961 Act, which is the principal uniform Act. Also, the term "company" is defined—

> or pursuant to any corresponding previous enactment.

In other words, this is referring to the 1943 Act or the enactment prior to that date.

In other words, a company within the terms of the legislation is a company which has been incorporated in Western Australia. The term "company," both in the Act itself and in the amendments proposed in the Bill, refers to a company which has been incorporated in Western Australia.

Consequently the amendments, as desirable as they appear to be, are not to apply to foreign companies. A foreign company, for the information of members, is a company which has been incorporated anywhere else than in Western Australia. Consequently a company incorporated in our neighbouring State of South Australia and carrying on business in Western Australia would, within the meaning of the Companies Act, be a foreign company. Truly we can think of many foreign companies which carry on business in Western Australia. As I have said, as desirable as the present amendments appear to be, they will not apply to foreign companies unless the measure is amended. One consequence will be that a foreign company which is in the course of being wound up will find itself exempt from provisions directed against fraudulent practices and fraudulent trading.

Likewise, a foreign company which is under official management but still carrying on business in Western Australia will be exempt from the provisions. A foreign company in respect of which an inspector has been appointed by ministerial direction will find itself exempt from these

provisions. Similarly, a foreign company which has liabilities but which has ceased to carry on business and/or is unable to pay its debts will not be bound by the new provisions envisaged under this legislation.

Under section 5 of the principal Act we find that the term "corporation" is defined and it is under this definition that reference is made to a foreign company. A corporation is thus defined to mean—

> Any—

I mention that the material word is "any." To continue—

> —body corporate formed or incorporated within or without the State of Western Australia.

Therefore it will include a foreign company and it will include a company incorporated within this State. By definition, a corporation does not include a public authority incorporated within the Commonwealth or an instrumentality or agent of the Crown, and it does not include a corporation sole, which is, for example, an archbishop or some person with perpetual jurisdiction.

Members will note that the new provisions mentioned in clause 4 of the Bill which will impose sanctions against fraud and reckless trading shall apply to companies only and, therefore, they will apply to companies incorporated within Western Australia only. Is this an oversight, or does the Government desire to exempt foreign companies from these provisions? When the Minister replies, I would like to hear his answers to these questions, because I think the consequences are serious indeed.

It has been suggested in another place that the words "and corporation" should be inserted after the word "company" in clause 4 of the Bill. I cannot go along fully with this suggestion because the word "corporation" is all-embracing, with those exceptions which I have read out. A corporation, as defined, would also include a building society, a trade union, and corporations formed under the Associations Incorporation Act. I mention that corporations which are formed under the Associations Incorporation Act are primarily of a charitable nature or are other organisations which the Minister for Justice or the Attorney-General has specifically certified as organisations or associations to which the benefit of this Act shall be extended.

It is a principle that incorporated associations shall practise so that no material financial benefit flows to the individual members. So, willy-nilly, I will not be a party to taking the word "corporations" and inserting it in the provisions of the Companies Act, because I think it would be too much of a dragnet and would apply unreasonably and unjustly to bodies to which the provisions would have no realistic reference.

Nevertheless, I feel it is a serious oversight to exempt foreign companies from the provisions which I consider are so desirable. A foreign company carrying on business in Western Australia is required to be registered under the Companies Act, but it still remains a foreign company, and unless we do something to include a foreign company in the present Bill, it will be exempt from the desirable provisions already contained in the Bill. I can only hope that the Minister will reply to this point in concluding the debate.

Reference has already been made to the expressions "reckless trading," "fraudulent practices," and "fraudulent trading." For clarification, I refer members, if they feel so disposed, to the *All England Law Reports*. These reports have been reprinted and the volumes cover the years 1886-1890. At page 1 of those reports there is a leading case on the subject of fraud and recklessness which is known as Derry and Others v. Peek. Lord Herschel, speaking on this case in the House of Lords in 1889 spoke with a great deal of profound significance and the fact that his views are still respected and held to be the law today shows that he spoke with a great deal of expertise on this subject.

In this case he clearly enunciated these proven tenets of the law on fraud and recklessness as applied to trading. He said that fraud is proved when it is shown that false representation has been made when it has been made knowingly; or, secondly, when it has been made without belief in its truth; and, thirdly, when it is made not caring whether the statement be true or false. In respect of this third principle it was laid down that a person who traded, carried on a business, or practised in such a way that he made representations not caring whether they were true or false was reckless in his dealings with those with whom he traded.

It was said that this third case was only another instance of the second principle; that is, to make representation without belief in its truth and, in all cases, it was held that these practices were clearly practices of fraud. Therefore, to be able to curb the practices of fraud and reckless trading in the present measure, I feel an understanding of these principles is desirable.

I am sure members will realise I am in support of the measure. I commend it to the House, but again I ask the Minister to give a clear explanation of why foreign companies are to be exempt from these provisions which we feel are so desirable. I commend the Bill and support the second reading.

MR. MITCHELL (Stirling) [7.51 p.m.]: I support the Bill and thank the Government for bringing it down. There is no question in my mind that it has been

introduced because of the recommendations made by the Royal Commissioner who inquired into the Wool Exporters Pty. Ltd. scandal—if one might call it that—and if nothing else comes out of that commission at least this Bill will have been presented to us to try to correct the situation which developed and which many people thought could have been controlled by the law as it existed at that time.

However, we found that the Act as it applied then made a person responsible for reckless trading only if the company was in the process of being wound up and the reckless trading took place then.

After reading through the report of the Royal Commissioner, there is no question in my mind that the company referred to was trading in an extremely reckless manner and the Royal Commissioner expresses regret that our laws at that time would not permit any action to be taken. In one part of the report the Royal Commissioner mentions that it was a vicious gamble that was taking place.

I am disappointed to note, however, that the member for Kalgoorlie has mentioned that foreign companies cannot be governed by this law, in view of the fact that my interpretation of the Bill before us is that the company operating in this instance—the Commercial Bank Company of Sydney—would be considered to be a company and therefore under this Bill would be liable to action if it were considered that it had been trading in a reckless manner. I take it that by providing funds to a person to trade in a manner which that person knew would not bring forth success, the company providing the funds would be considered as having traded in a reckless manner.

I bow to the judgment of the member for Kalgoorlie because he has a better knowledge of the Bill than I, and judging by his remarks it would seem that the company, being registered outside the State—

The SPEAKER: Order! The honourable member must keep to the Bill before the House. I do not mind his making reference to the remarks made by the member for Kalgoorlie, but I do not think it is right he should make any reference to a particular bank.

Mr. MITCHELL: Thank you, Mr. Speaker. I was trying to relate my remarks to the Bill before the House, but apparently without success. However, I will continue to say that I feel sure all members of the House would want to see the situation covered whereby companies trading in this State were required to pay due respect to the people with whom they were trading. If the Bill does nothing else it will cover that situation. I notice that the Press considers the Bill to be a laughing matter and that it will have no effect. Nevertheless, despite the fact that it may be determined on the basis of shutting the stable door after the horse has bolted, it will create a situation which will ensure that another horse will not escape and therefore we will have done something constructive.

If I am not permitted to refer to other comments made by the Royal Commissioner in his report which, I feel sure, brought this Bill into being, I will content myself by saying that we are grateful to the Government for introducing the measure and, as I have said, even if the Royal Commissioner's report has done nothing else it may assist in tidying up a situation under the Companies Act in Western Australia.

MR. BERTRAM (Mt. Hawthorn) [7.56 p.m.]: This Bill comes before the House as an obvious result of what happened to Wool Exporters Pty. Ltd. and associated companies, and perhaps, more particularly, what happened to many people who traded with that company which lost an estimated $1,300,000, and the loss was shared by approximately 171 woolgrowers in this State. The Royal Commissioner found that Hewett—

The SPEAKER: Order! I have already said that mention cannot be made of a particular company or of individuals who were the subject of the Royal Commission. The honourable member can refer to the findings of the Royal Commission as it relates to the legislation, but we are not here to debate Wool Exporters Pty. Ltd.

Mr. BERTRAM: Perhaps I could say that the provisions of the Companies Act did not catch up with the activities of the people within Wool Exporters Pty. Ltd. Section 304 (1) of the Companies Act, which is to be repealed by the Bill, reads as follows:—

> If in the course of winding up it appears that any business of the company has been carried on with intent to defraud creditors of the company or creditors of any other person or for any fraudulent purpose, the Court on the application of the liquidator or any creditor or contributory of the company may if it thinks proper so to do declare that any person who was knowingly a party to the carrying on of the business in that manner shall be personally responsible, without any limitation of liability, for all or any of the debts or other liabilities of the company as the Court directs.

In that section members will notice that there must be an intent to defraud the creditors. That is not easy to establish. In the old Companies Act, 1943-57, there was a similar provision to the one I have just quoted. That provision was contained in section 281. In a case reported in C.L.R., 105, at page 451, it was stated that the fact that a company continues to trade and to obtain goods on credit and to incur other liabilities without any reasonable

prospect of being able to pay or to provide payment therefor, will not of itself show that the directors of the company have carried on the business with intent to defraud creditors.

I pause there for a moment, because members may see some comparison between the situation described there and the situation to be found in the Wool Exporters case—"the intent to defraud must be express, or actual and real: nothing constructive, imputed, or implied will do." So, section 304(1) of the Companies Act in its present form did not operate in respect of the Wool Exporters case for the reason that, firstly, the intent to defraud could not be proved; and, secondly, that it only applies if the defrauding occurs in the winding up of a company. But Wool Exporters was not in the course of being wound up.

To get over this situation the intention of the Bill is as I see it—this is a little back to front, because the Bill inserts new sections and subsequently deletes earlier sections—that sections 300 to 305, inclusive, of the principal Act are to be repealed. That is to be found in clause 12. Those sections appear in the part of the Act which deals with the winding up of companies. So sections 300 to 305 inclusive will be deleted, and similar new provisions will be inserted as section 367A and so on. They will therefore come under the general heading of part XII of the Act.

The provisions will be deleted from the winding up section and new provisions will be inserted in the more appropriate part. No longer will these provisions be restricted to companies which are being wound up. As the member for Kalgoorlie said, they will apply to the companies in various situations such as where they are being wound up, where they are under official management, or where there are other similar circumstances.

What I am at a loss to understand is: what is there for members of this House, the woolgrowers, or the general public to be elated about? because, firstly, I question whether this is what was recommended to be done by the Royal Commission and, secondly, there seems to be an unnecessary overanxiousness to deal with people on a criminal basis. Let us assume that the director of a company comes within the scope of the amendments in the Bill; he would be subjected to a fine or a term of imprisonment, and he might be made personally liable.

In such a case let us assume we have stunning success, and that some creditor or creditors obtained a judgment in the Wool Exporters case for the nominal sum of $1,300,000. Where do we go from there? I would like to know how this judgment will help the woolgrowers. I have never learnt what useful purpose there is in taking legal proceedings unless one is confident that after the running of the event and everything that goes with litigation one at least has a fifty-fifty chance of getting the fruits of one's labours, and not of having somebody fined, because this will not help the woolgrowers or the creditors; or of having somebody imprisoned, because that may not be an appropriate penalty. What we should be striving for is to make sure that the people who have suffered the loss—and again I go back to the $1,300,000 which is divided among the 71 woolgrowers—should it be necessary to invoke the sections which are to be inserted into the Act, will be in a position to recover their losses.

Some mention has been made in another place, and even in this House tonight, of the activities of corporations; for example, building societies. Under the appropriate legislation or regulations the officers of building societies must enter into fiduciary bonds, because they handle large sums of money just as tellers in banks do. It would be a bad thing if they got away with the funds of the building societies or with those of the contributors, and there was no bond to insure against the loss.

Strangely enough I am not aware that there is any necessity for the directors of building societies to enter into such bonds. I would think that they would be in a much better position to work mischief with the funds of building societies, than would the officers. I would have thought that what we should be concerning ourselves with at this stage is some sort of requirement under which the directors have to enter into some type of bond or insurance policy so that if they commit some wrong—as occurred in the Wool Exporters case—the creditors would be able to recover their money. This is what we should be concerning ourselves with.

The question of penal action is an archaic sort of approach. What we want is justice, and not a punitive remedy. This is a remedy, but it certainly does not appear to me to be a very good one. Let us have the punitive action and the fines, if they are required; but let us get this into proper focus in terms of making sure that when people suffer losses but have succeeded in litigation, they at least have a reasonable chance of recovering the money. This seems to be purely elementary. We should not have to stand up and urge that type of situation, any more than we should be satisfied with the recurring state of affairs where we legislate after the event. One does not need to have very great intelligence to do that, and anybody can act after the event. We all know that experience is the best teacher.

I understand that a body or committee has been appointed to cut out the dead Statutes from the Statute book. At one

stage I thought that would be a good thing, but in more recent times I came to the conclusion that it is far more important for us to catch up with modern legislation.

In 1966 Victoria placed into its Companies Act the provision which this State is inserting in mid-1969. Why should Western Australia be three years behind Victoria? It is enough that we are behind Victoria. Why should we not be in front of that State?

I would like to see a committee appointed to ensure that enlightened legislation—that is all this Bill is, and it is certainly an improvement on the old provisions which suggest that unless somebody takes action to liquidate a company, it is immune from attack—is introduced. We ought to be doing our best not only in the Companies Act but in other legislation to be ahead of the other States, and not to be trailing behind them. If we are to trail behind and that is inevitable, I do not see why we should have to wait three years to catch up with modern legislation. Very often we have to wait for a longer period than that. It may be that with regard to my earlier remarks somebody may be able to ensure that people will get the fruits of their judgments in situations where the new sections now proposed to be inserted into the Act apply. If somebody can show that this sort of provision already exists it would be magnificent; if no-one can, then I say it is long overdue that something should be done in that direction.

I cannot see how those people who are interested in representing the rural interests can get a great deal of satisfaction out of the proposed new section 374C, because section 374C in the Victorian Companies Act is not the section which was recommended to be placed into our Act; it is a variation of that section. The reasons for the variation were referred to by the Royal Commissioner, but as I understand the position I am not permitted to quote his reasons.

The SPEAKER: I have not objected to the quoting of his recommendations as to the amendment of the law; what I do not want is a discussion on the facts of that particular case.

Mr. BERTRAM: That being so, it is perhaps appropriate in the interests of accuracy that I quote a paragraph from the conclusions of the Royal Commissioner. At page 84 he said—

> If the legislature in this State thinks fit to punish persons responsible for causing companies to trade in what I have described as a reckless manner —and this is essentially a question of policy—then the statutory provision necessary to achieve this end is, with the following reservation, to be found within the Victorian legislation.

It will be noted that the Royal Commissioner makes a reservation. He went on to say—

> The reservation which I would make is to the use of the expression "the contracting of a debt."

If we turn to clause 7 on page 10 of the Bill we will find what he is referring to. The reservation of the Royal Commissioner is—

> The reservation which I would make is to the use of the expression "the contracting of a debt."

As I have said, this is most important for those who grow and sell wool. I quote—

> A contract when made may or may not create a debt. Whether it does so will depend upon its terms, Specifically a contract for the sale and purchase of goods will not, unless it contains an express stipulation to the contrary, create a debt when the contract is made. The debt will not arise until the condition controlling the buyer's obligation to pay the purchase price has been satisfied and again under an open contract that condition is delivery—Section 28 of the Sale of Goods Act, 1895.
>
> The significance of this can be well illustrated by the method of trading adopted by Wool Exporters. The contracts made by it with farmers whereby it agreed to purchase wool when shorn did not when made create any debt. The debt only arose when the wool was delivered and generally speaking it was not payable until 14 days or 21 days after that date.
>
> In those circumstances what in the terms of the legislation is "the contracting of a debt by the company"? Is it the making of the contract or is it the acceptance of the delivery of the wool.
>
> To overcome the difficulty the Victorian section—

That is the one which has been taken from the Victorian Act and included in this Bill as new section 374C. The Royal Commissioner goes on—

> —section (1) above—could be redrafted to read:
>
> (1) If a company to which this section applies carries on business at a time at which having regard to all the circumstances there exists no reasonable or probable grounds of expectation of the company being able to pay the debts then owed by it or to discharge obligations incurred by it in the course of such carrying on of its business then every officer of that company who was knowingly

a party to carrying on of its business by the company is guilty of an offence against this Act.

Penalty: Imprisonment for three months or $500.

From that it seems as though the penalties are alternative, although I thought both applied. However, that is not particularly important.

The Minister's remarks when introducing the Bill were rather brief and, as far as I can recall, he made no comment on why the recommendation of the Royal Commissioner was not followed. I do not know whether he stated expressly that the recommendation was being followed, but I think most members in the House—certainly from the comments I have heard—were under the impression that that was what was happening, and the recommendation was being followed. We would look rather odd, would we not, if at some future time a situation similar to what we have encountered with Wool Exporters was replayed, and if, because, we did not follow out the recommendation submitted by the Royal Commissioner, farmers found that once again they were $1,300,000 out of pocket?

I think we should take real heed of what the Royal Commissioner says in his report. If there is a good reason for not doing what he recommended, then that is excellent and this Bill will be quite adequate. However, unless there is an excellent reason I think we should not be too happy about what we are doing by passing this Bill: because we may, in effect, be doing virtually nothing in respect of the very people for whom we are purporting to be showing great concern and whom we want to protect against future losses of the dimensions which have been sustained in this particular instance.

I think the Minister mentioned in his second reading speech the desirability of uniformity throughout Australia so far as company legislation is concerned. I doubt whether anybody would argue with that proposition but, at the same time, I think he said that Victoria was the only other State which has a provision of the type that we are proposing to incorporate in our Act by the passing of this Bill. Therefore, I think it makes it very important to have more than a little regard for the comments of the member for Kalgoorlie, because if one company happens to be incorporated in Victoria then, subject to the reservations the Royal Commissioner had on this point, we may have some protection and, on the other hand, we may not. However, if a new company is incorporated in one of the other States, and it trades in Western Australia, I do not know whether we would be in a very brilliant position.

Therefore, like the member for Kalgoorlie, I hope the Minister will be able to give us some explanation and an assurance that something will be done in this direction. If there is a ready way out of the law, as it will be when this Bill is passed, what will the promoter of a company do? Obviously, he will incorporate it in another State. It will not cost him any more and he will not be put to any inconvenience. So do not let us kid ourselves that we are achieving anything by the passing of this Bill; because at the moment I am far from convinced about it. At the same time, I suppose it is better than nothing, because there are people in the community, other than woolgrowers, though woolgrowers may be near and dear to me and others, particularly at this stage.

On the face of it, there appears to be a contradiction in this legislation. There is a provision which allows creditors, or other people, or perhaps the Attorney-General, to have directors and the like examined on oath about certain aspects of their company's trading. This is dealt with in clause 2, proposed new section 367A, which provides a protection for directors against anything that may otherwise follow against them when it says that they shall not answer questions which may incriminate them. Paragraph (c) of subsection (5) of proposed new section 367A reads as follows:—

(c) is not entitled to refuse to answer any question that is relevant or material to the examination on the ground that his answer might tend to incriminate him, but if he claims that the answer to any question might incriminate him and but for this subsection he would have been entitled to refuse to answer the question, the answer shall not be used in any subsequent criminal proceedings against him except in the case of a charge against him for perjury committed by him in answer to that question.

Nobody would argue the point about that provision, because it is a very good one. However, in recent times, it has emerged that under a certain section of the Married Persons and Children (Summary Relief) Act it now appears that a defendant can be put into the box and be virtually obliged to incriminate himself. I do not think many legal practitioners were aware that this was the law, but the Full Court says it is and I think we should be consistent.

It may well be that under the summary relief Act there is good reason for it, but, on the face of it, this does seem to be a contradiction. Here we say, "If you are the director of a company we will not allow you to incriminate yourself, but in another type of legal proceeding, we will make you incriminate yourself." I do not know the

reason for such a distinction and I think we should at all times be on guard against any situation where a man is put into a position where he has to incriminate himself.

So much for the Bill—the repeal provisions and the new section which are to be included in the law as a result of the report of the Wool Exporters Royal Commission. As I have intimated, I support the measure, but with very pronounced reservations, because I do not think much of it. However, in the measure there is a further provision which could be called a taxation provision. The second schedule is to be repealed and re-enacted and it is to be found on page 16 of the Bill. It sets out the fees which will be paid by companies—those having a share capital, those not having a share capital—and other fees generally.

As I said, this is really a taxation provision and up to the present I have not had an opportunity to compare the proposed fees with the existing scale. Obviously there is a fairly noticeable increase, but we should not kid ourselves that the companies will be paying these increases, because that will not be so. It may be the company's officers who pay the fees in the first instance, but in due time—and one does not have to be an accountant or a genius to realise this—those increases are passed on to the buyers of the company's products.

It is necessary for one to pay fees on the registration of a company, and these fees have jumped significantly in the last 10 to 20 years. Such fees and other legal charges, and the like, for the registration of the company are what are called preliminary expenses, and are written off against profits over the year. Obviously, they are taken into account in working out the price of goods to the public so, in the end, it is the public who pay, and it is another tax on the people. As long as we realise that and do not kid ourselves it is something else it will not be too bad. So with the very real reservations to which I have referred, I support the Bill.

MR. W. A. MANNING (Narrogin) [8.28 p.m.]: I wish to have a few words to say on the second reading debate of the Bill in respect of its provisions to control reckless actions in business affairs. I think the Bill is a very worthy one because it touches on those who have a flagrant disregard for the effects financially on other people of some of what might be called their financial gymnastics. I think it is time we controlled such actions.

Apparently the member for Mt. Hawthorn feels that this should not be done after the event. However, sometimes it takes an event to bring certain matters under notice, and the matter which this Bill deals with has come under notice because of the actions of Wool Exporters, and Mr. Hewett and his associates.

I give due credit to Mr. Justice Burt, who was chairman of the Royal Commission, for bringing this matter under notice, and also to the Government for speedily introducing this Bill. I rather wish that we could make the provisions retrospective so that they would have some effect on what happened not so long ago. However, we could not expect the Minister to include a provision to provide for retrospectivity, nor would it be accepted. However, I believe that the step taken by this Bill is certainly warranted and its provisions will have the desired results.

The Press called this Bill something of a laughing matter but I hope that anybody who takes part in reckless trading, after the passing of this Bill, will because of the publicity and the penalties which will be imposed, have nothing to laugh at. We cannot stop people from doing some of these things and committing various offences. The only answer is to try to deter them.

It seems to me that reckless actions are extended into a field associated with this, but one which is not quite the same. When persons or companies get into financial difficulties very often they are placed in the hands of a Receiver. I have before me a file which is the result of a gigantic bill of sale given by a company to a bank. There are thousands of words in the agreement which nobody, in their right sense, would read. The people concerned with this agreement defaulted, but through no fault of their own. It was certainly reckless trading, but the reckless trading occurred while the company was in the hands of a receiver. I do not intend to name the company or the bank concerned.

The SPEAKER: Order! I have already expressed my view that we are not here to discuss the Royal Commissioner's report, and the facts concerning that report. I permitted the member for Mt. Hawthorn to deal with the actual recommendations of the Royal Commissioner which are allied to this legislation. I thought that was proper. However, members have had many opportunities to debate the report of the Royal Commissioner. They could have availed themselves of the opportunity when the report was tabled in the House. They did not avail themselves of the opportunity, and they cannot turn this debate into such a discussion.

Mr. W. A. MANNING: Thank you, Mr. Speaker, but I have no intention of referring to the report on the Wool Exporters Company. What I am referring to is a situation which arose as a result of a receiver being appointed. After two years a letter had to be sent to him to

remind him that no statement had been received. I am relating this to the fact that he was certainly doing some reckless trading in his own name because of his lack of interest in the affairs of unsecured creditors.

His interest was to derive the amount of money required by the bank and disregard everybody else. He had no regard for other activities, or the owners of the business because his only concern was to realise the assets at a price sufficient to cover the bank. The receiver had to be reminded that he had not submitted a statement. Part of a letter written to the receiver was as follows:—

> In the circumstances instructions have been received to demand from you forthwith a full statement in respect to your dealings with the assets of . . . taken into your possession.

A further paragraph reads as follows:—

> Further instructions have been received to inform you that unless statement of account requested above is received by me before 12 noon on Friday next the 30th instant there will be no alternative but to institute legal proceedings against you for an account payment of moneys held by you and consequential relief.

The SPEAKER: Order: I would first of all remind the honourable member that he could be compelled, under Standing Orders, to table that entire file. Also, there is no provision in this Bill dealing with the matters he is raising.

Mr. W. A. MANNING: Thank you, Mr. Speaker. The position I am concerned about is reckless trading, and the reckless trading should be stopped wherever it occurs. I think the Bill before us is an attempt to do that within its limitations. Unfortunately, the provisions in the Bill will not be retrospective but will deal with matters which will occur in the future.

We can do nothing but recognise the situation that there will always be people willing to recklessly spend other people's money regardless of the consequences. This is something which must be stopped in this State. It is all very well to behave recklessly with one's own money but when it has an indirect effect on other people it is a different matter. The recommendations made by the Royal Commissioner are to be commended and I heartily support the introduction of this Bill.

MR. McPHARLIN (Mt. Marshall) [8.35 p.m.]: I intend to be quite brief in speaking to this Bill, but I would like to refer to the remarks made by the member for Kalgoorlie when he mentioned fraudulent trading. He allied fraudulent trading with the intention of the Bill, which is aimed at protecting people against reckless trading.

I think the Government has done the right thing, following the recommendations of the Royal Commissioner, in attempting to amend the Companies Act. The amendments will at least deter the actions of people who are inclined to trade recklessly in the future. As stated by the member for Mt. Hawthorn, the provisions of the present Bill will provide some protection in the future.

Clause 2 will add a new section, 367A, to the Act, and it reads as follows:—

> (1) Where it appears to the Attorney General that any officer or former officer of a company to which this section applies, has conducted himself in such a way that the officer or former officer has rendered himself liable to action by the company in relation to the performance of his duties as an officer of the company, the Attorney General, or any person who is authorised in that behalf by the Attorney General, may apply *ex parte* to the Court for an order that the officer or former officer shall attend before the Court on a day to be appointed by the Court to be examined as to his conduct and dealings as an officer of the company.

As I interpret that proposed new section it refers directly to the actions of the Commercial Banking Company of Sydney. That bank did not allow its representatives to be brought back from the Eastern States to attend the Royal Commission being conducted in this State. The amendment is commendable and is one with which, I think, we all agree. If my interpretation is correct then in the future a Royal Commissioner will be able to demand that an officer appear before him.

I ask the Minister to consider legislation on a State and Federal basis to implement, in some way, provisions to ensure that banks operating in other States can be brought to court to account for misdemeanours. I refer to banks which are operating interstate. I also agree with the request made by the member for Kalgoorlie when he asked for information in connection with foreign companies. Those are the main reasons for my speaking to the Bill and I would like some assurance from the Minister that an approach will be made to the Federal Government so that greater protection can be offered in the future to people who trade with banks which operate in other States.

MR. BRADY (Swan) [8.39 p.m.]: I did not intend to speak on this Bill but I thought I should make a few comments in view of what has been happening even subsequent to the Wool Exporters Royal Commission. As has been stated by other members, the Minister was very brief in introducing the legislation.

The purpose of the Bill, no doubt, is to tighten the controls regarding companies and their officers who trade recklessly at the expense of shareholders. That is a very desirable approach by the Government. It would seem that when certain officers of companies, such as directors, have been made liable for discrepancies which appeared in the balance sheets, the present provisions in the Act were not sufficient to enable action to be taken.

It seems that now the horse is out somebody is trying to shut the stable door. I have been associated with companies for over 40 years—private companies, co-operative companies, and public companies —and I am of the opinion that the public will never be protected until such time as the State Government or the Commonwealth Government employs a freelance inspector who can approach any company at any time—as is the case with the Taxation Department—and survey the activities of that company.

I believe that a number of companies are sailing close to the wind today. By manoeuvring and manipulating, and by juggling the money of the shareholders and creditors those companies are managing to survive. However, some do crash. Even in recent days we have heard of one real estate company which is in great difficulty. It is not good enough to see these companies being allowed to carry on without a tightening-up of their activities by the Companies Office or by some Government department.

I have not passed my company law in recent years—it is some years since I passed—but I know there is provision in the Companies Act dealing with accounts, auditing, and what shall be done in regard to accounts and audits. Certain types of accounts must be kept, and certain forms of bookkeeping must be followed. Certain audits must be carried out and those provisions should be complied with.

Another provision states that an investigation of the affairs of a company by inspectors at the direction of the Government may be held. This is where the tightening up should be put into effect by the Government or the Companies Office. As I have said, too many mushroom companies are springing up without any substance, and the whole community is taken for a ride particularly if the people invest with those companies. The foreign companies are the greatest menace. In my opinion, they are "fly by night" companies and there are a lot of such companies in the insurance world which are in grave difficulties today. In England some have gone into liquidation, and some have flown by night. We do not want to see this sort of thing happen in Western Australia because there is a lot of money available in certain quarters, and a lot of smart alecks who want that money.

The Companies Act should be tightened further so that when companies are registered there will be more stringent provisions in regard to audits, accounts, and statements. I understand that one of the companies which is allegedly in difficulties at the moment, and which has to get somebody else to handle its affairs, got into difficulties because it did not have a proper accounting system operating.

The SPEAKER: Order. We are not dealing with the flotation of companies and the like, which the honourable member is rapidly getting onto. We are dealing with the management of existing companies which trade recklessly.

Mr. BRADY: I feel my remarks are relevant because the companies I am referring to have been trading recklessly. That is the very point I am making. Certain people have got into difficulties over the last week or two because, in my opinion, they were dealing recklessly.

One organisation published statements in the Press week in and week out more or less holding the Minister for Town Planning to ridicule. So, as I said, I think we can expect a lot of this in future. I feel that unless there is a tightening up in regard to the formation of companies, and closer scrutiny of foreign companies in particular, we will have a lot of reckless trading.

Mr. Speaker, let me give you a classic example. A man came to my house two months ago and told me that for the last four or five years he had paid premiums for an insurance policy of $800 in respect of his being involved in a motor accident. However he had an accident recently and the company offered him only $490. That is daylight robbery in my opinion.

The SPEAKER: Maybe; but that has nothing to do with the measure before the Chair.

Mr. BRADY: It is reckless trading, Mr. Speaker.

The SPEAKER: No, it is not.

Mr. BRADY: It is.

The SPEAKER: Order! I say it is not and you will accept my ruling.

Mr. BRADY: I will, Mr. Speaker, but I am not satisfied with these types of companies coming into Western Australia when we should be out to stop them. A member who spoke earlier referred to a receiver who had to be reminded to do a job that he should have done.

The SPEAKER: I will remind you that I stopped that member from talking about it, and I will stop you similarly.

Mr. BRADY: Thank you, Mr. Speaker. The question is: How are we going to stop this so-called reckless trading? Who is going to be the judge? Any smart businessman can argue that he is not trading recklessly. The average company has a

board of directors which makes the policy, and that policy is recorded in the minute book. If the auditor is doing his job he should be able to report on whether the manager of the company is carrying out that policy or not. If he is carrying out the policy of the directors, then the directors are liable.

However, if the directors allow the manager to carry on in the way he is going without checking him, the manager could also be liable; but not necessarily so, because he could argue that he was carrying on the business in the only manner he could. If the company is in the shoe business the manager has to gamble. He could be told by a traveller that unless he buys a certain type of shoe in December of this year, he will be out of business next winter, because the fashions are going to change. So he gambles and buys a terrific number of shoes; but what the traveller told him does not eventuate. Is that reckless trading?

Even though this Bill does attempt to tighten up the position, I do not think it will do the job that has been suggested. I think the job should be done through the Companies Office which could, in my opinion, employ a freelance inspector. If there is any suspicion in regard to the way a company is trading, the Companies Office should have an inspector who can call on the company at any time just as inspectors of the Taxation Department do. If the company knows that an inspector is likely to call in at any time, it will not take risks.

Last week I read a report about a company—I think it was B.H.P.—which had formerly needed weeks and weeks to take stock. However overnight it conceived the idea that by taking photographs of stockpiles of material, the value of the stock could be assessed. That method might be the best way to tighten up stocktaking. The other method is the sure way, but then it lends itself to certain weaknesses.

When I was receiving instruction on the subject of accountancy and auditing, the man who taught me said this: "If your staff sets out to take you down, there will be very little protection that audits will give you." I support this Bill in the hope that it will provide protection for some people in the future; however I do not think it will do what it purports to do.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [8.51 p.m.]: I wish to thank those members who have spoken for their contributions to the debate. A great deal of ground has been traversed by the various speakers, and our legal eagles have posed certain questions which are not easy to answer; there are one or two complicated issues involved. However the principle of the Bill has been well and truly supported. The measure was passed in another place and, from the tone of the debate, will be passed in this Chamber and become law.

The prime purpose of the Bill is to strengthen the provisions of the Companies Act to try to obviate reckless trading. I have no doubt that reckless trading will occur in the future. This Bill is intended to act as a deterrent to those who might consider reckless trading; and those who talk about closing the door after the horse has bolted do not take this into consideration. Further instances of reckless trading in which people are robbed of their well-earned money will no doubt take place.

I wish to refer to the remarks made by the member for Mt. Hawthorn and, primarily, the remarks made by the member for Kalgoorlie, who spoke about an omission in the Act whereby companies incorporated in other States, or in foreign countries, could not be brought under the aegis of this legislation. I have been informed that in this State, for example, if companies are incorporated here and trade here, they must be registered here. Any company which is incorporated in another State or in a foreign country must be registered in this State; and if it trades in this State without being registered, it breaks the law. That is my understanding of the situation.

Mr. T. D. Evans: You are right; but if it is registered here and trades here, it is still a foreign company and does not come under the Companies Act.

Mr. ROSS HUTCHINSON: But it does come under the provisions of this Act; or so I am informed.

Mr. T. D. Evans: No.

Mr. ROSS HUTCHINSON: I will check this point with the Minister for Justice. However that is my understanding from the limited time at my disposal to study this point.

I think the only other matter that needs to be discussed is that raised by the member for Mt. Marshall who spoke about the necessity for some form of Federal legislation to deal with the misdemeanours —I think that is the word he used—of banks. I can give no assurance to the honourable member on this matter. However I will speak to the Minister for Justice about it to see whether or not the annual meeting of Attorneys-General throughout Australia might consider this question. I thank members for their general support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 367C added—

Mr. T. D. EVANS: It is in this clause we find the machinery provisions of the Bill, and as has been explained, these provisions are to apply to companies in certain stages of their viable life. The word "company" is expressly used and therefore may not carry the same meaning as "company" as defined in section 5 of the principal Act. I do not want to traverse the whole debate again, but I would like to say that the Minister's understanding of the situation in respect of foreign companies is that a foreign company carrying on business in Western Australia pursuant to other provisions in the principal Act is required to register in this State. But being registered does not change its status; it is still a foreign company and not a company as defined in section 5 of the Act.

Section 5 of the Act defines "company" as meaning a company incorporated pursuant to the Act or to any previous enactment thereof. I hope that the Minister will delay the third reading stage of the Bill in order to refer this matter to the Minister for Justice so that if necessary the Bill may be recommitted. I would not be satisfied to see the word "corporations" added in this wide embracing form. I would certainly desire the provisions of this Bill to be extended to include foreign companies as we understand them.

Mr. ROSS HUTCHINSON: I am afraid that, because I am untrammelled by any great knowledge of this subject, I cannot clarify the situation any more than I did in my reply to the debate. However, the honourable member's request to delay the third reading of the Bill is not unreasonable, and in the interim I will endeavour to get the information from the Minister for Justice who will, no doubt, consult his legal advisers.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Section 374C added—

Mr. BERTRAM: We have been under the impression that, apart from the latter part of this Bill, which provides a new scale of fees and charges, the rest of it has become necessary as a result of what the Royal Commissioner inquiring into Wool Exporters Pty. Ltd. had to say. As a matter of fact only one clause is directly relevant, and that is clause 7.

Mr. Ross Hutchinson: Relevant to what?

Mr. BERTRAM: To what arose out of the Royal Commission. The other clauses tidy up the operations generally, but this clause is spot on.

Mr. Ross Hutchinson: With offences and penalties?

Mr. BERTRAM: Proposed new section 374C purports to be a new section which will deal with the situation met with in the Wool Exporters case.

The other provisions are tidying up operations. We are going to delete sections 300 to 305.

Mr. Ross Hutchinson: I am with you there but I cannot see your point in the other case.

Mr. BERTRAM: Sections 301, 302, and 305 only come into this as ancillary matters, and the Royal Commissioner did not say anything about them. To make the Act orderly the draftsman says, "Let us cut out all this and replace it with section 367A, and these other sections." But the real clause that arises out of the recommendation of the Royal Commissioner is clause 7, which brings in new section 374C. This is specifically mentioned by the Royal Commissioner at page 84 of his report. We are kidding ourselves; one gets the impression that we are doing what the Royal Commissioner recommended, but we are not, and it is most important that we know that.

If we know it and proceed it is one thing, but if we do not know it and proceed, it is an entirely different matter. New section 374C is taken word for word from the Victorian Act, but the Royal Commissioner says. "You will have to watch that section because it is not appropriate for the position for which you will be legislating." So to overcome the difficulty he suggests the Victorian section be redrafted. If there is any reason why the Royal Commissioner's recommendation should be departed from, let us hear about it.

Mr. ROSS HUTCHINSON: The honourable member talked at great length but I did not discover the purpose of his speech.

Mr. Bertram: That is not much credit to me.

Mr. ROSS HUTCHINSON: Perhaps the honourable member feels that this provision does not properly give the answer to the situation. Is that what the honourable member meant to imply?

Mr. Bertram: Certainly.

Mr. ROSS HUTCHINSON: It follows the pattern of Mr. Justice Burt's recommendation. If it is thought that those punitive provisions are not satisfactory, what would be satisfactory? This is a vital clause, and lacking any other it would appear it is essential to have it included in the Bill. Punitive provisions do not stop all crime; the penal code does not stop all crime, but it is felt that these laws should be on the Statute book to protect people.

Mr. BERTRAM: Proposed new section 374C, as appearing in clause 7, is taken word for word from the Victorian Act as set out in page 84 of the Royal Commissioner's report.

Mr. Ross Hutchinson: You said that before.

Mr. BERTRAM: The Royal Commissioner then said that for various reasons, which he detailed, consideration should be given to redrafting the Victorian legislation and that it should be redrafted in the form he suggested at page 85. He said, "If you take any notice of me you will not follow the Victorian legislation; you will vary it and follow this one."

Mr. Ross Hutchinson: Consideration was given to this by the Crown Law Department.

Mr. BERTRAM: I certainly hope so. I am lamenting the fact that we are kidding ourselves we are following the recommendation of the Royal Commissioner when in fact we are not, and no explanation is given for this. I should have thought the Minister would say, "We are not doing directly what the Royal Commissioner said; we are following the Victorian legislation and our reasons for doing so are as follows." It would not matter if this were not so important, but it happens to be the centre of the Bill. I am only asking for some reason for our departing from the Royal Commissioner's recommendation as none has been advanced. It could be an inadvertent omission in drafting, but nothing has been said to suggest that this is so; there is nothing to cause us to think otherwise.

Mr. ROSS HUTCHINSON: My understanding is that this matter was considered by the Crown Law Department in the light of the Royal Commissioner's recommendation. The Victorian Act has been employed for some years, and I understand the department has had a look at portions of the Act and has considered them satisfactory.

Mr. JAMIESON: It is ludicrous that we should, on the one hand, have a Royal Commissioner and his assistant—both of whom are now members of the judiciary and no doubt recognised by the Government for their ability at law—making a recommendation to the effect that the Victorian Act fell short of the requirements they desired, and, on the other hand, have the Crown Law Department considering the matter in a much shorter time and saying that this is what is required.

This is what the member for Mt. Hawthorn is trying to point out. We have a Royal Commissioner sitting for months and months at great expense and later bringing down a recommendation for our future guidance, and at the same time the Crown Law Department says, "Victoria gets along very well with this provision so why should not we follow suit? Why should we go along with the Royal Commissioner, who has considered the Victorian legislation and no doubt has found it wanting?"

Mr. Ross Hutchinson: A High Court case in which we are interested had five of the top legal brains in Australia considering the matter, and two of the judges completely differed from the other three.

Mr. Tonkin: You are not suggesting the top legal brains in Australia are in the Crown Law Department?

Mr. JAMIESON: Here we have men who have been appointed to the judiciary, and who have studied the position for a great deal longer than has the Crown Law Department, making a recommendation which the department feels it is not necessary to follow. We should be given more explanation from the Minister and the Crown Law Department for discarding the recommendation of the Royal Commissioner and his assistant, who is now Mr. Justice Wickham. Until we get an explanation we are entitled to be curious why this departure has taken place.

Clause put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PETROLEUM PIPELINES BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Bovell (Minister for Lands), read a first time.

EDUCATION ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 5, page 3, line 4—Delete the word "fourteen" and substitute the word "sixteen".

No. 2.

Clause 5, page 3, lines 11 to 13—Delete paragraph (b) and substitute the following:—

(b) four shall be teachers representing Government secondary schools, of whom three shall be nominated by the Union and one by the Director-General;

No. 3.

Clause 5, page 3, line 14—Delete the word "three" and substitute the word "four".

No. 4.

Clause 7, page 5, line 16—Delete the word "nine" and substitute the word "ten".

Mr. LEWIS: I move—

That amendment No. 1 made by the Council be agreed to.

The Bill provides that there shall be three *ex officio* members on the board and 14 others to be appointed by the Minister. The amendment made by the Council seeks to increase the number to 16.

Question put and passed; the Council's amendment agreed to.

Mr. LEWIS: I move—

That amendment No. 2 made by the Council be agreed to.

This amendment seeks to delete paragraph (b) of proposed new section 21C(3) which provides that three members of the board shall be teachers representing Government secondary schools, nominated by the union. The amendment wishes to substitute in lieu of the paragraph deleted a paragraph which provides that four shall be teachers representing Government secondary schools of whom three shall be nominated by the union and one by the director-general.

Mr. TONKIN: I propose to move to amend this amendment. I am sorry the Minister did not make any attempt to explain why the amendment was made, because it differs very greatly from the original proposal; and it would have assisted the Committee materially if an explanation had been given for the changes which have been made in this representation.

When the matter was under discussion in another place the Minister was asked whether the Teachers Union approved of the alteration, and his reply was that he did not know. As a matter of fact, the union does not approve of the amendment and it is no wonder! Originally the proposal of the Government was that there should be three representatives of teachers in State secondary schools, drawn from the Teachers Union, and three representatives of the independent schools. However, there was a difference. Of the three representatives of the State schools the union would have the right to select only one and the Director-General of Education would nominate two. However, so far as the independent schools were concerned they were to be given the right to select their three representatives.

That was a distinction which was quite unpalatable, as one can understand, to the Teachers Union, and it sought successfully to have a deputation to the Minister to try to improve the situation. When the representatives of the union met the Minister they requested that their representation should be increased to four in place of three, and the Minister countered that by saying that if he agreed to increase the representation of the State's secondary schools to four, he would be obliged to do the same for the independent schools, and he did not wish to unduly enlarge his committee.

That was a valid argument; but what do we find subsequently? Without reference to the union at all, and without any corresponding increase in the representation of the State secondary schools, the Minister agrees to increase the representation of the independent schools to four. As one would expect, the union could not sit down under that and so it again requested an interview with the Minister, and it was granted. The representatives requested that their representation should be on a parity with that of the independent schools.

One should keep in mind when considering this question that the State secondary schools provide for 75 per cent. of the scholars, whereas the independent schools provide for only 25 per cent.; and one of the major jobs of this board will be to supervise the operation of the Achievement Certificate. The work in connection with this certificate will be far greater for State secondary schools than for the independent schools, firstly, because of the greater number of children involved, and secondly because of a greater concentration upon this in the State secondary schools.

The Minister gave consideration to the request of the union that it should be given parity in numbers of representation with the independent schools, but he came back to his idea that one of these representatives should be nominated by the Director-General of Education. One finds it difficult to comprehend the reasoning of the Minister.

In the first place he proposed three only for the State secondary schools and the independent schools, but weighted to the disadvantage of the State secondary schools by the insistence that two of the representatives be elected by the director-general and only one by the union. However, upon further consideration the Minister agreed to remove that condition and he agreed that the three representatives should be selected by the union in the same way as the three representatives of the independent schools should be selected. So far no trouble!

Then we find the Minister increases the representation of the independent schools, allowing them to select the four, and he wants to limit the State secondary school teachers to three. Subsequently he agrees to lift them to four, but wants to reimpose this restriction: that the extra one shall be selected by the director-general. That has the result of placing the State school teachers at a disadvantage compared with what is being provided for the independent schools.

I want to draw attention to the possibility that the Minister, in desiring to retain for the director-general the right to select one of the nominees of the State secondary schools allows a non-unionist to be nominated to the position. Just imagine the situation on a board where we want as much harmony as we can possibly get, and concentration on the work in hand. We would create a situation which would make it possible for the director-general to select from the ranks of teachers a non-unionist, and expect the three unionists to work with him! That is only looking for trouble!

Mr. Lewis: You have a pretty poor opinion of the director-general!

Mr. TONKIN: The Minister knows full well that when I discussed this matter with him on the phone today he raised that very point himself!

Mr. Lewis: What point?

Mr. TONKIN: The possibility that a non-unionist might be appointed.

Mr. Lewis: You raised the point!

Mr. TONKIN: No; the Minister raised it!

Mr. Lewis: I told you I would not care whether he was a unionist or a non-unionist.

Mr. TONKIN: Let me refresh the memory of the Minister. My first statement was that even if the director-general appointed the nominee he would be a unionist anyhow.

Mr. Lewis: I said he might be.

Mr. TONKIN: And the Minister said he might be.

Mr. Lewis: That is right. We would not look to see whether he was a unionist or not. That is a vastly different thing.

Mr. TONKIN: My first statement was that he would be a unionist anyhow, yet the Minister said a moment ago that I raised the question of the non-unionist. Well, I did nothing of the sort! It was the Minister's statement which immediately brought into my mind this possibility.

Mr. Lewis: Nonsense!

Mr. TONKIN: It is not nonsense.

Mr. Lewis: Absolute nonsense!

Mr. TONKIN: It is all right for the Minister to sit there and say, "absolute nonsense."

Mr. Lewis: I will have my turn in a moment.

Mr. TONKIN: The Minister countered my statement that the fourth man would be a unionist anyhow by saying that he need not be.

Mr. Lewis: Quite right. He need not necessarily be.

Mr. TONKIN: Why is the Minister saying it is nonsense?

Mr. Lewis: I say it is nonsense raising a question of unionist and non-unionist members. Does being a unionist make him a more valuable member of this board? This is purely political.

Mr. TONKIN: I say that if there is a possibility of a non-unionist being appointed to work with three unionists, there will not be the harmony which is so very necessary. Why should the State Teachers Union be denied the right of selecting its full representatives when the independent schools have been granted that right?

Mr. Lewis: Will they be unionists?

Mr. TONKIN: It would have been fair if, when proposing the increase from three to four, the Minister had said that the extra nominee in both cases would be selected by the director-general. But he did not do that.

Mr. Lewis: Would you be happy about that?

Mr. TONKIN: I am dealing with the situation which confronts me now.

Mr. Lewis: Yes!

Mr. TONKIN: We can see what initiative the Minister will take in a moment. I am pointing out that my attitude would be precisely the same as that being adopted by the Teachers Union. I would not be satisfied that the independent schools, which provide for 25 per cent. of the pupils, should have the unfettered right to select all their representatives, while a restriction is imposed upon the union.

What possible justification can be advanced for the distinction? I do not believe the distinction should be allowed to remain. When the Minister agreed originally that it would be unfair to limit the selection, he removed the limitation. Why reimpose it? If the Minister was prepared when it was on the basis of three from State schools and three from independent schools to allow each body to select its representatives, why come back now and say with regard to the representatives of only the union, that the director-general shall appoint a nominee?

I cannot understand why, with regard to representatives from independent schools, the Association of Independent Schools of Western Australia will have the right to select all its nominees. One cannot expect the union to be happy with that situation. It is inequitable and cannot be justified. One wonders what is the reason for it.

I wish to amend the Council's amendment to ensure that the four representatives of State school teachers shall be nominated by the union, so that this complies precisely with the stipulation regarding the four nominees from the independent schools.

It will be necessary for me to move for several deletions. I wish to delete the words "of whom three shall be" in lines 2 and 3 and also to delete the words "and one by the Director-General" in line 5. If this is done the amendment will then read—

> (b) four shall be teachers representing Government secondary schools nominated by the union.

Consequently, I move—

> That the amendment be amended by deleting the words "of whom three shall be" in lines 2 and 3.

Mr. LEWIS: I oppose the amendment moved by the Leader of the Opposition. I listened very carefully to the point he made and he seemed to me to be chiefly concerned with the possibility that the teachers would not be assured that all the teacher representatives on the board will be unionists. He seemed to express the fear that perhaps one might be a non-unionist. I do not know—because I have never inquired—the proportion of teachers in Government service who are union members. I doubt if I could get the information anyhow. Perhaps 100 per cent. of the teachers may be unionists, but I do not know the proportion.

Therefore it would be quite outside my conjecture to say whether the one member whom it is proposed the director-general shall nominate would be a member of the Teachers Union or not. Obviously if all teachers are union members, the fourth would have to be a union member. Frankly I cannot imagine the director-general looking round for anyone simply because he is not a member of the union. The director-general would seek a person who would make a real contribution to the functions of the board so that it operated as well as possible. That is the prime purpose of the board. I consider this ought to be the ambition of the Teachers Union, the independent schools, and everyone else associated with the board and its aims, regardless of whether they are union members or not.

A comparison has been made between representatives of Government schools and representatives of independent schools. Great play has been made on the suggestion that these two groups should be equally represented. I want to point out that non-Government schools are rather different from Government schools. The principals in non-Government schools are teachers to some extent but they are also administrators. They are not simply class teachers as I expect most of the representatives nominated by the Teachers Union would be.

The Leader of the Opposition is quite correct when he relates that I met the teachers and agreed to give them the right to nominate all three members. However, I put forward an argument in opposition to their suggestion that there should be four on the ground that I would be called upon to increase the number of representatives of independent schools and this would make the board too big. At that time what I said was sincerely stated and it was not until sometime later that very strong representations were made from the independent schools, because of the four separate areas with which they are concerned.

The independent schools are concerned with Catholic education, both of boys and girls, because their schools are not co-educational as ours are. Further, the non-Catholic independent schools are also concerned with boys and girls, because of the non-coeducational aspect. All the different denominations were represented but they all agreed that there are four separate areas of activity for independent schools.

I agreed with some reluctance to increase the number of representatives to four. I would like to draw the attention of the Committee to the original recommendations made by the Dettman committee. These suggestions did not come from the director-general himself, but from a committee which consisted of representatives from independent schools, outside interests, a principal of a Government high school, and principals of independent schools. I will not read all the recommendations, but with regard to representatives of Government secondary schools it recommended that five members should be representative of Government secondary schools appointed by the Director-General of Education, one of whom should be a nominee of the Teachers Union. In the first instance the committee had recommended a board of 25 to 27 members who would be appointed for three years.

Members will see that the committee recommended that only one of the five members—20 per cent.—should be nominated by the Teachers Union. Later the Government agreed to make it three representatives. Members must bear in mind that the size of the board had been reduced to less than four-fifths of the original size recommended by the committee. Nevertheless, at that time we agreed to increase the teacher representation to four out of the five, instead of one out of five being a member of the union. At the present time the union will have the right to nominate three out of four, which is 75 per cent. In this regard I think I have been more than fair in meeting the demands of the union.

The position is that the teachers will have the right to nominate three out of four, and the director-general will have the right to nominate the other one. Again I point out to the committee that I am

satisfied the director-general will not cast about and make inquiries to determine whether a person whom he considers will be a very desirable member of the board is a union member. The director-general will not make the qualification that he shall be a non-unionist or otherwise. I guarantee the director-general could not care less whether or not the person whom he has the right to nominate is a union member. He will be a man who will best suit the composition of the board and, consequently, the director-general will nominate accordingly. I oppose the amendment.

Mr. H. D. EVANS: I am a little disappointed with the Minister for Education in this regard. Everyone concerned appreciated the fact that the Minister agreed to meet a deputation from the Teachers Union and that he then agreed to allow teachers to nominate their own representatives on the board in equal number with representatives nominated by the Association of Independent Schools of Western Australia. In this regard he showed a degree of fairness which seemed to augur well for future harmony and understanding. In agreeing to that, he recognised a principle. In swinging away from that principle now, he has nullified the very principle which he accepted.

The position is now that the Teachers Union will be able to nominate three of the four members and, by comparison, the Association of Independent Schools of Western Australia may nominate four. I do not think the Minister's action does anything to assist the status of teachers in a professional capacity. This is something for which the Teachers Union has striven for a long time. To say the least. this action is not very helpful.

I do not think the question which the Minister raised concerning union membership would have occurred to the Teachers Union. I consider the union would have a greater regard for something which only the Teachers Union has mentioned; namely, representation on the board of education of specialists in each of the subjects involved in the Achievement Certificate. There are four core subjects as the Committee knows.

Every member in the Chamber knows from his own experience that he is able to speak fairly conversantly upon something with which he is familiar, but that he finds himself hard pressed when asked to speak on an alien subject without having undertaken the necessary degree of preparation.

It is conceivable that a position could arise where three of the Teachers Union representatives could be specialists in, say, mathematics, and one could be a specialist in social studies. In this way, two very important areas would not be represented; namely, science and English. This may not sound very important, but I assure members they will see its importance if they look closer. Problems associated with each subject are very real indeed and it is important that the people on the board of secondary education are capable of expressing those problems. The Teachers Union is fully aware of this necessity; it recognises the problem and is concerned about it. This is the only point about which I think the Teachers Union is concerned.

I wish to make one further observation. The Minister commented that in the case of non-Government schools one is dealing with a series of individual institutions and with headmasters who are administrators. Of course this is perfectly correct. However, as far as representation on the board is concerned it is far more important to have regard for the subject area. I say to the Minister that it is on the top teaching echelon—the senior master level—that the success of the Achievement Certificate will really depend. It is in this area of the senior master level where the courses are planned. Members can well see the difficulties which come about when each school has a certain flexibility and latitude in planning courses. It is because of this elasticity in assessment that it is so important that on the board there should be representatives of people who are in the top teaching echelon, as well as those who are administrators. This is most important and members should not lose sight of this fact.

I can only say that I am disappointed with the Minister's present refusal to accept the principle which he had accepted earlier. I think the amendment moved by the Leader of the Opposition is the only one which I can support.

Mr. LEWIS: I wish to reply briefly to the member for Warren. I recognise the great value of specialist teachers and, indeed, I questioned the deputation fairly closely on this matter when it came to see me. The members of the deputation assured me that they themselves would nominate specialist teachers for the areas mentioned by the member for Warren. It was only on this assurance that I accepted the basis of three members to be nominated by the union.

However, I think he must also concede that the director-general is not insensible to specialist teachers who are in his department, and I think we can rely on him, when he makes his nomination to select a teacher from one of those specialists areas which is concerned with this board.

Mr. TONKIN: The Minister has not told us why it is necessary for the director-general to make a selection of a representative of the Government schools, and not to make a selection of a representative from an independent school.

Mr. Lewis: Would you be any happier if we made one of the four a representative of the independent schools?

Mr. TONKIN: First of all, before we reach that stage, I would like to know the reason for wanting this distinction; because if the Minister is so ready to give it up, it could not have been a very strong reason in the first place. As it stands at present there is a distinction. The Minister quoted from the Dettman report, which recommended that there should be five representatives of the State secondary schools with one only nominated by the union, but he did not accept that report except in so far as one member of the union was concerned. He reduced the recommended number of five representatives to three, but still insisted, in accordance with the Dettman report, that only one representative of the State secondary schools should be selected by the Teachers Union.

Mr. Lewis: I adopted the same principle but to a lesser degree.

Mr. TONKIN: That is right, but it was a distinction from the start between the State secondary schools and the independent schools, because neither in the Dettman report nor in the Minister's first proposals was there any indication that any of the representatives of the independent schools should be selected other than by the schools themselves. Why, at the outset, was there this desire that the director-general should select only a representative of the State secondary schools? I think it is up to the Minister to give us a reason. What is the basic reason for wanting the director-general to retain this right? The Minister gave it away when the union went to him and said, "You have agreed to give us three representatives. You will not give us four because you do not want to give the independent schools four. Very well, we will accept that, but will you agree to allow us to nominate all our representatives?" And the Minister said, "Yes."

So this reason for now wishing to retain the right of the Director-General of Education to nominate one of the four representatives now proposed could not have been a very strong reason, or the Minister would not have given it away. So why does he come back to it now? I suggest it would make for more harmony if the Teachers Union were permitted to nominate all its representatives. In any event it would not reduce the efficiency of the board. The Minister has already conceded that he believes the Teachers Union, in its selection of its three representatives, will have proper regard to quality, calibre, experience, and knowledge of the men it selects. I say it is just as capable of selecting the fourth representative as the Director-General of Education.

So why upset the organisation and leave this feeling of inequity which one cannot blame the union for having in the circumstances, when it can be remedied so simply by saying, "All right, we will permit the union to nominate four representatives instead of three in the same way as we are permitting the independent schools to select their representatives"? If the union misses out on this request it will be dissatisfied. It will have the feeling it has been treated unfairly, and what will the Minister gain by doing that?

The Minister has changed his attitude several times on the matter of representation. What is wrong with doing it again? In order to achieve that harmony which is so desirable at this stage of constituting the board—because, as the member for Warren has pointed out, it will be performing very important work in regard to the Achievement Certificate—may I say that in New South Wales, as the Minister knows, there is a similar board, except that it has 17 members instead of 16, and the New South Wales Government, which is of a similar complexion to the one in this State, has permitted the teachers union to select all its representatives. It has four nominees and a board of 17 all of whom are selected by the teachers' federation. Apparently New South Wales does not have the same reservation in its mind that the Minister has here, in that the director-general should make one of the nominations.

It is wise to agree with the strong representations the Teachers Union has made. It has not been stated here this evening, but it is a fact that the union was so upset when it became aware of the proposals that it sought an opportunity to meet the Premier and put the case to him. Anybody who has any knowledge of government would know that if the Premier in such circumstances agreed to receive the deputation, it would not be long before he would have in his hands the resignation of the Minister for Education. I speak from experience as an ex-Minister for Education, because when a similar request was made to my Premier to receive a deputation over my head, I simply informed him—although I do not believe he had any intention of receiving the deputation—that if he received it he would have the job of looking for a new Minister for Education the following day.

That matter was subsequently resolved in accordance with my own decision, and it came to be accepted and applauded by the people who were so dissatisfied in the first place. So it is no wonder the Premier declined to receive this deputation. I mention the matter only to emphasise how strongly the union feels about this question of representation. In the circumstances, is it worth the Government insisting on having this distinction which will be a pin pricking business as long as the board is in existence; when the teachers themselves will be saying, "One of our four representatives will have to be

selected by the Director-General, while the independent schools have the right to select all their own representatives"?

Mr. Lewis: Would you be any happier if we made one of the four a representative of the independent schools?

Mr. TONKIN: Let us take it one step at a time and see how we get on with this one. The Committee may accept this proposal.

Mr. Lewis: I thought my comment might have some influence on this one, but we will take one thing at a time.

Mr. TONKIN: That is what we will have to do. If I cannot succeed with this one, I will be happy to express my view on the others and perhaps we will be more successful.

Mr. Lewis: If we cannot achieve it on the swings we will have to pick it up on the merry-go-round.

Mr. TONKIN: The Minister has apparently taken leave of his senses. At the moment there is on the notice paper an amendment with which we will have to deal.

Mr. Lewis: You could indicate what your attitude will be.

Mr. TONKIN: My attitude is that if the amendment is defeated I will be happy to accept the proposition the Minister has mentioned if he puts it up.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. DAVIES: I am sorry to see the Minister adopt this attitude this evening after the splendid co-operation he displayed when the Bill was originally brought before the House. I would remind the Committee that this Bill was mentioned in the Governor's Speech and it was about five weeks before the Bill was brought down, so surely in that time the department would have had some notice of what the independent schools required, and that they were seeking by the amendment only a continuation of the principle we were so pleased to see the Minister adopt originally.

I have to applaud the efforts of the Leader of the Opposition at this stage, because the Teachers Union wanted to approach the Premier, and it was only at the direction of the Leader of the Opposition that it went to the Minister for Education. Since that time we have been supplied with a copy of the deputation notes, and I take it that they are correct. On reading the notes one realises the Minister was very co-operative and that he appreciated the efforts of the union in bringing the Achievement Certificate into operation. After the deputation the union went away quite happy, and if we look at the debate when the Bill was continued at the second reading stage, one will note the Minister was quite pleased to be able to move an amendment which he said gave the union the right to appoint three representatives.

I do not think the question of a unionist or non-unionist is in dispute. It is a question of permitting the Teachers Union to make its own selection, and making certain that, as responsible people, they are capable of selecting the best possible representatives from the ranks of the teaching staff to give their advice to the board in the implementation of the Achievement Certificate. Above all else, it is their co-operation that is needed. The Minister told us the total number on the committee was reduced from 27 to 16, with the object of making it a workable committee. He was not able to tell us why the reductions were made, but he pointed out that the number of representatives of secondary schools nominated by the Teachers Union had been reduced from five to three.

We have to take that reduction in the total concept of the actual numbers which were recommended in the Dettman report. The fact is that he accepted the principle that the Teachers Union shall nominate the four representatives from the Government secondary schools, but he finds that this attitude no longer holds good; yet he recommended and accepted the representation of the independent schools. If we look at it in one light the association could be regarded as the union of independent school teachers. They are the people who look after the principles of education as related to independent schools. Although they are not related to the Teachers Union their functions are much the same as those of the teachers in the Government secondary schools, except that the association comprises school principals entirely. It does not comprise the teaching staff, so there is a distinction.

I express my attitude that if the Teachers Union, after having accepted the principle, is to be slighted in this manner the Association of Independent Schools will also be slighted.

Mr. H. D. EVANS: I would like to touch on the misconception of the Minister. It is not a case of depriving one professional body of representation by asking the Director-General of Education to nominate one of its four members; and it is not a case of penalising the association. If the Minister considers that the association is a competent body to make the nomination, then surely the union should likewise be regarded as competent to do the same. The member for Victoria Park has suggested that the Minister is treating the Teachers Union less favourably than he is treating the association.

We do not want to deprive the association of any representation, but at the same time we do not want to see the Teachers Union treated as though it was inferior to the association.

Mr. LEWIS: The Leader of the Opposition has charged me with throwing overboard a principle. With one exception I maintain that I have not thrown any principles overboard. I refer to the recommendations contained in the Dettman report. The principle is that there shall be 25 to 27 members on the board, and that they shall be appointed. It recommends that there shall be five representatives from the Government secondary schools, one of whom shall be the representative of the Teachers Union, and the other four to be appointed by the director-general.

In the case of the non-Government secondary schools it is recommended that five representatives shall be appointed by the Association of Independent Schools. If any principle has been written into that recommendation, it is that the head of the department in the case of the State schools, and the respective heads of the individual non-Government schools—with one exception—shall appoint their members to the board. The one exception is that in the case of the Government secondary schools, of the five representatives, one shall be nominated by the Teachers Union.

I maintain that I have not abrogated any of the principles, with one exception. I have reduced the board and changed the degree of representation. I have adopted in part the recommendations which have been made, and I have made a change in quantity but not quality, with one exception.

In dealing with that exception, the principle I have departed from is that in the case of the representatives of the Government secondary schools instead of one out of the five representatives being nominated by the union, I agreed to three out of four being nominated by it.

In the Bill the provision states—

> three shall be teachers representing Government secondary schools nominated by the union.

I am not sure what the number was originally.

Mr. Tonkin: Originally two were nominated by the director-general.

Mr. LEWIS: Why the original recommendation was made by this committee I do not know; neither do I know why it recommended that the director-general should nominate four out of the five members, and that the five representatives of the non-Government secondary schools should be nominated by the Association of Independent Schools. I have not departed from that principle, except as to degree. I have made a change to increase the proportion of representatives of the Teachers Union.

It has been stated that this produces disharmony. These are teachers who specialise in teaching at the secondary schools, and one would expect them to be responsible persons when they are appointed as members of the board. I cannot concede that disharmony will result. I oppose the amendment.

The CHAIRMAN: We have been on this clause for 53 minutes. There is a tendency for members to repeat what has already been said. I ask any member who rises to speak not to repeat what has been said; I will not permit that.

Mr. GRAHAM: It was not my intention to participate in this debate, but because I, as a member of Parliament, as a citizen of the State, and as a parent, am exceedingly perturbed by the continual feuding between the Minister and the Teachers Union I feel it incumbent on me to make a few remarks. Nobody, except the school children, suffers from this continual feuding. In view of what we have witnessed in this State over a number of months one would have thought that the Government would be anxious to co-operate to the fullest extent. Yet in respect of a matter which, measured against the impact of the Bill as a whole, is comparatively trifling, the Minister and the Government are prepared to live at odds with the union.

If we look at the composition of the board we will find that in every case the organisation that is to be represented is given the right to select its representatives, with one exception; and that is the Teachers Union. In the Bill provision is made for the department to appoint four officers as its representatives, and it is free to make the selections; for the non-Government secondary schools to appoint four members who are to be nominated by the association; for one member to be nominated by the Senate of the University; for one member to be nominated by the Institute of Technology; for one to be nominated by the Teachers Union; and for two to be appointed by the Minister, but these two do not represent any organisations. The only organisation that has been selected for special treatment is the Teachers Union; it shall not have the right to appoint the whole of its representatives. What is the reason for this treatment? Obviously it will be an irritant to the Teachers Union at a time when such a luxury cannot be enjoyed by the Government.

Does the Minister think that the efficacy and the efficiency of the board will be undermined by allowing the Teachers Union to have the same right as every other organisation has to select its representatives? It strikes me that there is a degree of pig-headedness on the part of the Minister. He seems to have a feeling that if the union asks for something and he grants it, he will be displaying weakness. I wish that in the interests of education and of the school children the Minister will relent.

After all, the members of the Teachers Union are entrusted with the education of our children, yet for some reason which I cannot understand the Minister feels they are incompetent and that they are not to be trusted to appoint the full delegation of the union's representatives to the board. This is completely unreasonable. The net result will achieve one thing only: it will keep alive the feelings of resentment, jealousy, and mistrust. Surely when we are framing legislation we should forget some of the things which have appeared in the advertisements in the Press.

Mr. Lewis: You are the one who is mentioning them.

Mr. GRAHAM: This is the first occasion during this year that I have spoken on education. I have not brought this up. I deplore the fact that the differences of opinion exist, and that the Minister has allowed them to continue. Apparently he is deriving satisfaction by adding fuel to the fire. The Minister should adopt a more conciliatory attitude. He will not lose anything by doing that; he will make some contribution to restore harmony.

Mr. Lewis: Listen to the peacemaker!

Mr. Williams: You are the one who is doing the stirring up.

Mr. GRAHAM: There are three members who sit immediately behind the Premier, and they very rarely get on their feet to speak, but they specialise in making speeches of one sentence whilst they remain seated.

The CHAIRMAN: I do not think we need to go into personalities on this matter.

Mr. GRAHAM: I do not think it is necessary for that, and surely, as I am on my feet, if anybody is entitled to protection I am, and not those members who have not the guts to stand up and express themselves, and who snipe at me, and who are suggesting that I am doing a little bit of stirring.

I plead with the Minister to do something in this matter in the interests of our children, and not to adopt a ridiculous and stubborn attitude. He has the numbers and he can win this point, but I tell him he is rendering a disservice to the cause of education in Western Australia and that it is time he grew up instead of adopting this miserable attitude. The Minister should look to brighter horizons. The Minister is gaining nothing and is irritating the teachers in our Education Department and that, in my opinion, places him at the bottom of the class.

Mr. Lewis: Blessed are the peacemakers!

Mr. H. D. EVANS: I ask the Minister, through you Mr. Chairman, if he raised the hopes and expectations of the Teachers Union when he agreed to the deputation. Also, does he consider that the union rightly feels let down over this change of attitude?

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

Ayes—19

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Bickerton	Mr. McIver
Mr. Brady	Mr. Moir
Mr. Burke	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Graham	Mr. Tonkin
Mr. Harman	Mr. Davies
Mr. Jamieson	*(Teller)*

Noes—22

Mr. Bovell	Mr. Mensaros
Sir David Brand	Mr. Mitchell
Mr. Cash	Mr. Nalder
Mr. Craig	Mr. O'Connor
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Stewart
Mr. Kitney	Mr. Williams
Mr. Lewis	Mr. Young
Mr. McPharlin	Mr. I. W. Manning *(Teller)*

Pairs

Ayes	Noes
Mr. Hall	Mr. Burt
Mr. May	Mr. Court
Mr. Fletcher	Mr. O'Neil
Mr. Toms	Dr. Henn

Amendment on the amendment thus negatived.

Question put and passed; the Council's amendment agreed to.

Mr. LEWIS: I propose to move that amendment No. 3 made by the Council be agreed to.

Mr. Graham: The Minister is not moving that one member be nominated by the Director-General of Education, is he?

Mr. LEWIS: Well, I am quite prepared to do that.

Mr. Graham: Well, the Minister has the numbers and he has his ideas.

Mr. LEWIS: I am quite prepared to do that. The paragraph will have to be amended to provide for four members instead of three. Four shall be persons representing non-Government secondary schools; three to be nominated by the Association of Independent Schools of Western Australia, and one to be nominated by the director-general.

Mr. Graham: Does the Minister think he will achieve anything by moving for that?

Mr. LEWIS: This shows how anxious I am to secure harmony. This is the point upon which the Opposition has been arguing.

Mr. Graham: No, it is not.

Mr. LEWIS: The Director-General of Education reserves the right to nominate one out of the four teachers so why not have this provision for the independent

schools? I am prepared to amend the clause to make it read that way. I move an amendment—

> Clause 5, page 3—Add after the word "schools" in line 15 the words "of whom three shall be", and after the word "Australia" in line 17 the words "and one by the Director-General."

Mr. TONKIN: This question was posed to me earlier and I said I would be happy to support it if it were put up. It subsequently occurred to me—and I want clarification on this in order to determine my attitude—that the decision to increase the representation of the independent schools from three to four was the result of direct representation from the independent schools to the Minister. I have in mind that the Minister gave an undertaking that he would increase the number of the representatives, all of whom would be nominated by the independent schools. If that is so, then this present amendment represents an abrogation of the assurance given.

If that is so I am going to retract what I said earlier because I will not be a party to the breaking of an assurance. If no such assurance was given that leaves me free to vote on this question on its merits. I ask the Minister to state the situation under which the alteration was made from three to four, and if there was an undertaking—either direct or implied—that in getting four representatives the independent schools would be permitted to select them.

Mr. LEWIS: I think the Leader of the Opposition knows the answer. I repeat: I received a very strong deputation from the independent schools and they put up an argument that they should have four representatives instead of three. I agreed to that. There was no question whether they should be nominated by this body or by that body. The question of nomination was not discussed at the deputation but it was implied, unless it was argued to the contrary, that the members would be nominated by the independent schools. The Leader of the Opposition must surely understand that.

Mr. DAVIES: I must certainly vote against this amendment. I am aghast that the Minister, in his eagerness, has been put on a spot. He is now changing his tactics for the second time tonight.

Mr. Lewis: This is a test of the sincerity of the Opposition.

Mr. DAVIES: This is not a test. The Minister has altered his policy twice tonight.

Mr. Lewis: I have only made one change tonight and that is in this regard.

Mr. DAVIES: The other change made by the Minister tonight was with regard to his earlier undertaking given during the second reading speech when he said that three members should be appointed by the Teachers Union. He changed his policy on that point tonight.

Mr. Lewis: You said we had only three from the Government schools.

Mr. DAVIES: No, we have just moved that there should be four from other schools. There is no argument about that, but only on the method of appointment. I do not deny the director-general the right to nominate the six members to be appointed under the legislation; four representing the administrative side of the department, and two representing the community interests.

Mr. Lewis: He does not nominate the representatives of the community interests.

Mr. DAVIES: I apologise; I realise now that the Minister does that. I do not dispute the Minister's right to appoint them. A move on the part of the parents and citizens' association to nominate a member was rejected. I believe the department has the right to nominate four administrative officers, and the Minister has the right to appoint a representative of community interests. The W.A. Institute of Technology shall nominate three representatives, and the University Senate shall nominate its representative, and so it goes on. One cannot quarrel with that

However, for the Minister to say now he intends to withdraw the right of the private schools to nominate a representative is a change in policy for the second time tonight. I have already said I could not support the amendment and I do not intend to support it now.

Point of Order

Mr. TONKIN: I rise on a point of order, Mr. Chairman, for the guidance of the Committee. I want to know from you, whether an amendment to clause 5 is before the Committee, or only the amendment made by the Legislative Council?

The CHAIRMAN: The amendment of the Legislative Council.

Mr. TONKIN: Then I submit that all we can do is either accept the amendment or amend it, and we cannot accept an amendment that seeks to amend any other part of the clause. If you rule that we can, that necessarily brings the whole of clause 5 before the Committee for amendment if the Committee so desires.

The CHAIRMAN: That is correct. The Minister can move that we agree with the clause subject to other amendments in it, and it is within the rights of the Committee to agree to that. Dealing with the same subject, this could be qualified, as the Minister has proposed.

Mr. TONKIN: Is the subject the composition of the board?

The CHAIRMAN: No, the subject is the principle of independent schools being represented, and how the representatives shall be appointed.

Mr. TONKIN: I am at a loss to know how the appointee will come before the Committee, because the Legislative Council, in its amendment, deals only with the number to be appointed. That is the only amendment that is before us now; that is, the number to be appointed. If it is your ruling that we can do a number of other things, I am prepared to accept that.

The CHAIRMAN: This amendment can be agreed to subject to any amendment to clause 5.

Debate Resumed

Mr. TONKIN: Proceeding on that basis, let us look at the amendment. It has been moved either because the Government has accepted the argument of the Opposition that there should not be any inequity, or it has been moved as a matter of tactics. If the Government accepts that there should not be any inequity, what was the necessity to go back on an undertaking in order to achieve equity when it could have been achieved by giving to the State school teachers the same facility as was provided for, and assured to, the independent schools?

We have really reached a remarkable situation. I asked the Minister for an explanation, and he made it clear that following a strong deputation from the independent schools, he agreed to increase the representation to four, and implied that those four members could be selected by the independent schools. This proposition which is put forward, cannot be anything else than an abrogation of that assurance, and this Committee has to consider that very carefully.

I suggest to the Minister, in view of the fact that the Committee was not prepared to make any alteration of the provision for the appointment of the representatives of the State schools, that he should withdraw this amendment, because nobody on this side of the Chamber will vote for it. The Minister should withdraw the amendment in order to maintain the confidence of the people who accept assurances from Ministers in good faith. I believe the Minister, before he moved the amendment, should have consulted the independent schools and informed them of the possibility that he might do this, but he has left them under the impression that the Bill will give them four representatives, and that they will have the right to select all four.

In the face of that, the Minister asks the Committee to take away something which he agreed to give, and which another place has confirmed. Do you imagine, Mr. Chairman, that this amendment will be accepted when it goes back to another place? Why make a farce of the situation? Therefore in all the circumstances the proper thing for the Minister to do is to withdraw the amendment, and if he does not withdraw it we will vote against it.

Mr. LEWIS: For the first time this evening I have been really impressed by the argument of the Leader of the Opposition, and therefore I propose to withdraw the amendment to the amendment made by the Legislative Council.

The CHAIRMAN: The Minister will have to ask leave to withdraw his amendment.

Mr. LEWIS: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. LEWIS: I move—

That amendment No. 3 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. LEWIS: The next amendment made by the Legislative Council is consequential. Since the number of members on the board is now 19, it is sought to alter the number that is necessary to form a quorum from nine to 10. I move—

That amendment No. 4 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Debate

Debate resumed from the 21st October.

MR. BRADY (Swan) [10.41 p.m.]: Apparently the members on the Government side of the House are highly amused that a member on the Opposition side is prepared to do the job that they should do this evening. They leave it to the Opposition, as usual. No doubt we will do the job that they should be doing, and they will return to their homes and say how hard they worked all week.

On the Appropriation Bill members have the right to traverse the general Estimates as submitted by the Treasurer. The other evening the Leader of the Opposition dealt most effectively with financial matters after he secured the adjournment of the debate, and he dealt with the situation as it is viewed by the Opposition.

In introducing the Estimates the Treasurer stated that some of the financial difficulties facing the railways were brought about as a result of drought conditions in

many country centres. However, I maintain that the effects of the drought on the Railways Department have not yet been felt, but they will in the near future.

In the meantime, anyone who peruses the financial returns of the Railways Department must realise what a serious position the railways are in. Because they are in that position I consider it my duty, as the member for Swan, to discuss various aspects of the overall position, and at the same time remind the Minister for Railways that the Midland Junction Workshops, which employ aproximately 2,000 men, is in my electorate. Those men will be looking to me to safeguard their interests in the workshops.

In view of the fact that grave weaknesses have been shown in the administration of the castings section of the workshop, I will proceed to discuss them in detail, but before doing so I remind the House that the railway Estimates, to the end of June, show a loss of $10,051,797. From reports submitted on railway activities, it would seem to me that a major crisis is developing in the civil engineering section; that contracts are being let to South Australian firms, but this work should be performed at the Midland workshops; that staff are leaving the department by the score, so much so that special training classes have been set up, but some of the trainees leave the department almost immediately after being trained; that road transport is taking over the work that belongs to the railways; that capital money which has been spent on the railways is lost as a revenue-producer; and that road passenger services are replacing railway services.

Last evening a report by a committee which dealt with the mishandling of advertising signs by the railways was tabled. Advertising is one of the minor activities of the department. What is mentioned in that report is what I mentioned in this House six or seven years ago. The fact is that the department has been using revenue for erecting advertising hoardings which bring about unsightliness to railway property.

I did mention that the civil engineering section of the railways is on the eve of a crisis. The other evening the member for Northam drew attention to the fact that in the last 18 months there have been 40 derailments. Since then there has been another major derailment at Pioneer on the Coolgardie-Norseman line.

We find that the permanent way gangs are not fully manned. We find that gangs which should comprise 16 men have only 11; gangs which should comprise eight men have only four; gangs which should comprise 11 men have only 10; and the Kellerberrin gang which should comprise 15 men has only 12. The shocking aspect is that the Kellerberrin gang is operating on the main line to Kalgoorlie over which thousands of people and thousands of tons of goods are transported every week.

We also find that the number of length runners engaged on various sections of the railway line has been reduced considerably, at a time when the number should be increased. The overall position is very discouraging.

Mr. O'Connor: Other types of maintenance are being carried out.

Mr. BRADY: I hope that other types of maintenance are being carried out. If the lines are not maintained regularly we will have a permanent way which is not capable of handling the traffic and the rolling stock.

Mr. O'Connor: Mechanical maintenance can reduce the number of staff that is required.

Mr. BRADY: I hope that mechanical maintenance is being carried out in such a way that we will have fewer derailments in a span of 18 months.

Mr. O'Connor: This number is lower than the number when you were a member of the Cabinet.

Mr. BRADY: I would point out that I have not been a Minister for Railways, so I cannot reply to the point that has been raised. I do know that when the Government of which I was a member was in office the permanent way gangs were fully manned. In addition, a sufficient number of length runners were engaged. They would go up the line one day and come back the next day. I believe that the system has been changed. It is an act of providence that this year the State did not experience a heavy winter; if it had the state of the eastern line would have deteriorated.

Mr. O'Connor: That is an exaggeration.

Mr. BRADY: It is not an exaggeration. In the winter of last year many difficulties were experienced on the eastern line. It is because this State did not experience a heavy winter this year that more derailments have not occurred. It would be in the Minister's best interests to call for a report on the ballasting of the lines and on the state of the permanent way, particularly the 4ft. 8½in. line, to ascertain whether it is standing up to the traffic and whether it is capable of carrying the tonnages anticipated when the line was built.

The next matter I wish to draw attention to is that recently this State lost a contract to a firm in South Australia. The contract was lost to the South Australian firm because its price was $36,000 lower. What I deplore is that the railways workshops were set up to undertake specialised work.

Mr. O'Connor: Was the Commonwealth involved in this?

Mr. BRADY: As far as the Commonwealth was concerned tenders had to be called. I deplore the fact that the tradesmen in the workshops have been denied the opportunity to do this new work. I am sure they prefer new work to maintenance and work on old jobs. The apprentices are also denied the opportunity to receive further training on this new work. I understand that the capacity of the workshops is not being used to the fullest extent, and neither is the plant and machinery. The railways have paid out the money to install the plant and machinery, and they should make full use of them.

It rubs salt into the wound when I point out that some of the prefabrication work under the contract given to the South Australian firm is being done at Midland, because the workshops have the necessary plant and machinery.

As the member for Swan in which the Midland workshops are situated I must draw attention to this matter. I deplore the fact that the workshops have been deprived of the opportunity to do this work. I would have thought that in an attempt to reduce the overall loss of the railways—the loss is about $10,000,000 this year—the opportunity would be taken to perform the work in this State. This would benefit the employees of the workshops in being able to undertake a new job of fabrication, and also benefit the apprentices by providing them with an opportunity to do the work.

This week I asked some questions of the Minister for Railways in relation to the classes which are being conducted by the Railways Department. It appears that staff are being trained, but some of them are being lost to the department. This indicates that something in the department is not measuring up to what is required in respect of the training of the staff. Money spent on training the staff would be thrown down the drain if the men, after receiving the training, leave the railways. This is a costly proposition.

Mr. O'Connor: I agree that we should try to retain the employees.

Mr. BRADY: I am glad to hear that comment. On Tuesday last I overheard a conversation between three engine drivers; they were discussing how many more men would be leaving their jobs shortly. This must cause anxiety to the department. In addition to the shortage of staff in the civil engineering section, it looks as though the locomotive and traffic section will be placed in the same position.

As I pointed out earlier, road transport is taking over a lot of the freight that should be carried by the railways. I do not think that the railways are deriving sufficient benefit from the pick-a-back system between Kalgoorlie and Perth, Kalgoorlie and Meekatharra, Perth and Geraldton, and other sections.

Last Saturday morning when I was handing out how-to-vote cards outside the Guildford Courthouse I counted in one hour the number of road haulage trucks which carted the freight of a full train. The commodities included hay, timber, machinery, oil, petrol, etc.

According to the report of the Co-ordinator of Transport, 48,500 tons of freight was transported to the north-west last year. I do not know how much of that freight was transported on the pick-a-back system, but I imagine a lot of it was transported by truck from Perth.

Mr. O'Connor: There was more than that quantity.

Mr. BRADY: The report indicates that 48,500 tons went up one way, and 18,500 tons went up another way. We should try to regain the freight that has been lost to the railways.

Mr. Gayfer: If you had not voted for the closure of some railway lines the primary producers would be using them still.

Mr. BRADY: That is a remarkable comment from the honourable member. If he examines the returns he will find that during the term of office of the McLarty-Watts Government more railway lines were closed, than were closed in the term of the subsequent Labor Government. The present Government has also closed the railway line which connected Perth with the hills area, Darlington, and Koongamia. The member for Avon should get his facts right before he makes an interjection like that. The McLarty-Watts Government closed more railway lines than did the Labor Government.

Sir David Brand: It did not.

Mr. BRADY: I was discussing the fact that the quantity of goods being transported by road haulage trucks is excessive, and that the railway should be carrying that traffic. In this regard a report has been tabled.

I now refer to a photograph which appears in today's *Daily News*. On the front page we see the advertising hoardings which appear on railway property. They look unsightly. Advertising is not the main activity of the department. It might be of benefit for the staff employed in the advertising section to be engaged in some other section of the railways.

In any case, the electors of Swan have written to me and criticised the advertising on the various hoardings along the line between Perth and Midland. I think I can say as a positive fact that not all of the people who have contacted me are Labor supporters. I think that one or two of them would be ardent supporters of the Country Party and, maybe, the Liberal Party. They are not happy about the

advertising boards which are placed around the metropolitan area and along the Midland to Perth road.

I know the Minister is not completely to blame for the next matter I wish to mention. I want to refer to the number of level crossings between Bassendean and Midland, and the lack of overhead bridges. A man from Bassendean, who is a well known sport and a past coach of the Swan Districts football team, told me he has to leave home a quarter of an hour or twenty minutes earlier than usual in the morning in order to get over the level crossing at Eden Hill. The railway bridge has been removed and has not been replaced. He would not be any better off by going to the level crossing at Bassendean because the warning lights are flashing there the same as they are flashing at Eden Hill.

The lack of bridge crossings is causing difficulty to the travelling public, and it is also causing difficulty to railway employees at West Midland, and the people who visit the abattoir. They are sometimes held up for a quarter of an hour or twenty minutes. I do not think it is all the Minister's fault, because the Main Roads Department and the crossings committee are to blame for not seeing that the bridges are constructed to carry the traffic. In a distance of about four miles we have four or five level crossings which are causing a great deal of difficulty to the travelling public. Unless something is done there will be many more protests in connection with railway administration.

The attitude of letting the general public wait at railway crossings for 10 minutes or a quarter of an hour is creating a bad image with regard to railway administration. This is added to the bad image already existing because of the removal of railway stations throughout the metropolitan area, the removal of telephones, the removal of toilets, the removal of information boards, the removal of bridges, and the increase in fares. As far as I can see, all this is not in the best public relations.

The people who ring me complain of the fact that nobody is doing any forward thinking in regard to these matters. The viewpoint of those people is that bridges should be constructed so that the public will not be inconvenienced, and I go along with that idea. For six years the people of West Midland have been told that a bridge would be constructed at West Midland over the railway. However, there is no sign of the bridge and I do not think it has even been planned. This is causing some concern in that area.

I did intend to touch on the matter of the abattoir tonight but I will now leave it until later in the Estimates. There is a story to be told in regard to the abattoir administration—particularly in regard to the treatment of employees—which has to be heard to be believed.

I want to now deal with the unsatisfactory treatment which the Government is handing out to the eastern suburbs. It seems that the eastern suburbs are not receiving the consideration from Government departments to which they are entitled. It seems to me that we are getting the skim milk and the other suburbs are getting all the cream.

Mr. Davies: We are not getting too much south of the river.

Mr. BRADY: The member for Victoria Park said they are not getting too much south of the river, but the new university is to be built south of the river. In my opinion, the university should be constructed in the eastern suburbs. So, I say we are getting the skim milk and the other suburbs are getting the amenities which should be going to the eastern districts.

In turn, other amenities are built up to service those organisations and that is helping to build up the traffic jam in the suburbs. Those suburbs should be spread out over the whole of the metropolitan area. In the plans for development of the metropolitan area the eastern suburbs and the Midland area are barely taken into account.

The latest developments are that we are getting all the penal institutions. We have already had youthful inmates of Hillston causing quite a lot of trouble in the hills. The public had to launch a protest against that. We also have the Riverbank youth institution at Caversham, and we have Barton's Mill in the hills. We now have the Wooroloo Hospital which will be turned into a prison, and we also have the women's alcoholic treatment prison to be built at Middle Swan. That prison will be constructed alongside one of the most up-to-date and first-class instiutions in Western Australia; namely, Swanleigh. In my opinion that is not a credit to Government administration.

Generally speaking, the only things we get in the eastern suburbs are those which I have just described. There are no traffic lights east of Bayswater because the whole of the planning is in the western suburbs, to build up the capital values in those suburbs. This planning, in turn, demands traffic lights, police buildings, university activities, and so on. The Government was not satisfied with putting the technological institute south of the river; it is now planning a new university for that area.

Mr. Bickerton: Would you like an island in the upper reaches of the Swan River?

Mr. BRADY: As a matter of fact, that is quite a timely interjection. There are 1,800 children at the Governor Stirling Senior High School who do not have a decent playground. The river could be dredged and some sort of playground constructed, but the Government prefers to spend money in the Fremantle area.

That raises another question: it looks to me as though the Swan River Conservation Board and other Government departments want to see all the improvements in the western suburbs. I can see the reason for this: nine out of 10 of those people are living in the western suburbs. However, when it comes to spending a few hundred thousand dollars in the eastern suburbs to provide amenities which are eight or nine years overdue, nothing is done.

As the member for the district, I feel it is my duty to draw attention to the fact that I am watching these things closely. It seems that the electors are watching them closely, too, judging from the voting in the various electorates last Saturday. I would like to see the Government go away from the skim milk policy which it applies to the eastern suburbs. It should try to give these suburbs a lift, educationally, socially, and culturally. At one time the eastern suburbs were the cultural centre of the metropolitan area.

Mr. Craig: The trots were held there years ago.

Mr. BRADY: As the Minister has said, trotting was first started in the eastern suburbs. The Royal Show was held at East Guildford for many years until people in various departments planned otherwise and directed that these events should take place in the city. There is an old saying that it is a long lane that has no turning. The people in the eastern suburbs are beginning to turn politically, because of the treatment they are receiving from various Government institutions.

Sir David Brand: What about long speeches that have no end?

Mr. BRADY: I am in Parliament to do a job in the same way as the Premier is here to do a job.

Mr. Graham: I think you are impressing the Premier.

Mr. Bickerton: You are making a better job of it.

Mr. BRADY: I was saying that the eastern suburbs are getting all the penal institutions and none of the cultural institutions. I believe it is high time some of the Government departments were told by Ministers to have a look at this aspect, because this could bring about many difficulties in the future. Transport is one difficulty I have in mind, but many others could be brought about.

There must be balanced planning and I consider that at least five overhead bridges could be erected at different points in the eastern suburbs. Within the last few years the railway sidings committee—I believe it is called—has closed yet another level crossing. People who used to go into Market Street to visit the slow learning children at the home in that street and others who visited Wells Hospital, which is a "C"-class hospital, and St. Vincent's Hospital now have to detour a quarter of a mile over a very narrow road. I believe the Government should build a bridge over Market Street to replace the level crossing that has been closed.

Also, I understand that the Swan Street bridge which was to be built over the river at Guildford has not yet been put onto the planning board and, at the moment, some doubt exists as to whether the bridge will be built, even though provision was made for it as long ago as 1965 when the Town Planning Commissioner presented his plans. I think the year was 1965 but it may have been earlier than that. Apparently some influence has been brought to bear and the work has been held up indefinitely.

If the work is not put into effect it will cause a great deal of inconvenience to people who travel from west to east in the morning and from east to west each evening along Walter Road in Bassendean. The normal route should be for people to return down Walter Road, past the new rehabilitation centre for slow learning children, and across to Swan Street. They should not have to cross two level crossings in Guildford and Eden Hill.

The Government actually bought property in Market Street, Guildford, to enable the bridge to be built. For some reason, however, this has been soft-pedalled. As the member for the district I say that this is causing grave inconvenience to thousands of people who go backwards and forwards daily, who have to travel over two level crossings, and wait on bells until the crossings are opened. This is not fair to these people. I am very pleased to see that the Minister for Works is in his place.

Mr. Craig: He is always in his place.

Mr. BRADY: I want to say to the Minister that, in view of the amount of money which is now made available for metropolitan roads and facilities under the new system of road taxes, this matter should receive his attention and the attention of officers in the Main Roads Department including the Commissioner of Main Roads. The plan which I mention is not my plan, but one which was put forward by a man who, together with his staff, was paid thousands of dollars to plan the metropolitan area. There were no protests at the time the plans were presented. It is only now that there seems to be an effort to avert putting the plan into practice. I feel I know the influence which may be responsible, but while I have breath in my body and am the member for Swan I will try to insist that the bridge be built over the Swan River.

The next bridge to which I wish to refer is the railway bridge at West Midland. Last Friday I was anxious to contact some of the committee to get them to go to the polling booths. I waited at West Midland level crossing for a quarter of an hour.

Four cars came while I was waiting, but they turned back and went in some other direction. At last I did the same thing and went down to the West Midland Station where I parked my car on the main highway, went under the subway, made my arrangements, and came back to find the train still waiting at the level crossing. This kind of thing does not build up a good public image for the railways. It causes a great deal of trouble to the travelling public and I would like the Minister for Railways to ask his staff to see whether something can be done about signals or planning to avert this type of thing. If the Government does not do this, it will have trouble on its hands from the employees of the Government Workshops.

Mr. O'Connor: What time on Friday?

Mr. BRADY: It was about 7 or a quarter past 7. I am referring to West Midland, and the train was proceeding in an easterly direction.

Mr. O'Connor: It was there about 20 minutes?

Mr. BRADY: Yes, approximately 20 minutes.

Mr. Cash: Was it a.m. or p.m.?

Mr. BRADY: I shall refer now to the bridge over the Helena River which has been planned for about five or six years, but nothing has been done about it. People built homes in Hazelmere eight or nine years ago—and in some cases earlier than that—because they were assured there would be a bridge over the river. I would like to see this project expedited, because children who travel to school in Midland have to detour 2½ to three miles to get to school when the journey could be as short as half a mile. So much for the matter of bridges over the railway.

The DEPUTY SPEAKER: The honourable member has five minutes left.

Mr. BRADY: Thank you, Mr. Deputy Speaker. In that time I would like to say a few words on education. In the last 12 months many advertisements have been inserted in the Press by the Minister and the Teachers Union pointing to the administrative difficulties in the Education Department generally. I will not touch on that subject because it would take me an hour, and I know the Premier would not be very happy about that.

I want to say, however, that I am appalled and amazed to see that the Director-General of Education is serving on 27 committees. I feel certain that there is no need for him to serve on half of those. It makes me wonder when the director-general actually performs his duties within the department on education work generally. It has now been noted, in this morning's issue of *The West Australian* or by medium of the television news last night, that the director-general is proceeding overseas to interview 200 prospective applicants who are prepared to come to Western Australia to teach in our schools. The director-general will ensure that these applicants possess the necessary mathematical and scientific qualifications to fill the teaching posts that are vacant.

We have people in this State who are breaking their necks to become school teachers and yet they will not be accepted by the department. A young student who comes from Singapore came to my residence last Saturday fortnight and spoke to me for about half-an-hour. She told me that she came to Western Australia for a holiday two years ago and that when she arrived here she was told she would get a teaching post, but to date she has been unsuccessful, and she came to me for advice.

Mr. Rushton: What are her qualifications?

Mr. BRADY: She has good qualifications. She went to the department, but it was not prepared to tag along with her.

Sir David Brand: Did the department give her any reasons?

Mr. BRADY: She said she could not get past the junior officers on the counter. I gave her the best advice I could, and I told her I was prepared to raise the matter on a member of Parliament basis. However, she insisted that she did not want me to do that.

I have here another case of a woman who has written to me stating that she is under 35 years of age and wants to be a school teacher, but to do so she has to pay $1,200 to be trained; that is, $400 a year. Also when she completes her training there is no guarantee that she will be employed. She states that she has three children attending school. One is in grade 3, and she points out that this class has been taught by nine teachers this year. Another child is in grade 2, and four teachers have taught that class this year. The third child is in the first grade, and four teachers have taught that class during the year.

In the light of all this, there are teachers in Western Australia who are offering their services to the Education Department, and yet we find the Director-General of Education going overseas—at great cost, I presume—to interview applicants for teaching posts. It appears to me that something should be done to enable local residents to become teachers. As a last resort we should try to obtain teachers from the Eastern States. I have seen people from the Eastern States who have interviewed me about obtaining a teaching position in Western Australia.

I am not happy with the overall position in the Education Department, and I am not happy that the Director-General

of Education, the most highly-paid man in the department, is serving on 27 committees. It is time the Minister for Education told the director-general that he should delegate some of these duties to the deputy director, or even to high school teachers who could perform such duties probably more effectively than the director-general. That is all I wish to say on the Appropriation Bill at this stage. I will have something to say about abattoirs on another occasion next week, I believe.

Debate adjourned, on motion by Mr. Cash.

House adjourned at 11.25 p.m.

Legislative Council

Thursday, the 30th October, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (2): WITHOUT NOTICE

1. CLOSING DAYS OF SESSION: FIRST PERIOD

Sittings of the House

The Hon. W. F. WILLESEE asked the Minister for Mines:

In view of the fact that the first part of the session is drawing to its closing stages, I wonder whether the Leader of the House could acquaint us with the times at which he contemplates the House shall sit during the coming week. I realise that the information could not be perfectly accurate at this stage, and we would not hold him to it; but I would be grateful if he could indicate to the best of his ability what is contemplated.

The Hon. A. F. GRIFFITH replied:

The objective is to complete by next Friday as much of the legislation on the notice papers of both Houses of Parliament as is required to be completed. With this in mind the House will sit this evening, as I have already indicated. The House will sit at normal time on Tuesday; namely, at 4.30 p.m. We will sit at 2.15 p.m. on Wednesday; 2.30 p.m. on Thursday, as Standing Orders already provide; and earlier on Friday. Whether we finish on Friday depends on the progress we make until that time. If it becomes obvious that we will not finish on Friday I think it would be the wish of the Premier—and certainly it would be a wish I would share—not to sit until the early hours on Saturday morning but to come back and finish the following week. A good deal depends on the Leader of the Opposition himself and upon other members in the Chamber.

The Hon. F. J. S. Wise: And in another place.

The Hon. A. F. GRIFFITH: Yes, over whom we have no control whatever. So far as this House is concerned, a good deal depends upon ourselves with respect to how quickly or slowly we deal with legislation.

I thank the Leader of the Opposition for the manner in which he couched his question and I have explained my intention to the best of my ability.

2. CLOSE OF SESSION: FIRST PERIOD

Legislation Left on Notice Paper

The Hon. W. F. WILLESEE asked the Minister for Mines:

At the close of the first period last year two very interesting pieces of legislation were carried over on the notice paper until the March period. This gave the Opposition an opportunity to study the legislation and the commencement of the second period was much more interesting as a consequence.

Can the Minister foreshadow whether any legislation will be left on the notice paper for the Opposition to study and digest before the March period?

The Hon. A. F. GRIFFITH replied:

I think I can foreshadow that some legislation will be left on the notice paper. However, I am not able to comment as to whether the items will need a long time to be digested.

The Leader of the Opposition is referring, in particular, to one Bill which was carried over at a comparable time last year. This was the sort of Bill that required considerable study and it was brought forward at that time for that very reason.

I, personally, may have a couple of Bills—if I may use that expression—that could come into this category. I am trying to complete them in time and members would accept them, I feel sure, even if I give the first and second readings on the last day, in the certain knowledge that the debate would not be continued until the March period.