The Hon. L. A. Logan: They sometimes take baths.

The Hon. Clive Griffiths: In 1965 I proposed an amendment along these lines.

The Hon. A. F. GRIFFITH: Well, I will not have any trouble receiving the support of the honourable member for this Bill.

In accordance with the recommendation so submitted, and after consideration by the Commissioner of Police, it is proposed in this legislation, in order to provide a more realistic deterrent to people who thieve from building sites causing substantial loss of material, that the penalty be a fine of $400 or two years' imprisonment, in lieu of the present penalties of $100 and six months' imprisonment.

I still think it is the practical matter of discovering the theft and catching the thief which is the real problem. Let us hope that an increase of this nature in the penalty will be of some deterrent to people who go to building sites and take property which does not belong to them. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. Thompson.

House adjourned at 9.59 p.m.

Legislative Assembly

Tuesday, the 3rd November, 1970

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

CENSORSHIP OF FILMS

Uniform Legislation: Petition

MR. BURKE (Perth) [4.32 p.m.]: I have a petition. It is a fairly lengthy petition and I have paraphrased it for the information of the House. It is addressed as follows:—

> TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PARLIAMENT OF WESTERN AUSTRALIA, IN PARLIAMENT ASSEMBLED:
>
> We, the undersigned members of the International Film Theatre, Inc., a Western Australian film society of nearly 900 members, do hereby pray that Her Majesty's Government in Western Australia, will consider the following submissions:—
>
> Your petitioners believe no case has been established for the censorship of films seen by mature persons over the age of 18 at screenings by properly constituted film societies, film festivals, libraries and educational institutions.
>
> They believe that the protection of immature persons can best be achieved by the introduction of restricted exhibitions and the adoption of uniform legislation and regulations in all States and Territories of the Commonwealth.
>
> Accordingly, they recommend that the Government of Western Australia consult with the Governments of the Commonwealth and of the other States with a view to introducing such legislation in Western Australia.
>
> Your petitioners therefore humbly pray that the Legislative Assembly in Parliament assembled will heed and act on these submissions.
>
> And your petitioners, as in duty bound, will ever pray.
>
> No. of Signatures—176.
>
> THIS IS TO CERTIFY that the above petition conforms with the rules of the House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

BILLS (2): INTRODUCTION AND FIRST READING

1. Public Service Act Amendment Bill.
2. Public Service Arbitration Act Amendment Bill.

Bills introduced, on motions by Sir David Brand (Premier), and read a first time.

QUESTIONS (15): ON NOTICE

1. AMMONIUM CHLORIDE FUMES

Rivervale

Mr. TOMS, to the Minister representing the Minister for Health:

(1) Has he received complaints with regard to ammonium chloride fumes emanating from Galvanisers (W.A.) Pty. Ltd., Rivervale, affecting residents in the area and causing children and teachers at Tranby school irritation and discomfort?

(2) If so, has any action been taken or contemplated to abate the nuisance and, if so, when?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) In June of this year, under instruction from the Air Pollution Control Council, the company installed a forced ventilation system emitting through a stack 15 ft. above the ridge of the roof, this being the best practicable means for this premises.

2. EDUCATION

Westfield School

Mr. RUSHTON, to the Minister for Education:

(1) Because the new Westfield School, Kelmscott, is ready for occupation in a few days and the sand fill upon which the school is built is shifted readily into the school by the local winds to the detriment of the new furnishings and paint works, will the department have a contract let urgently for the landscaping, including lawn planting of the surrounds to the school, to stabilise the sand and save any unnecessary damage?

(2) When will the landscaping and lawn planting be commenced?

Mr. LEWIS replied:

(1) Yes.

(2) Work is scheduled to commence in two weeks.

3. CITY OF PERTH ENDOWMENT LANDS

Proceeds of Sale: Use

Mr. GRAHAM, to the Minister representing the Minister for Local Government:

(1) Is he aware whether the Perth City Council has used any of the proceeds of sales of land in the City of Perth endowment lands area for purposes other than those set out in the City of Perth Endowment Lands Act?

(2) If not, will he make inquiries?

(3) If so, what action has he taken or does he propose to take?

(4) Should proceeds of sales have been spent contrary to the Act, what is the position confronting the City of Perth and its councillors, especially in the matter of rectification?

Mr. NALDER replied:

(1) Yes.

(2) Answered by (1).

(3) No action is contemplated.

(4) This question appears to involve a matter of law.

4. INSPECTION OF SCAFFOLDING ACT

Amending Legislation

Mr. JAMIESON, to the Minister for Labour:

(1) Is he aware of the statement emanating from the building trade unions that in view of the delay in the introduction of amendments to the Scaffolding Act they have declared that unless full wages are paid in respect of accidents through unsafe working conditions, industrial action would be taken on all construction jobs as from the 1st January next?

(2) Could he indicate the reasons for delay in introducing the amending legislation?

(3) Will this legislation be brought before this current session of Parliament?

Mr. O'CONNOR (for Mr. O'Neil) replied:

(1) to (3) I am not aware of any such statement and if such a statement were made, it is to be deplored since I and my officers have, to date, received the utmost co-operation of all parties concerned in producing a draft of legislation to replace, not to amend, the Inspection of Scaffolding Act. The new legislation is proposed to be named the Construction Safety Act. The Bill is now at the printing stage. However, having regard to the business currently before Parliament and that which has been foreshadowed, it is not intended to present this legislation during this session.

It must be appreciated that regulations to be made under the new Act would require preparation, and the Act could not be proclaimed until the new regulations are determined. This phase is being proceeded with. It seems, therefore, that no useful purpose could be served by hasty consideration of the proposed legislation since, under any circumstances, the new Act could not become operative until the matter of appropriate regulations is resolved.

5. BOARDS AND ADVISORY COUNCILS

Members: Time Commitment

Mr. COOK, to the Premier:

(1) On what total number of Government or semi-Government boards, councils, committees, etc., is the—

(a) Director-General of Education;

(b) Commissioner of Public Health;

(c) Commissioner of Town Planning;

(d) Director of the W.A. Museum;

(e) Director of Fisheries and Fauna,

either chairman or member?

(2) What is the estimated total of hours spent at these meetings by each of the abovenamed in 1969-70?

Sir DAVID BRAND replied:

(1) (a) 27, on 7 of which he is represented by a deputy.
(b) 27.
(c) 20.
(d) 17, including 7 national or international committees associated with the work of the museum.
(e) 13, on one of which he is represented by a deputy.

(2) (a) The Director-General of Education is overseas at present. In his absence, the number of hours has been estimated at approximately 450.
(b) 675 hours.
(c) 424 hours.
(d) 370 hours.
(e) 250 hours.

6. HEALTH

White Bread: Food Value

Mr. BERTRAM, to the Minister representing the Minister for Health:

Bearing in mind the A.B.C. news item on Friday, the 23rd October, 1970, to the effect that of 64 rats fed for 90 days on white bread as supplied to the U.S.A. public, two-thirds died and the others were stunted, has the food value of white bread used in this State been tested similarly and, if so, with what result?

Mr. ROSS HUTCHINSON replied:

Wheat used for white bread in this State is tested regularly for food value, but not by the type of animal feeding trial referred to by the honourable member.

It is understood that the trial referred to by the honourable member was a trial designed to test whether or not the substance fed was adequate as a total diet. It merely appears to establish that rats cannot live by bread alone.

7. VANDALISM

Tuart Hill Primary School

Mr. GRAHAM, to the Minister for Police:

Has the Commissioner of Police received any complaints regarding acts of vandalism and other anti-social activity at the Tuart Hill Primary School and, if so, what steps are proposed in order to reduce or prevent the continuance of the nuisance?

Mr. CRAIG replied:

As a result of complaints, a number of regular patrols have been carried out. These will be increased in future.

8. CIGARETTE SMOKING

Hazards

Mr. BERTRAM, to the Minister representing the Minister for Health:

(1) Is the conclusion to be found in the Australian Health Education Advisory Digest, volume 7 of number 3 at page 8 that cigarette smoking is increasing the number of deaths of Australian males between 40 and 49 years of age by 650 each year correct?

(2) If "No" why, and what would be a more accurate figure?

Mr. ROSS HUTCHINSON replied:

(1) and (2) This is a matter of opinion; but it is generally accepted that excessive smoking is a health hazard and may cause premature death.

9. STATE GOVERNMENT INSURANCE OFFICE

Youth Clubs: Policies

Mr. BERTRAM, to the Minister for Labour:

Since an insurance policy has been issued by the State Government Insurance Office which in effect protects the Upper Blackwood Youth Club, will he make available a policy or policies of insurance to protect persons who often on a purely voluntary basis conduct youth clubs and gymnasiums and the like from claims for damages for negligence arising from injuries sustained by club members and others in the course of the activities of such clubs and gymnasiums?

Mr. O'CONNOR (for Mr. O'Neil) replied:

The State Government Insurance Office has not the statutory authority to issue public liability policies to the public.

10. *This question was postponed.*

11. STAMP DUTY

Australia and New Zealand Banking Group

Mr. BERTRAM, to the Treasurer:

How much stamp duty has been received and has yet to be received arising from the amalgamation referred to in the Australia and New Zealand Banking Group Act, 1970?

Sir DAVID BRAND replied:

Stamp duty of $28,443 arising from the amalgamation will be received.

12. WESTERN MINING CORPORATION

Nickel Smelter

Mr. T. D. EVANS, to the Minister for Industrial Development:

(1) In what direction and how far from Kalgoorlie is it intended that the proposed Western Mining Corporation smelter will be built?

(2) How many persons are expected to derive employment from this smelter?

Mr. COURT replied:

(1) If a final decision is made for a smelter to be built at Kalgoorlie, the selected site would be some 10 miles south of the Kalgoorlie Post Office.

(2) Approximately 240 directly employed.

There will of course be many more who would benefit from the operation of a smelter.

13. RAILWAYS

Kalgoorlie Express

Mr. MOIR, to the Minister for Railways:

(1) Has the replacement of "X" class locomotives by "A" class on the Kalgoorlie express resulted in the train arriving in the city or Kalgoorlie on the scheduled time?

(2) If not, on how many occasions has the train been late in arriving at its destination since the change to "A" class locomotives?

(3) If there has been late running, what are the reasons?

(4) What further steps are proposed to rectify these delays?

Mr. O'CONNOR replied:

(1) and (2) For the period the 14th to the 27th October, the train arrived at Kalgoorlie on time on seven out of the 12 journeys, and at the city on three out of 12 occasions. Not any of the late arrivals were due to locomotive failures.

(3) Details of late arrivals at Kalgoorlie:

October 16th—

27 minutes late, due detaching wagon at West Merredin due load shifting.

October 19th—

22 minutes late; 14 minutes late ex city due parcels traffic and 8 minutes roadside traffic at Northam.

October 20th—

15 minutes late; detached a defective wagon at Wyalkatchem.

October 23rd—

8 minutes late, waiting signals for admittance to Kalgoorlie.

October 26th—

23 minutes late, due 20 minutes late departure city (late arrival of milk traffic): 12 minutes delay at Noongaar due staff instrument failure.

Details of late arrival at City:

October 16th—

23 minutes late, due delay crossing opposing passenger Booraan.

October 17th—

23 minutes late, due 10 minutes speed restrictions Avon-Midland and 13 minutes detaching livestock Midland.

October 18th—

23 minutes late; 15 minutes train crossing enroute and 8 minutes Midland to City waiting suburban services.

October 19th—

63 minutes late; 15 minutes Booraan crossing opposing passenger train; 35 minutes speed restrictions and staff changing enroute; 13 minutes Midland, detaching livestock.

October 20th—

41 minutes late; 10 minutes staff changing enroute; 17 minutes Midland detaching livestock; 14 minutes following suburban passenger services.

October 23—

13 minutes late due detaching livestock Midland.

October 24th—

11 minutes late, due detaching livestock Midland.

October 26th—

88 minutes late; 17 minutes Carrabin crossing opposing passenger train; 17 minutes Merredin obtaining pilot driver to travel Merredin to West Merredin (driver unfamiliar this section); 5 minutes over allowance West Merredin, locomotive running round train (for travel via Wyalkatchem); 26 minutes speed restrictions; 8 minutes staff changing enroute; 15 minutes Midland detaching livestock traffic.

(4) Appropriate steps have been taken to eliminate avoidable delays.

14. TRAFFIC COUNTS

Causeway and Environs

Mr. DAVIES, to the Minister for Traffic:

What are details of the latest traffic count figures available for traffic flow to and from Perth for—

(a) peak hour periods, a.m. and p.m.;

(b) a 24 hour period,

over the Causeway, Albany Highway, Shepperton Road, Great Eastern Highway, and Canning Highway?

Mr. CRAIG replied:

Causeway (on Heirisson Island)

West bound—
a.m. peak hour—4,493
p.m. peak hour—2,615
24 hour—36,540

East bound—
a.m. peak hour—2,198
p.m. peak hour—4,085
24 hour—35,748

Albany Highway (east of Geddes Street):

West bound—
a.m. peak hour—1,207
p.m. peak hour—909
24 hour—12,024

East bound—
a.m. peak hour—694
p.m. peak hour—869
24 hour—11,048

Shepperton Road (west of Twickenham Road):

West bound—
a.m. peak hour—562
p.m. peak hour—647
24 hour—7,447

East bound—
a.m. peak hour—646
p.m. peak hour—1,130
24 hour—9,449

Great Eastern Highway (north of rotary):

South bound—
a.m. peak hour—1,804
p.m. peak hour—1,143
24 hour—15,684

North bound—
a.m. peak hour—1,028
p.m. peak hour—1,671
24 hour—16,252

Canning Highway (south of rotary):

North bound—
a.m. peak hour—1,852
p.m. peak hour—1,055
24 hour—14,677

South bound—
a.m. peak hour—692
p.m. peak hour—1,450
24 hour—12,454

15. LICENSED RESTAURANTS

Meals: Time Limits

Mr. GRAHAM, to the Minister representing the Minister for Justice:

(1) Has any officer associated with the administration of the Liquor Act stipulated a maximum period within which a diner and his guests are required to complete their meal when dining at a licensed restaurant?

(2) If so, what period has been stipulated?

(3) Have any time limits been laid down in respect of the duration of the periods when liquor might be consumed both before and after the taking of a meal?

(4) If so, what periods have been stipulated?

(5) Who made such decisions?

(6) What is the authority for such action?

(7) On what premise were time limits based?

(8) Will he take steps to ensure that neither he nor I, nor any other person taking a meal in good faith will be put on a time limit?

(9) Will he ensure that the holder of a restaurant license is not subject to harassment by any authority for attending to customers mentioned above?

(10) In respect of both questions (8) and (9); if not, why not?

Mr. COURT replied:

(1) No.

(2) Answered by (1).

(3) It has been suggested about half an hour before a one course meal, and half an hour after such is reasonable time within the terms of section 7, subsection 2 of the Liquor Act. However, dependent upon the type of function and circumstances surrounding the meal, this could vary.

(4) Answered by (3).

(5) Commissioner of Police.

(6) Section 7 subsection (2) of the Liquor Act which provides for the sale and supply of liquor ancillary to a meal, see answers to (3) and (7).

(7) By applying commonsense and reasoning according to the type of function, or type of meal required, and circumstances surrounding such, having regard to the terms

of the restaurant license held by the licensee, and in an endeavour to enforce the law with reason.

(8) No person taking a meal in "good faith" has been or will be put on a time limit.

(9) There has been no harassment of the holder of restaurant licenses, but action has been and will continue to be taken when flagrant breaches of the license is in evidence, despite advice and warnings given.

(10) Answered by (8) and (9).

QUESTIONS (3): WITHOUT NOTICE

1. BERNARD KENNETH GOULDHAM

Comments by Mr. T. Luckett

Mr. CASH, to the Premier:

(1) Has he seen the report of comments made by Mr. T. Luckett on 6IX on the 29th October in reference to the Gouldham debate in the State Parliament?

(2) Does he consider there was a breach of privilege amounting to contempt of Parliament?

Sir DAVID BRAND replied:

(1) and (2) Yes, I did see and hear the reports. The Government has given serious consideration to this matter and it would be fair to say that members, generally, have also given serious consideration to it.

However, we have decided to treat his comments with the contempt they deserve. Nevertheless, I believe we should view such comments very seriously and, in future, I should think that more serious action will have to be taken where the case is proved and justified.

2. BERNARD KENNETH GOULDHAM

Grounds for Retrial

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

On what grounds did he advise the House that Gouldham had an opportunity for a retrial, and he declined?

Mr. COURT replied:

I thank the honourable member for notice of the question. In answer, I can say I was relying on the transcript of the proceedings of the Court of Criminal Appeal and, in particular, the transcript of the adjourned hearing after the case had been completed, for all practical purposes, except for formalities. There was an adjournment, and the persons appearing for the appellant and the Crown were given opportunities to put their views.

Mr. Parker, who was appearing for the Crown, then said that he had been instructed, in view of the reasons given by Their Honours, not to press for retrial, and I think I made clear the reasons for this whilst I was making my comments in the House. When counsel for the appellant (Mr. Gouldham) was asked by His Honour (Mr. Justice Virtue) what his comments were, the words used by Mr. Justice Virtue were—

> Perhaps I had better have a word to you, Mr. Miller. Your client may be terribly anxious to have another trial. Is that his position?

Mr. Miller replied—

> No. He is certainly not anxious for a retrial, sir.

His Honour then said—

> He would be happy to have the judgment—

And Mr. Miller said—

> More than happy, sir.

Mr. Justice Virtue then said—

> Yes, all right. Do you move now?

The proceedings that followed covered the formal motion by counsel for Gouldham.

So that the matter is properly recorded, I would ask for permission to table a copy of this transcript, Mr. Speaker.

The paper was tabled.

3. EGG LICENSING AUTHORITY

Establishment

Mr. W. A. MANNING, to the Minister for Agriculture:

Does he intend to carry out the wishes of the egg producers to establish a licensing authority?

Mr. NALDER replied:

The Government intends to introduce legislation to Parliament for debate in this session.

PUBLIC SERVICE ACT AMENDMENT BILL

Second Reading

SIR DAVID BRAND (Greenough—Premier) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains a number of amendments to the Public Service Act. The major proposal is the creation of a public service board to replace the existing system of a Public Service Commissioner. From time to time the Civil Service Association of Western Australia has made representations for the creation of a public service board. The last occasion on which the request was considered by the present Government was in 1966. The proposal was then rejected, but provision was made in the Act for the appointment of one or two deputy commissioners. One has since been appointed.

Since that time there have been substantial changes in the Public Service and in the responsibilities of the commissioner. Numerically the service has increased by 30 per cent. and there has been a similar rise in the staffs of the many Government instrumentalities which depend upon the Public Service Commissioner for advice and assistance.

Because of the rapid development of the State there has not only been a growth in the size of the service but in the nature and extent of its duties and responsibilities. Salary fixation and other industrial conditions have become a continuing and contentious process of ever-increasing complexity. Maintenance and improvement in efficiency involves the close examination of modern techniques and their adoption where this is considered to be justified.

Recruitment and training require far greater attention than they have in the past and methods must be studied in greater depth. Competition for suitably qualified people to enter the Public Service is very strong and the service must be competitive with conditions in private industry.

Within the last three years Queensland and South Australia have followed the practice of the Commonwealth, New South Wales, and Victoria; and Western Australia is now the only mainland Public Service operating without a public service board. Because of all these circumstances the Government agrees that the time has now come for a change in this State.

In general terms the board will exercise the same functions which are at present the responsibility of the commissioner. The board will consist of three commissioners, the chairman appointed for a term of seven years, and a deputy chairman and a third member appointed for terms of five years. All members of the board must retire on reaching the age of 65 years.

The Government has not acceded to the request of the C.S.A. that one member of the board should be an employees' representative elected by members of the association. Victoria is the only one of the existing five Public Service Boards where this principle is followed.

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

The functions of the board are basically administrative. In matters of salary, officers have access to an independent arbitrator. In all matters of discipline and in matters of promotion up to the level approved by Parliament, officers have the right of appeal against the board's decision to independent tribunals on which the association is represented.

It is significant that in the two States of Queensland and South Australia where Public Service Boards have only recently been created the request for association representation has been refused. The machinery provisions in the Bill dealing with the conditions of appointment of members of the board are generally similar to existing provisions regarding the commissioner.

Four other separate matters are dealt with in this Bill. One is largely to provide streamlined machinery; the other three are aimed to improve conditions of service. The machinery provision has to do with the question of cadetships. The conditions governing the appointment of cadets are contained in over 200 regulations made under the Act. Over the past few years many amendments have been necessary to these regulations owing to changes in conditions and academic requirements. These amendments have involved considerable time and effort involving the staff of the Public Service Commissioner's Office and the Crown Law Department. Many of the regulations now require further amendments.

On several occasions the parliamentary drafting staff have expressed the view that this form of regulating is time-wasting and unwieldy. They suggested that a new section should be added to the Public Service Act to give the commissioner authority to determine cadetship conditions and to provide authority for cadetship agreements. The Bill proposes to adopt this suggestion. In future, conditions will be regularly updated without the necessity for amendment to the regulations. A similar arrangement operates in the Commonwealth Public Service.

The next amendment deals with the question of accumulating long service leave. Under section 56 of the Act, nine months' long service leave is the maximum

period which may be accumulated. To conserve wartime rights this was extended to 12 months for officers who had accumulated six months' leave on the 5th March, 1948, or before the 5th March, 1953. This means that there are two classes of officers in the service—those who may accumulate 12 months' leave and those whose accumulation is limited to nine months.

In recent years a number of officers in the nine months' category have lost service towards further long service leave, because of ministerial or departmental requests to defer the taking of leave in the interests of the State. These requests are increasing in view of the staff shortages being experienced. A similar situation arose in the Rural and Industries Bank and, in 1965, the Rural and Industries Bank Act was amended to allow the commissioners to approve of accumulations up to 12 months. Accumulation up to 12 months is permissible in the Railways Department.

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

Forfeiture of office: Section 50 (1) of the Act provides—

> If an officer is, on an indictment, convicted of any offence, he shall be deemed to have forfeited his office, and shall thereupon cease to perform his duties or receive his salary.

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

The proposed amendment adds a discretionary element in that the Governor, on the recommendation of the board, may reduce an officer in salary or class, and/or transfer the officer to another position or another department, rather than apply forfeiture of office.

Furthermore, there is some doubt about the interpretation of the words "on an indictment, convicted of any offence." Recently an officer was convicted on a serious charge which warranted the application of section 50, but as the officer elected to have his case dealt with summarily by a magistrate instead of a judge he was convicted on an indictable offence but not convicted "on indictment" as stated in the section. Discussion with officers of the Crown Law Department indicates there was doubt as to the application of section 50 to this case. Opportunity has been taken to clarify the matter.

The remaining amendments concern sections 42 and 45 of the Act which deal with the board's powers in matters of discipline and the appeal rights available to officers against disciplinary action. The provisions of the sections as they relate to the powers of permanent heads are quite specific and have not caused any problems in implementation. If a permanent head considers that an alleged offence is sufficiently serious, he may refer the matter to the board for investigation. Serious shortcomings have been revealed in the subsequent provisions relating to the action that may be taken by the board.

Recent legal advice received following appeal proceedings against action taken under this section indicated that there was need to improve the wording of section 42 (5) and section 45, not only to clarify the board's powers, but also to remove any doubts as to the legality of appeal provisions. Examples of the shortcomings in these sections, which the proposed amendments will rectify, include—

(a) There is a serious doubt that the board can transfer an officer to another department following disciplinary action—even though the transfer could be in the interests of the service and the officer.

(b) Penalties provided appear to be mutually exclusive although often a combination of penalties would be appropriate.

(c) The section outlines penalties which the board can impose or which the Governor can impose. There is no reference to recommendations from the board to the Governor and as the appeal rights contained in section 45 relate only to board recommendations, the doubt has arisen as to the legality of the appeal rights.

(d) The board does not have power to decide whether an officer should forfeit salary for the period under suspension even though the permanent head has this right in cases not referred to the board.

There is need for the board's and the Governor's powers in these matters to be as flexible and discretionary as possible in the interests of the service and the officer concerned—provided there is no impediment to the right of appeal.

The proposed amendments have been prepared to this end and discussed in detail with the Civil Service Association. The association has indicated that these amendments are acceptable.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

Message: Appropriations

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

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Second Reading

SIR DAVID BRAND (Greenough—Premier) [5.05 p.m.]: I move—

That the Bill be now read a second time.

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

Last year, the Civil Service Association submitted a report to the Government on the operation of the Act. The report requested specific amendments to the Act and also asked for a review of the Public Service arbitration system as a whole.

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

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

In the interim, and as requested by the association, consideration has been given to the particular amendments which the association wished to be implemented this session. These matters have been discussed in conference between the association and the commissioner and some were discussed with me by a deputation from the association. Most of these requests have been agreed to, either in whole or in part. The association has been consulted as to the form of these amendments and also the form of the amendments resulting from suggestions made by the arbitrator and the Public Service Commissioner.

Dealing first with amendments requested by the Civil Service Association, the Bill enlarges the jurisdiction of the Public Service Arbitrator although not to the extent requested by the association. The arbitrator has jurisdiction to determine all matters relating to the salaries and salary ranges; allowances in addition to salary; and overtime rates applicable to Government officers.

The association wishes the arbitrator to have power to determine claims concerning "any industrial matter" affecting Government officers. It is considered that jurisdiction over "any industrial matter" is too sweeping. The Government feels that matters such as hours of duty, and annual, sick and long service leave entitlements which are currently prescribed by the Public Service Act and regulations should remain within the province of the Legislature. However, it is appreciated that many Government officers employed outside the Public Service Act have neither legislative nor industrial coverage of such conditions.

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

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

Another amendment provides for the arbitrator to be given power to make retrospective awards. This power of retrospectivity may be applied to a date not earlier than the date on which the matter concerned was referred to the arbitrator for determination under the Act. The arbitrator does not have any retrospective powers at this time. Retrospectivity has been possible only by agreement between the parties. A study of the powers available to public service tribunals in other States indicated that the granting of this power, as outlined, is warranted.

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

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

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

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

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

Provision is also made in the Bill to give the right of appeal against the particular salary allocated to an officer within a salary range. At the present time, the right of appeal is limited to the salary range and not the salary allocated within that range. These appeal rights will, in practice, be subject to any relevant provisions of appropriate agreements and awards.

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

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

Another amendment put forward by the arbitrator and included in the Bill concerns the time allowed for an employer to complete and publish a review of all offices affected by a particular agreement or award. The Act provides that this review must be completed and published within two months from the operative date of the agreement or award concerned or within such further time as the arbitrator may permit.

If the operative date of an agreement is retrospective then the time allowed for the review of offices affected by the agreement has often expired before the agreement is concluded. This has meant that the arbitrator has had to grant automatic extensions of time, and doubts have been raised as to the validity of the retrospective agreements negotiated. To put this matter in order, the Act is being amended so that the review must be completed within two months from the date the agreement or award is signed or issued, or such further time as the arbitrator allows.

The final amendment which has been made at the suggestion of the Public Service Commissioner and with the concurrence of the association confers powers on the arbitrator to intervene in industrial disputes coming within his final jurisdiction, to call compulsory conferences, and to act as a conciliator. Under the present provisions of the Act, the arbitrator is empowered only to determine claims and applications submitted to him under the Act. The accent in the procedures prescribed by the Act is on negotiation and conciliation—which is desirable. However, should a dispute occur during the negotiations the arbitrator does not have power to intervene.

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

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

POLICE ACT AMENDMENT BILL (No. 2)

Third Reading

MR. CRAIG (Toodyay—Minister for Police) [5.17 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage of this Bill the member for Swan proposed certain amendments on behalf of the member for Kalgoorlie, who was unavoidably absent at the time. The member for Swan did state that the member for Kalgoorlie had informed me of his intention to submit the amendments, and I did state that I had been notified, indirectly, of the intention, but if it had been possible to place the proposed amendments on the notice paper I would have been able to obtain the information from the Parliamentary Draftsman regardings the merits or otherwise of the proposals.

The member for Victoria Park also had some doubts regarding the clause relating to wilful damage, and I think those doubts were supported by the member for Belmont. Further to my undertaking that I would obtain the information from the Parliamentary Draftsman and convey it to the House when we reached the third reading stage of the Bill, I am now in receipt of the comment of the Parliamentary Draftsman regarding the two matters raised. I will quote the Parliamentary Draftsman, word for word, as the occasion arises in order that I do not overlook any of the points he has conveyed to me.

The first proposal was to amend clause 3 of the Bill, and that particular clause deals with disorderly assembly. The part of the clause referred to reads as follows:—

> (b) will by that assembly needlessly provoke other persons to disturb the peace.

The proposed amendment was to add, after the word "needlessly", the following words:—

> and without any reasonable occasion.

The Parliamentary Draftsman comments as follows:—

> This is a matter of policy and perhaps the Commissioner of Police should be consulted—

The Commissioner of Police has been consulted and he agrees with the views expressed. To continue—

> —but in my view the amendment is unnecessary and would defeat the very object and not cure the evil that the new section 54A is designed to achieve and eradicate. It is true that section 62 of the Criminal Code dealing with "unlawful Assembly" has in that section the words "without any reasonable occasion"—

As suggested by the member for Kalgoorlie. To continue—

> —but in the Code, by section 63, the offence is "any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year." Under the new section 54A it is not an offence simpliciter to be a member of a disorderly assembly, the offence is, if being such a member, you refuse to disperse and go to your home or lawful business after being warned to do so by a member of the Police Force.
>
> The new section 54A uses the word "needlessly" which in the context means "without any compulsion or necessity" and is considered sufficient qualification. In recent incidents would the Police have had time to make enquiries as to whether the disorderly assembly provoked a disturbance of the peace, with or without "any reasonable occasion"? The whole object of the section is to disperse the assembly as quickly as possible and thus prevent injury to life, limb or property.

Other proposals were put forward in regard to clause 3, and I refer to proposed new subsection (3). It was suggested that a word be inserted. To refresh members' minds on this particular point I will read the proposed new subsection as follows:—

> (3) Any member of a disorderly assembly who, after being warned by a member of the Police Force to disperse immediately and go peaceably to his home or his lawful business, neglects or refuses to do so, commits an offence.

It was suggested that the word "about" be inserted after the word "or" in the penultimate line of the proposed subsection. The final part of the proposed new subsection would read—

> . . . and go peaceably to his home or about his lawful business . . .

The Parliamentary Draftsman comments, and I quote as follows:—

> The word "about" does not appear in section 65 of the Criminal Code, but that section, in the relevant part, uses the word "to", which section, incidentally, was modelled on the English Riot Act, 1714, which does not use the word "about" but uses the word "to" also. I consider this amendment unnecessary.

The final amendment proposed by the member for Kalgoorlie dealt with the trial of an offender. In the first place, the member for Kalgoorlie desired the complaint to be dealt with by a magistrate sitting alone; also that before the accused person was asked to plead to a complaint against this section the magistrate be required to explain to him that he was entitled to be tried by jury. The Parliamentary Draftsman comments as follows:—

> I do not think this paragraph should be written into the Bill. The Police Act, 1892, has many offences carrying the same penalty as in section 54A, e.g. section 58A as amended by this Bill and section 80 as re-enacted by

this Bill, for which a person can be convicted by a court of summary jurisdiction which need not be constituted by a stipendiary magistrate sitting alone.

Regarding the latter part of the proposed amendment, the Parliamentary Draftsman states as follows:—

> This amendment is misconceived. The offender has no right to be tried by a jury because the offence against section 54A is not an indictable offence, it is a simple offence and it must be tried by a court of summary jurisdiction.

The member for Victoria Park and the member for Belmont also referred to clause 7 of the Bill. At the time I did say very briefly that my interpretation of the amendment was to bring the wording of the particular section of the Act more up to date. That opinion has been more or less confirmed by the Parliamentary Draftsman as follows:—

> With regard to the matters raised by the member for Victoria Park. The Bill, in clause 7, rewrites section 80 which was in an archaic form, and which I confess, the proviso thereto, is difficult to understand.

This is the very point raised by the member for Victoria Park. To continue—

> The proviso suddenly mentions "the party trespassing" without any mention of a trespasser in the substantive parts of the section. The only trespass seems to be the inclusion of the proviso!

I do not think he is far wrong there. Continuing—

> Trespass is a civil wrong, not a criminal or quasi criminal matter and if the trespasser does damage he is liable in a civil action for damages. Section 80 does not take that right to sue the trespasser away. It seems to me that the proviso intended to give the offender the defence that the act complained of was not done wilfully or maliciously, i.e. with an intention to destroy or damage the property, and the defence that he acted under a claim of right to do the act complained of.

Mr. Davies: We will leave that to the lawyers to work out.

Mr. CRAIG: Perhaps I had better repeat the latter part of that explanation. It is as follows:—

> It seems to me that the proviso intended to give the offender the defence that the act complained of was not done wilfully or maliciously, i.e. with an intention to destroy or damage the property, and the defence that he acted under a claim of right to do the act complained of.

The Parliamentary Draftsman continues—

> Subsection (2) of section 80, as written into the Bill, is consistent with the United Kingdom Criminal Justice Administration Act, 1914, and section 22 of the Criminal Code of this State.
>
> In my view the new section 80 covers adequately and more aptly, all that the old section 80 purported to cover and the clause does not require amendment.

I therefore trust that the explanation I have given, as a result of the undertaking I gave during the Committee stage of the Bill, will be acceptable to the members involved, and also to other members in the House. I commend the third reading.

MR. T. D. EVANS (Kalgoorlie) [5.27 p.m.]: I would like to comment on the views expressed by the Minister—the views of the Parliamentary Draftsman. I gather that the Minister read, verbatim, the report furnished by the draftsman at the Minister's request.

I feel that the draftsman has expressed a view which is devoid of a great deal of imagination. With all due respect to the draftsman—whose identity is not known to me—it would appear that one would be appealing to Caesar, through Caesar, against a decision of Caesar himself.

The principle behind the legislation was obviously conceived in the Cabinet room or, at least, brought to the Cabinet. A policy decision having been made, Cabinet would convey that decision to the draftsman and direct him to give legislative effect to the particular points of policy. When the Bill came to this House the policy expressed therein was that of the Government, but the words were those of the draftsman. However, when a query is raised as to the wording of the legislation, what does the Government do? The Government sends the legislation back to the draftsman—and that is obviously the correct thing to do—and the draftsman provides his point of view.

I do not agree with the view expressed. I am not naive enough to think that I can alter the policy of the Government on this issue, but I feel it was reasonable to suggest that the wording used to describe this principle should, for the benefit of the legislation, and for the benefit of the public generally, have been different.

As I said, the principle is that at all times not only must justice be done; it must also appear to be done. If justice does not appear to be done the image of the police may well suffer, and where the image of the police suffers I feel that the community itself is the one that loses. So I am somewhat disappointed that the Minister has accepted the views of the

draftsman. I can understand the draftsman expressing those views; after all, he feels that he has given effect to what the Government had in mind and, obviously, he would not be easily persuaded to change his views. However, the Government, apparently, has been satisfied to take the matter back to the draftsman and take it no further; and to that extent I feel the Government has shown a lack of imagination and understanding of the position. I am disappointed.

Question put and passed.

Bill read a third time and transmitted to the Council.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION BILL

Second Reading

Debate resumed from the 20th October.

MR. DAVIES (Victoria Park) [5.31 p.m.]: Normally I might be expected to say that I oppose the appointment of another board or commission, but on this occasion I am pleased to say that I applaud the action of the Government and hope that, with some minor amendments, the legislation will pass through this place and through the Legislative Council to the complete satisfaction of everyone involved. I think very few Bills this session have created so much interest and attracted so much publicity in the newspapers and other forms of news media, as has this Bill. I think it was expected that the Bill would, perhaps, generate a great deal of opposition. However, as I have already said, I do not think the Bill will receive much opposition providing we can get some explanations and assurances from the Premier when he replies to the debate.

Indeed, any opposition to the Bill appears to emanate from the bodies representing the administrative and academic spheres at the university. However, for the most part the opposition has been merely in regard to interpretations and complications that may arise. Here again, I believe we can come to a suitable understanding as to what is likely to happen. Of course, the greatest fear is that the university will lose its autonomy. I do not think that was ever intended and I feel there is no need for me to detail, or even outline, the need for universities to maintain their freedom of expression and complete autonomy. I feel that on this occasion each and every member in the House will agree with me because they feel, as I feel, that universities should enjoy freedom of expression.

If we can overcome the fear that has been expressed in this regard, I think we will have a measure which is suitable to all parties concerned; that is, those dealing with tertiary education. At the present time only the Western Australian Institute of Technology, the university, the Murdoch University Planning Board, and the Education Department are involved; later, of course, as the Premier said in his second reading speech, it is proposed to take in the teachers' training colleges once they have been granted autonomy.

If we look at the Bill and include in it the amendments which have been freely circulating within the Parliament—I believe first of all the amendments went to the Premier and then copies were subsequently handed to us—we find the amendments fall into two main categories, one dealing with the composition of the commission and the other dealing with the functions, powers, and duties of the commission set out in division 2 of the Bill. There are also one or two other minor amendments. After making all the suggested amendments in my copy of the Bill I found it looked something like a Chinese accountant's scratch pad, and I am not quite certain how we can ever hope to get anything sensible out of the amendments. However, after looking at the suggested amendments in detail I found that they alter only a word or two here and there, and possibly there is no need for us to get into any real argument over them.

I think it is necessary to consider how this legislation came before us and to remind members that, as the Premier said in his second reading speech, the Bill was brought down as the result of a recommendation contained in the Jackson committee report on tertiary education. That committee commenced its deliberations in 1966 and completed them in 1967. I believe that at the time the main purpose of the committee was to ascertain the best manner in which the Western Australian Institute of Technology should be established and, indeed, recommendations relating to that end were contained in the interim report of the committee which was delivered on the 13th October, 1966. As a result of that report a Bill to set up W.A.I.T. was introduced in this House and amending legislation has been dealt with on a number of occasions since.

The final report of the committee was brought down in September, 1967, and at that time emphasis was placed on the furtherance of tertiary education in this State. Indeed, the first five recommendations contained in that report related to the establishment of a tertiary education commission with which the Bill now before us deals. I think we could perhaps look at some of the thoughts expressed by the Jackson committee then and see how they fit in with what is proposed at the present time. The main part of the report dealing with the establishment of a tertiary education commission is contained in chapter 3 which is headed, "A

Pattern for Co-ordination." The committee referred to Robbins and Martin who conducted inquiries into tertiary education in Britain and Australia respectively. The report states—

> Both Robbins in Britain and Martin in Australia recommended expansion of their respective university grants committees into commissions responsible for the whole tertiary field. In both countries, however, the governments rejected the idea without stating their reasons.

One wonders why such a suggestion was rejected. I do not suppose anyone has yet worked out why the Federal Government in Australia acted as it did on that occasion, especially when we consider the work that was done and the expressions of opinion that made it apparent that it was necessary for the States, at least, to establish some kind of commission. I would direct the attention of members to the second part of chapter 3 which deals with the Tertiary Education Commission and its advisory functions, co-ordinating functions, and procedures. I think it is intended to encompass the rationalisation and co-ordination of tertiary education in those broad fields. The suggestions of the Jackson committee are very broad and do not propose in any form to take away any of the functions or autonomy of the bodies with which the proposed commission will co-ordinate. The interesting part, of course —and the department does not agree with the committee in relation to this matter— is that related to membership and, with your indulgence, Sir, I propose to read out the comments of the committee—

> This Committee gave considerable thought to the principles that should determine the Commission's membership. The notion of specific representation for each of the three sectors —university, teacher education and advanced education—was rejected because of considerations referred to earlier in this chapter. The notion of giving direct representation to each autonomous institution was rejected both because of the disparity in size as between the University or the Western Australian College of Advanced Education—

Of course, that is W.A.I.T. To continue—

> —and any other institution that might attain autonomy, and because of the number of autonomous institutions that might result from our other recommendations. It was felt that problems of co-ordination were at this stage better handled by representative committees convened as required by the Commission. The final decision, therefore, was to recommend a Commission consisting of a chairman and three other persons not specifically representing any sector or institution of tertiary education. It is envisaged that members would be appointed on a part-time basis but have the services of a full-time permanent secretary.

I think at a later stage we could have a look at the membership of the commission as recommended by the Jackson committee and as contained in the Bill, and also the method of its function.

The final quote I wish to make from this report concerns the recommendations to which I referred earlier. I refer in particular to the first five recommendations which the committee apparently considered to be the most important essentials in the expansion of tertiary education in Western Australia. These recommendations are contained under the heading of "A Pattern for Co-ordination" and are as follows:—

(1) That a Tertiary Education Commission be established as a standing advisory commission to the Government.

(2) That the functions of the Commission be:

  (a) to advise the Government on developments in the field of tertiary education, the continuing needs of the State from time to time in this field and how best these needs can be met.

  (b) to encourage, and where appropriate arrange for, co-ordination between institutions of tertiary education.

(3) That the Commission have the right to seek such advice as it thinks fit and have power to set up committees.

(4) That the Commission be empowered to consult with heads of all tertiary institutions for the purpose of furthering co-ordination between institutions.

(5) That the Commission consist of four persons, one of whom shall be appointed chairman.

The recommendations then go on to deal with the development of institutions in Western Australia.

At a later stage the Government set up a tertiary education commission broadly along the lines recommended by the Jackson committee, but without statutory authority. The purpose of this Bill is to make that commission a statutory body and also to widen its powers. Here again, if we strike any difficulty at all, we might strike it in relation to the question of the widening of powers.

It would be interesting to know just what the commission has done in the two years since it was established; and I think

the Premier missed out badly by not telling us. No doubt it has done some important work but as yet it has not had to report to Parliament. We know it has been functioning but we do not know the manner in which it has been functioning. I notice that it is recorded in part 2 of the current Estimates under the heading of "Miscellaneous Services" that the expenditure of the commission last year was $27,249 and the estimated expenditure for this year is only $22,000. If this turns out to be correct it will be the only board in the history of any Government that has been able to save some money for the Government; because I have found that, generally, just the opposite has happened. Once we establish a board or commission we form the nucleus of a new empire and this requires from the Government an increasing amount of money year after year.

I do not begrudge the Government, spending this money for tertiary education, but it is interesting to note, and it is perhaps, a matter for some comment, that the expenditure is $5,249 less than it was in the last financial year.

As I was saying, it would be interesting to know what the Tertiary Education Commission has done in the two years since it was established. It would also be interesting to know when it is proposed to bring the teachers' colleges within the ambit of that commission. I know there is a place on the commission for the Director-General of Education, or his deputy, and, no doubt, they would know the appropriate time to divorce the teachers' training colleges from the general education system; but it is a matter of conjecture and of some interest as to how long it will be before this is established.

I think we can ask the Premier whether he has anything in mind regarding the appointment of members to the commission. The Premier did say that the chairman of the commission at present is Professor Sanders and its members are Mr. Dettman, Director-General of Education, Sir Stanley Prescott, Dr. H. S. Williams, Mr. C. C. Adams, Mr. A. W. Buttrose, and Dr. K. J. Tregonning.

There is hardly need for me to tell the House who each of those members is, because their names are well known to all of us. No doubt Professor Sanders will continue to be chairman of the commission.

To this august body it is proposed to add a further two members. These will be the Under-Treasurer, or his representative, together with a representative of the Murdoch University Planning Board. That will make the total membership nine in all. A suggestion has been made that this is not a broad enough cross-section and that, indeed, it has a Government bias. I daresay that we expected it to have a Government bias, but I also believe there is good reason to have a further look at the composition of the committee to ensure that the widest possible representation is provided and that there is a more general balance between the Government and, shall we say, the public, than exists at the moment.

Of the people on this committee it is interesting to note that Sir Stanley Prescott and Mr. C. C. Adams were, indeed, members of the Jackson committee which reported on tertiary education. The other members of the Jackson committee were Mr. W. C. K. Pearse—who is unknown to me—the late Dr. T. L. Robertson, and the Under-Treasurer, Mr. Townsing.

The House will recall that I was critical of Mr. Townsing, or his representative, being removed from the Council of the Western Australian Institute of Technology. I also noted some criticism in the House of the fact that he was also to be removed from the senate where, I understand, he was pro-chancellor. It was only because of my opposition to the withdrawal of the Treasury representative from W.A.I.T. that we were given some indication from the Minister for Education that this commission was about to be established and that Mr. Townsing would be a member of such commission.

I think it is necessary to have a representative of the Treasury on such bodies but, of course, I can understand now that there is no need for him to sit directly on the Senate of the University of Western Australia and the Council of W.A.I.T., and that there will be ample scope for such Treasury representative to use his knowledge and, indeed, so far as the Treasury is concerned, to direct the use of Government money to maintain tertiary education in Western Australia.

It is a very powerful position and we must be very careful of the people we appoint to it, because such persons would have a great deal of overriding authority, and it is this authority, as I have said before, which has caused some concern.

I believe the intent of the commission's functions was better expressed in the Premier's second reading speech to the House when he paraphrased its functions, than it is on an examination of the detail set out in the Bill. It is in this context that we must arrive at some rationalisation. In my opinion the Premier expressed, in a number of short paragraphs, the work the committee would be required to do, and, as the speech reads to me, this seems to encompass what was conveyed in the Jackson committee's report.

I am referring to page 11 of the Premier's notes on this question. I believe it is only when we try to spell this out in detail that we run into some kind of trouble.

I would now like to turn to the Bill itself; to talk about some of the amendments that are advanced in order that we

might arrive at some basis on which we can settle any argument, if there is to be any argument. I would like to know whether the Government has given consideration to expanding the membership of the commission. As I said before, it now comprises nine persons, some of whom were members of the present Tertiary Education Commission, while others were members of the Jackson committee. They all must have a fairly wide experience in tertiary education and the research associated with it.

Apart from this aspect we feel that something should be done to balance the number as between the lay section of education and the Government. In considering the composition of this commission, no doubt the person to be appointed chairman will be Professor Sanders. Among the other members will be the Director-General of Education, the Under-Treasurer, who becomes a new appointee to the commission, and the chief executive officer of the University of Western Australia. This I should imagine will be Sir Stanley Prescott, or his successor. There will also be Professor Bayliss from the Murdoch University, the chairman of the planning board; and the chief executive officer of W.A.I.T. who, no doubt, will be Dr. H. S. Williams. Mr. C. C. Adams, Mr. A. W. Buttrose, and Dr. K. J. Tregonning are already members of the commission, and they, no doubt, will be the persons who will be appointed by the Government.

A suggestion has been made that three additional members should be appointed by the Governor on a separate recommendation—one from each of the governing bodies of each of the three institutions named. This means that the specific persons detailed in the Bill shall be named from W.A.I.T., the Murdoch University, and the University of Western Australia, together with three other persons nominated by the governing bodies of those institutions. This would give a broader field and a wider scope for the expression of opinions, and it would probably create a better balance between the Government and the lay members.

Clause 6, which deals with the constitution of the commission, also suggests that no member shall serve for more than two consecutive terms, except in the case of the chairman and *ex officio* members. We all know who the *ex officio* members are. Of the appointed members it is suggested that none of them shall sit for more than two consecutive terms, which is for a total of eight years.

While this may perhaps seem a bit hard on people of experience, I believe we could continue to appoint such people because they have served, and probably served very well, on the board. In view of the fact that we have the *ex officio* members who will change from time to time, I believe the other three appointed members—or more if the Government will agree—should not be appointed for more than eight years. This would be far better: it would give a turnover which would bring fresh views to the commission as a whole.

Unless I can be given a satisfactory explanation for the inclusion of the lead-in dealing with the functions, powers, and duties of the commission, I propose to oppose it very strongly. This is contained in clause 12, division 2 of the Bill. It states—

> Notwithstanding any other Act relating to any tertiary education institution, whether enacted before or after the coming into operation of this Act, the functions of the Commission are . . .

The only words I do not object to in that lead-in to clause 12 are the words "the functions of the Commission are." It seems to me that this is giving the commission, under the wide functions it will enjoy, unlimited scope to do all manner of things until specific action is taken, probably by legislation, to prevent it from so doing. Under the provisions of this clause, however, nobody in this State or anywhere else will be able to prevent this. Regardless of anything that happened before or after the coming into operation of this Act, its provisions shall be paramount.

I have looked at a number of other Statutes under which committees have been appointed, and, while it may be possible that some of those committees have such wide powers, I certainly have not been able to find one. I believe that this is where the greatest opposition to the Bill lies, and this was indicated in a report in *The West Australian* newspaper this morning which expressed some doubt as to the application of the words I have mentioned. The report also expressed some fears as to what would happen to tertiary education in the future if powers as wide as these were given to boards of this description.

In my view all that is necessary is for the clause merely to state the functions of the commission and then deal with those functions as laid down in the Bill at the present time or as proposed by the amendments which the Government has already placed on the notice paper.

No doubt the Premier has received a number of other amendments in regard to this Bill from the staff association, and when he is replying perhaps he can comment on them. I do not propose to move any amendments—unless of course I am not given a satisfactory explanation—because to my mind this is generally a matter of drafting and I have faith in our Parliamentary Draftsman on this occasion to express adequately the intention of the Government.

I believe that in some instances there is only a change of emphasis—the shade is slightly different—in what is proposed in the amendments submitted by the staff association, and therefore there is possibly no need for me to move in the direction requested by it. The Premier received a copy of the suggested amendments and it would be preferable if he would comment on them rather than that I waste the time of the House dealing with them. Then, when the Premier has commented, we can consider what action is necessary when in Committee.

The only other comment I would like to make is in regard to clause 24, which deals with the establishment of salaries and working conditions. This was causing a great deal of concern in all sections of tertiary education institutions, but as the Government proposes to delete this clause I can see no point in my pursuing the matter. I will merely content myself by saying that I also agree to its deletion.

What is interesting about the whole of this exercise is that although the Bill deals in the main with the University of Western Australia and the Western Australian Institute of Technology, the only expression of concern has come from the Senate of the University of Western Australia or from the various bodies from within the university. It has not been expressed only by the senate. The institute has the same type of administration and the same kind of associations—that is, the academic staff, the guild, and the students—but it has not considered it necessary to express any concern at all. Indeed, from what I can learn from the inquiries I have made, the institute is quite happy with the Bill provided there is the same degree of autonomy maintained between the institute and the university; that is, that both bodies are placed on the same footing.

This is very important, because I have expressed concern in the past, when dealing with legislation in connection with the university and the institute, that there should not be any discrimination between the two bodies. This is the only concern of the institute at the present time. Why the institute has not visualised any danger to its autonomy I do not know. Perhaps the Premier or the Minister for Education has had discussions with those concerned at the institute.

Mr. Lewis: Apparently they are quite happy.

Mr. DAVIES: They seem to be quite happy as long as they are to be kept on the same footing as the university.

With those comments I support the Bill and I can see no reason why it should not work successfully. I can appreciate the jealously with which the university guards its freedom of expression and autonomy and I cannot help but feel we will receive an explanation from the Premier as to what the university can expect from the commission together, no doubt, with a guarantee that its autonomy and freedom of expression will be maintained.

I must again express the hope that this is not the nucleus of another small empire. No indication has been given concerning how the commission will function. If it is possible, I would like to know what staff will be appointed and what staff has been appointed up to the present time because, with a budget of $22,000, it will not be possible for the commission to appoint very many highly-trained professional staff.

Sir David Brand: Setting a good example from the start.

Mr. DAVIES: It is London to a brick, of course, that it could go up by thousands next year. However, if it is properly spent I do not begrudge the money. I repeat that I have seen no evidence of what the commission has done since it was appointed. No doubt it has been in contact with the Government and made recommendations. One of the beauties of the Bill is that once the commission becomes a statutory body it will be required to report to the House and we will be able to keep our finger on what is going on.

This will be a very important body in the whole picture of education in this State. I do not know that it will be the forerunner of any similar boards because, for instance, I cannot imagine a board for secondary education or a board for primary education. However, we have already had the Martin, the Wark, the Murray, the Jackson, and the Wiltshire reports—I think they are the main ones which have been submitted over the past few years—and in collaboration with them and what has been recommended and suggested by them, the commission should be able to achieve success. Because of the increasing interest of the Federal Government in tertiary education, the need exists to keep a careful watch on spending. If this is the prime purpose of the commission and not an endeavour to take over the running of the institutions with which it is concerned, then this measure has a lot to commend it.

MR. H. D. EVANS (Warren) [6.07 p.m.]: I, too, would like to preface my contribution by indicating general support of this measure, as did the member for Victoria Park. However, I, also, would like the Premier, at the appropriate time, to provide some clarification and elaboration of a few points. Most of my queries have already been raised, though there are several with which I would like to deal at slightly fuller length.

The genesis of this Bill has already been made known to members fairly thoroughly by the commendable dissertation of the

member for Victoria Park; and we are indebted to him for his remarks. There is one aspect which is rather unfortunate, and I refer to the apparent lack of communication on, or discussion of, this measure with the academic staff of the university. The staff does not appear to have been given the opportunity to examine the measure in detail until very recently and I feel some misunderstanding and disharmony could have arisen on this very point.

Because of this a certain amount of Press publicity has unfortunately been occasioned and the Government's attitude has been held in question by some quite responsible people. I am sure it is not a lack of appreciation of the situation which has brought about this attitude, but it is rather regrettable.

At the meeting of the senate last evening a number of additional amendments were proposed, and although I have two sets I am not aware of the nature of the third; but they follow largely on the same pattern. Such personalities as the emeritus Professor of Modern History and Professor Fox have written at some length to the leading daily paper. Also, at least one editorial has been devoted to the situation. I feel that perhaps most of the unfortunate friction—perhaps that is a strong word—could have been obviated at the outset.

Mr. Davies: Misunderstanding.

Mr. H. D. EVANS: Thank you.

Sir David Brand: Perhaps the blame is not all on one side. Perhaps before they wrote their letters they could have made some inquiries.

Mr. H. D. EVANS: I am not apportioning blame in any way. I am saying the misunderstanding could have been obviated and that it is regrettable it was occasioned.

The composition of the commission is one aspect which I consider merits a little closer attention. Of the nine representatives who will be members of the commission when it is fully constituted, six are appointees, or *ex officio*. It is suggested that the weighting could be a little preponderantly towards the non-academic. Some manner by which a greater representation could be brought to this body is worthy of some closer examination.

The size of the commission leaves it open to some question. Because of the task which faces these nine men, and because of the normal functions of these men, the task could be almost physically beyond their capacity, and the loading which will fall upon them could be very considerable indeed. From this point alone the situation should be examined. The restrictiveness of the composition is the point I feel most concerned about.

The member for Victoria Park very rightly made reference to the Jackson report and drew attention to this very question on page 18. There it is stated that each institution could not be given equal representation but there could still be some greater representation through, perhaps, a grouping of the institutions or something of this nature. The present members of the commission will be largely connected with administration. Even now the institution representatives will be drawn from the administrative officers; and there could be overweighting to the detriment of the pure academic aspect of it.

Three of the functions of the commission as they are proposed are a little disquieting, and the first one was stated at length by my colleague and it is found in the preamble to clause 12. He pointed out the very real danger which exists, and mentioned that the amendment which was submitted by the staff association is worthy of close examination. The amendment requests that the entire preamble be deleted and substituted by the simple, "the functions of the commission are." In that way there would be no suggestion of overriding any other legislation, previous or future.

Again, within the functions of the commission such things as salary and conditions are to be the subject of review or examination by the commission. I do not see there is any great harm in connection with salaries because this is largely determined by the availability of finance and by the activities of the Australian Universities Commission in conjunction with the Treasury, though there is some merit in the thought that parity between the various institutions could be best achieved through discussions by the institutions themselves. It is in the province of conditions, terms of appointment, and the like where perhaps the commission is encroaching on what should be the rightful prerogative of the institutions themselves, and I feel that this is one function which could be examined with a view to deleting it from the Bill.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. H. D. EVANS: At the tea suspension I was about to conclude, and I have only two further points to refer to. The first deals with clause 23 of the Bill, which seems to be open to some conjecture as far as interpretation is concerned. The clause reads as follows:—

> 23. To facilitate the development of tertiary education the Minister may establish continuing boards and committees to be responsible, under the Commission, for any aspect of tertiary education.

That seems to be a rather sweeping power: The commission can set up continuing boards answering to the commission, and

the word "continuing" would override all other legislation. I think there is room for some amendment along the lines of "subject to the Act." I would appreciate an explanation of what is involved in the clause.

The only other aspect of the Bill which concerned me was covered by the member for Victoria Park when he gave his reasons for wishing to see clause 24 deleted in its entirety. I agree with that view. Although the Premier indicated that there would be autonomy for teacher training colleges, he left it at that and gave no further indication of what the situation would be, or what provision there would be for a teacher training college representative to be on the commission.

The Teachers' Union placed a submission before the tertiary education committee, and *The Teachers' Journal*, of March this year, contained a fairly extensive precis of the submission. It would be of interest if the Premier would outline what is envisaged in the way of teacher training college representation on the commission.

I hope the Premier will be able to elaborate on the points I have raised and give some details regarding the aspects which are causing some concern to my colleague and myself. With those words I support this measure.

MR. BRADY (Swan) [7.35 p.m.]: Because of the important nature of this legislation I would like to make a few comments. Mine will not be an extensive address, but I want to make a few points in connection with the Bill for the benefit of the Minister for Education, and for the benefit of Government members generally.

I am concerned that this Bill does not appear to have any regard to the importance of technical schools in Western Australia in respect of representation on the commission. Because of the number of students attending technical schools throughout Western Australia I thought I should raise this important aspect in the hope that somewhere along the line some direct representation would be given to technical schools. I understand that at the moment approximately 5,000 students attend the University of Western Australia, approximately 5,000 attend the Western Australian Institute of Technology, but over 50,000 students attend technical schools. If 50,000 students are attending technical schools it seems that those people could become the Cinderellas of the education system in Western Australia. The portent of this system is that instead of the universities and the Western Australian Institute of Technology doing all that is required, in a major sense, for education in Western Australia, the technical schools of the future could play a more important role than they have in the past. I think they should play that important role.

I do not want to cause dissension in connection with this Bill, but the nearest the country people—and when I say country people I mean those living in the provincial cities such as Kalgoorlie, Bunbury, Geraldton, Albany, and Merredin—can get to a university is a technical school. This matter is of such vast importance that we should have regard to that aspect.

I recall that about three years ago I advocated that there should be a university in the eastern districts. I did not necessarily mean in my electorate, but in the outlying parts of the eastern districts. I understand the Shire of Swan at the time offered several hundred acres of land for the establishment of a university in the eastern suburbs. However, the powers-that-be have decided that the new university will be at Melville, and that it will be called the Murdoch University. I have no argument with that site for the university, if that is where it is to be, but do not let us give a great deal more to those who already have. Let us do something for the many thousands who leave school, because of circumstances, and ultimately return to a technical school to complete their education.

While this Bill is before us we should give consideration to protecting the interests of the technical schools. We should be looking after the interests of the parents whose children are attending the technical schools. Many of the students are adults in their own right and they attend the technical schools to further their education. Some of them left school to follow a certain calling, but ultimately realised that to get anywhere worth while they needed to have a better education, and so they attend the technical schools.

The technical schools offer courses in a multiplicity of trades and professions to both teenagers and adults, whether they be married or single. The courses include hairdressing, engineering, carpentry, commercial subjects, painting, dressmaking, home science, and accountancy, just to name a few. As I have already said, if the people involved in the Tertiary Education Commission are mainly concerned with the University of Western Australia, the Murdoch University, and the Western Australian Institute of Technology, then I am afraid that the technical schools will come a poor second.

A considerable sum of the taxpayers' money is being spent on education, whether from a State source or a Commonwealth source, and I feel I should focus some attention on the need to have technical school representation on the commission. I know the Minister is able to tell me we have a Director-General of Education.

However, it staggers me to learn what super powers and what super abilities rest in people such as the Director-General of Education.

In answer to a question asked by the member for Albany today, the Minister said that the Director-General of Education served on 27 boards or committees. That answer ties in with a question I asked about two years ago. Also, on two occasions during the last 12 months the Director-General of Education has made trips abroad. He has been to England to investigate the availability of teachers for the education of Western Australian children, and he has been to Zambia to give some advice regarding the best educational facilities for the people in that country.

I do not deny the Director-General of Education the right to do those things, and it might be acceptable to the general public for him to carry on in that manner. However, what justice can he do to education in regard to our technical schools—and this is my main theme—while he is serving on so many boards and spends so much time travelling?

In view of the number of students attending the technical schools, it is time those schools were taken out of the Cinderella era, and placed in the foreground of the education programme. At the moment the topical subject is a 35-hour week for workers. I know *The West Australian* stated this morning that this would be the death knell of the farming community.

The SPEAKER: Order! The death knell of the farming community has nothing to do with the Bill now before us.

Mr. BRADY: I will not pursue the matter, but I am pointing to the 35-hour week because it is a subject likely to be very much in the public eye in the future. If we are to have a 35-hour week we should make it possible for adults and teenagers, and all others who get the benefit of the 35-hour week, to be able to attend the technical schools and other spheres of education.

Mr. Bovell: Are you advocating a 35-hour week?

Mr. BRADY: I most certainly am advocating a 35-hour week if it will benefit the workers. I can think of many workers who deserve to work a 35-hour week.

The SPEAKER: Order! The member for Swan will keep to the subject before the Chair. It is fair enough to talk on the effect the 35-hour week could have on the leisure of the individuals, but you cannot speak on the 35-hour week generally.

Mr. BRADY: I wish you would control the Minister, Mr. Speaker.

The SPEAKER: If you are foolish enough to answer irrelevant interjections you must take what is coming to you.

Mr. BRADY: I will ignore him in future, Mr. Speaker. In this morning's paper there appeared a letter from Mr. A. C. Fox of Dalkeith. I presume he could be a professor at the university, and he does not seem to be very happy with the idea that the university is likely to lose its autonomy. I am not altogether happy myself in this regard. I sat on the University Senate for some years, and I feel that the Senate of the University, and the staff, generally, do a very good job for those attending the university. However, I make one reservation. This reservation is that I always felt the cost of university education was greater than it should be. I will not say anything further on that aspect.

I did hope to see the day when technical school training would bridge the gap between university costs and what the State taxpayers have to pay for education. I looked forward to the day when the W.A. Institute of Technology would be set up and we could get education for our teenagers and our adult students on a cheaper basis without anything being lost to education generally.

As I said at the outset, I felt I should make a few remarks because, in my opinion, the centralisation of all the educational facilities in the metropolitan area, to the exclusion of technical schools in the country and the eastern districts, is not in the best interests of education. I hope that before we have finished with this Bill in the House we will be able to do something about having technical schools represented directly on the commission that is set up.

Although the Director-General of Education will be on the commission—and I do not deny him the right to be there—I think the importance of technical education is such today that technical schools should have direct representation. Such representation would be in the interests of country areas and the eastern suburbs. If we do not have this representation, many facets of what is best for the community as a whole can be lost sight of.

Some years ago I spoke in this House about meat industry apprentices being trained in Perth, although the abattoir where the meat industry is virtually conducted is in the eastern suburbs. I also spoke about the training of apprentice bakers and pastrycooks at Mt. Lawley when the flour mills are in the eastern suburbs. I will not continue along those lines, Mr. Speaker; you might feel that I am departing from what the Bill sets out to do.

I have studied the powers of the commission, and they are very extensive as regards the requirements of the community for education and as regards the finance that is required in order to provide education that will be satisfactory to the public. I feel that at this point of time the 50,000 students in the metropolitan area and throughout the State, who are of all ages from school age up to 50 or 60, could be overlooked in the enthusiasm to establish this commission in the form and with the powers that are contained in the Bill.

I think I would be lacking in my responsibilities to my electors and to education, generally, if I did not have some regard to education. As a past member of the Senate of the University, and as one who has been on the advisory committee of the technical school at Midland for 20 years, I feel that I know a little about this subject; and I feel that, in the past, the eastern suburbs have been neglected in many instances because there has been no representative of that technical school among the people who make the decisions.

In view of the present high cost of the high schools throughout the metropolitan area and the country districts, I think it is necessary to ensure that we use those high schools for higher education at every possible opportunity. I feel sad when I meet students who go from Bassendean and Midland to the technical schools in Perth. In my opinion, they should be attending high schools in their own centres. If a representative of the technical schools were appointed to the commission, these matters could be highlighted.

Apart from education itself, the facilities and other matters that accompany education have to be considered when this commission is set up. Transport is one example. I will not pursue the discussion along these lines. I hope that the matters I have mentioned will cause the House and the Government to see the necessity for looking after the 50,000 students who attend technical schools, in addition to the 5,000 who attend the university and the 5,000 who attend the Western Australian Institute of Technology.

MR. LAPHAM (Karrinyup) [7.51 p.m.]: I find that I am in general agreement with my colleagues and with this Bill. The success or otherwise of this Bill will depend on the attitude of the Tertiary Education Commission. It is quite a simple matter to set up a commission and appoint members to the board of that commission, but the success or failure of the commission, and the success or failure of education, are dependent upon the attitudes of the people who comprise that commission. Those people are charged with the responsibility of promoting, developing, and co-ordinating education in this State. Although the Bill provides for co-ordinating, there is at the moment an amendment on the notice paper which seeks to delete that aspect. I am rather sorry about that, because I think co-ordination is vitally necessary to education. Education is a very expensive part of our way of life, and I think it needs some degree of control and co-ordination.

The Tertiary Education Commission is to be composed of nine members. The chairman is as yet unknown, and three others, to be appointed by the Governor, are also as yet unknown. The Under-Treasurer will be an *ex officio* member; he will be on the commission purely and simply to look after the financial aspects. I agree with the appointment of the Under-Treasurer; I think that is overdue. The other *ex officio* members are the Director-General of Education, a representative from the University of Western Australia, a representative from the Murdoch University, and a representative from the Western Australian Institute of Technology.

The four latter *ex officio* members will have attitudes that will be governed to some degree—and to a major degree, I would say—by a lifetime of association with education. Their policies will be formulated in accordance with their lifetime of training; and, in the main, they have all been associated with universities over the years. I am inclined to think that there will be a bias in their thinking and in their actions towards the academic rather than the technical side of learning.

Candidly, I would prefer that the Tertiary Education Commission should represent a balance between the academic and technical aspects. I would like there to be a representative of the tertiary technical education division. The last speaker dealt with that aspect to some extent. I think it is necessary that we should at all times keep our feet on the floor in regard to education. If it is thought that the tertiary technical education division should not be represented, then I think there should at least be a representative of the business world on the commission to ensure that our tertiary education system is not academically biased, or biased towards pure research. If there is to be a bias, it should be towards practical technical research.

As regards the outlook and methods of universities, I would like to quote what Professor R. T. Appleyard recently had to say in an address at a public symposium on new directions in tertiary education. He said—

> Over the centuries, universities have initiated and defended the premier place of the mind in the development of society. Today, the principle of free inquiry—the right, and indeed the

> obligation, to ask any question in the expectation that it will be answered or at least fully discussed—is more vital and necessary for society than probably ever before. I am sure I don't have to elaborate on this. The reactionaries are too well entrenched, and too powerful, and increasing in strength, for universities to abrogate their role as the refuge and the defender of liberalism and free inquiry.

That is a university attitude. Professor Appleyard continued—

> The fundamental, primary aim of a university is to educate its students . . . to make sure that they develop intellectual curiosity, develop the power of assessing the value of evidence, develop the qualities of objectivity and impartiality in order that conclusions reached will be such as that any other intelligent and honest scholar will confirm when confronted with the same facts.

It seems, therefore, that the university mind is so conditioned that the approach is concerned with the principle of free inquiry and ensuring that the individual trained at university level develops the qualities of objectivity and impartiality. I have no argument with that—I think that is quite good as far as it goes—but I would like that to be compared with what Dr. Williams said in regard to advanced education when he was speaking at the same symposium. He said—

> The colleges, many of which have developed from the major technical institutions in Australia, are therefore being encouraged to develop with a somewhat different nature from that which is typical of most Australian universities. In the colleges there is a greater vocational emphasis. There is also a greater emphasis on teaching. Research in so far as it is carried out will be more of the investigational or problem solving variety in conjunction with industry.

That is quite good. It indicates that the W.A. Institute of Technology will now look at the practical side of education and the practical problems of education.

I have received a copy of the *Education Newsletter* for August, 1970, which gives a report of a conference held at Warburton in August of this year. The leader of the Warburton conference had this to say—

> . . . the idea that there can be a demarcation between universities and Colleges of Advanced Education on the basis of "pure" and "applied" studies is unacceptable: this implies a separation of thought from action, a separation of theory from practice. . . . This philosophy seems to imply that the useful arts are vulgar.
>
> The idea that there is something shameful about utility and instrumentality in education must be abandoned. . . . We cannot build a great society by educating some sensitive people, some clever people and some practical people. We must educate all people to be sensitive, clever and practical.

When that statement was made the subject under discussion was "The Colleges of Advanced Education: Their Future Growth and Development."

So on the one hand one speaker is indicating that the policy of institutes and advanced colleges of education is one thing and, on the other hand, another speaker says that it will be something else. To some extent this worries me, because I consider the Institute of Technology is trying to encompass everything of a technical nature. It was formed in 1966 and has since engulfed the Kalgoorlie School of Mines, the Muresk Agricultural College, and the schools of physical therapy and occupational therapy. Although formed only in 1966, to date it is the second largest educational college in Australia. It is growing larger each year and its attitude and outlook will have a tremendous bearing on this State.

In all educational institutions and schools the teaching is, of course, governed by those who teach and by the methods they use, and this applies to the Institute of Technology. Incidentally, this institution was originally established by teachers who came from the university. Everything in the institute is almost a replica of what is to be found at the university. It will also be found that at the institute almost all the lecturers and professional staff are graduates of the university; in fact, some of them are raw graduates. As a consequence they have been taught and trained to impart the theoretical, the academic, and the pure research aspects of education; not the practical application of the subjects taught. In fact, if those lecturers were asked to perform in practice the subjects they teach, they would not be able to, because they have not been trained to do so.

In view of these circumstances I am wondering why there was a need to establish a second university; because, to this stage, the Institute of Technology is rapidly growing into another university. Like the member for Swan, I am worried at the trend being followed by the institute. One of the trends in our university and in the Institute of Technology is towards reducing the time given to part-time tuition and encouraging, as far as possible, full-time study by the students. This is achieved in a number of ways.

In the first place, the lecturers have been trained to university level and are introducing more pure research into the syllabus of training, thus making the

training more difficult. They are raising the level of education. One cannot complain about that, provided, of course, it was necessary, in the first place, to raise the level. The level should not be raised to such an extent that the training becomes so difficult that the part-time student cannot cope, which means, of course, that he falls by the wayside. This is not good for education, because in this State we have produced some extremely fine citizens who have improved their status in life as a result of part-time study.

The Hon. J. Dolan, M.L.C., who is a member in another place, was a teacher not so many years ago.

Mr. Gayfer: I thought you were going to say that he was a footballer.

Mr. LAPHAM: Yes, he was, but I did not follow his team. At one time he was teaching a particularly brilliant student who unfortunately had to discontinue his studies to go to the country. He worked on a farm for a time, but he grew weary of this and after saving some money eventually became an employee of the Commonwealth Bank. He then became a part-time student and proved to be brilliant in the subjects he took. Only recently he was appointed to a prominent position in the Old Country. The following is an extract from the report which appeared in *The West Australian* dealing with this particular gentleman:—

> Ex-W.A. man gets big U.K. job
>
> A former West Australian, Professor J. S. G. Wilson (54) now the professor of economics at Hull University, in England, has been commissioned by the British Government to undertake a study into farm finance in Britain.
>
> A major aspect of the year-long project will be a study of the impact of British entry into the European Common Market on farm finance in Britain.
>
> The study will be the first of its kind undertaken by the Ministry of Agriculture.
>
> Professor Wilson graduated from the W.A. University in 1941 with a master of arts degree in economics, for which he studied part-time while working for the Commonwealth Bank.
>
> He held lectureships in various Australian universities before going to England after the World War. He took up his present appointment at Hull University in 1959.

He was a part-time student who has reached the top. He has been so successful that he is now employed overseas in a very high capacity.

Many part-time students have accomplished a great deal in Western Australia. If one looks through the list of employees in our Government departments it will be found that many of the men occupying the top or near top positions performed a great deal of their studies on a part-time basis.

I want to stress to the House that it is necessary, when studying the question of education, to ensure that the members of the proposed Tertiary Education Commission will be practical people. They must make certain that not only is a university type of education taught, but also that practical education is taught, because this is vital to members of our community. To some degree I am concerned that the Institute of Technology, by encompassing everything to do with tertiary education, may possibly take over the technical tertiary division from the Education Department. I would not like to see that happen.

As the member for Swan has indicated, this would be most unwise. In fact, the technical tertiary division has done a sterling job over the years and it would be tragic to see this division eliminated merely to enable the Institute of Technology to grow larger. The purpose of our universities or institutes of technology is not merely to grow larger. We should equate their usefulness with what they do, with the students they turn out, and what they accomplish for industry.

As I have said, the Institute of Technology has taken over the School of Mines. If the institute can give to industry generally what the School of Mines at Kalgoorlie gave to mining, it will accomplish a great deal, but I doubt whether it ever will. Years ago, the School of Mines at Kalgoorlie used to arrange the lectures so that those men working day shift on the mines could attend night classes, and the men who worked night shift could attend classes that were held during the day, thus catering for all those men who desired to engage in part-time studies. As a result of the improvements that have been made in education the position is not the same today. If an insufficient number of students is offering for any subject to be taken on a part-time basis, no effort is made by the college or educational body concerned to increase that number so that those who are keen to obtain instruction in any subject can engage in this form of education.

This is one factor that the members of the Tertiary Education Commission should look at and I ask the Premier to ensure that practical people are appointed to this commission. In education today there is a general tendency to follow a programme of pure research and to build up a syllabus to such an extent that the ordinary individual finds it difficult to cope with it. I do not think this is wise. The member for Wembley will appreciate that in medical training the syllabus is generally prepared towards producing a general practitioner who, after he has been practising for a

time as a G.P., can then take up post-graduate studies to become a specialist. I would like to see this policy followed in all avenues of educational training. At the beginning the basic subjects should be taught and if a student, after completing those studies, desires to become a specialist he can then continue with the requisite course.

For instance, I went to a technical college to study accountancy. In accountancy many subjects are embraced. However, having learned the fundamentals and the basics of accountancy I could not practise as a specialist accountant in, say, taxation or company law, because there was no opportunity for me to obtain specialised training in those subjects as no specialised course existed. It would be preferable to see the basic subjects taught in any profession and, after the completion of this course the student, if successful, should be able to become a specialist in some particular field. If this policy were followed a great deal more would be accomplished.

Mr. Bickerton: There is only one way to become an expert on taxation and that is to make money.

Mr. W. A. Manning: Apparently you did not.

Mr. Tonkin: Or fail to lodge returns.

Mr. LAPHAM: Since the Bill has been introduced a great deal of criticism has been levelled as to the effect it will have on universities and whether they will lose their autonomy. In this morning's issue of *The West Australian* a very interesting letter was published dealing with certain aspects of the subject. What worries me is the question of whether the Government afforded to those people who will be affected by this legislation an opportunity to discuss its proposals. If it did not do so, I think it was most unwise, because many of the proposals, in my opinion, are not a threat to the universities or other educational institutions.

The Government should have conferred with those people who will be involved to give them some indication of its intentions and obtain their advice on certain aspects of the proposals in the Bill and so allay their fears. If the Government had done that there would not be letters appearing in the newspapers, meetings of certain bodies of the university, and a general feeling—not altogether of discontent but that all is not well in the educational field at this particular time. When the Premier replies to the debate I would ask him to indicate whether the parties I have mentioned were given the opportunity to discuss these matters; and, if not, why they were not.

I think I have covered the subject in general. I feel it is vital that the tertiary education commission be brought into being. I would like to see more emphasis placed on the practical side than on the theoretical and pure research side. I do suggest that the Premier confer with the Department of Industrial Development in regard to this aspect. Where he finds an industry needs assistance, but cannot afford the money for research, he should request the Institute of Technology to undertake the research. For this purpose the Government should supply the necessary funds. The institute is equipped with the necessary staff and facilities to undertake such research, and its members are very keen to proceed with this work. In my opinion they should be encouraged to do so.

SIR DAVID BRAND (Greenough—Premier) [8.17 p.m.]: Firstly, I would like to thank members for their general reception of the Bill, although the comments made by one or two members extended far beyond the limits of the measure, which seeks to set up a Tertiary Education Commission. This goes to show that the establishment of this body has aroused a great deal of interest; and it can become involved in very many aspects of education. However, the Bill before us simply seeks to set up a Tertiary Education Commission, and it is confined solely to this purpose.

I think I should, firstly, reply to the comments of those members who stated that the Senate of the University, and certain groups of academics were ignorant of the preparation of the Bill. Initially, the Bill was referred to the commission, which was kept well aware of the proposals right from the beginning. This was not a matter of the Senate of the University or any group of academics having representation, except in a general manner. When Bills dealing with any particular subjects are in the course of preparation, they are referred to the relevant organisations—if there be any—which are primarily concerned. In this case there were the Institute of Technology, the University of Western Australia, and perhaps the planning board of the proposed Murdoch University; all had an indirect interest but had no claim to a prior look at the Bill.

The Vice-Chancellor of the University is a member of the commission, and he was present when the chairman of the commission (Professor Sanders) explained the Bill to the members. It would seem to me that the Vice-Chancellor, being a representative of the university, could or should have referred the question to the Senate of the University, or at least he should have informed the senate.

However, I find no real fault with that. Apart from this, the Under-Treasurer is also the Pro-Chancellor of the University and he has been a member of the senate for many years. It would appear that when the Bill was explained in this House,

and when certain members of the senate took the matter up, the pro-chancellor made himself available to discuss the problems and the issues which were raised by the senate, by individual members of the senate, or by the academic staff. As a result I have given notice of certain amendments which appear on the notice paper. This indicates our willingness to concede immediately to the university the points it has raised, and to acknowledge that it has some case.

We as the Government, and I am sure all of us, are anxious to see the tertiary education commission working effectively right from the beginning. We do not want ill-feeling or a lack of confidence to develop; on the contrary, we should do everything possible to promote a feeling of confidence and trust in it.

Mr. Davies: Are you suggesting that the vice-chancellor or the Under-Treasurer should have advised the senate what was contained in the Bill, before the second reading of the Bill was introduced?

Sir DAVID BRAND: No, but I think this is inferred by the honourable member. The contents of Bills are not as a rule made available to all and sundry, or even to the organisations concerned, before the introduction of the second reading. This Bill concerns the Tertiary Education Commission, and not the university.

Mr. Davies: Is not Sir Stanley Prescott on the tertiary commission?

Sir DAVID BRAND: He is a member of the tertiary commission. If there were any questions to be raised, or if there were any doubts about the contents of the Bill, he would be the one to pass on the information to the university, and maybe to academic staff.

Mr. H. D. Evans: It was not passed on.

Sir DAVID BRAND: I cannot be held responsible for the actions of other people. I am trying to point out that we regret the situation which has developed, but it was not the fault of the Government or those who prepared the legislation that certain people were not made aware of its contents until after the introduction of the second reading.

Mr. Davies: Sir Stanley Prescott could not win. If he spilt the beans to the senate beforehand he would be in trouble; and if he did not he would also be in trouble.

Sir DAVID BRAND: This backs up my argument. It is very difficult to make everybody concerned aware of the proposals. Quite apart from that, the Government has proposed certain amendments which appear on the notice paper and will submit three other amendments which have come forward as a result of the meeting of the senate last night. I must apologise that I have not had sufficient time to place the three last-mentioned amendments on the notice paper.

Mr. H. D. Evans: Had the lines been clearer probably there would not have been so many amendments.

Sir DAVID BRAND: It is always easy to be wise after the event. The Government has shown its willingness to cooperate, because it made arrangements for the amendments to be discussed; and the Government has agreed to submit them to the House. These further amendments appear on roneoed sheets, and copies have been circulated to members. These amendments have been supported by the senate.

Other queries were raised in the second reading debate. One question was: What has the commission done up to date? Whilst the Bill requires the commission in the future to submit annual reports to Parliament, I would point out that the commission has been very busy indeed, right from its inception. The main work it has undertaken has been to take a very real interest in tertiary education in the country. I think two or three members referred to this aspect of its functions, and pointed out how important it is.

First of all, the commission must ensure that to enable the Government to provide for tertiary education in the country the requisite sites must be reserved. I am pleased to say that, dealing with Bunbury, Geraldton, and Albany, the sites have been set aside. In the metropolitan region, sites, both north and south of the river, in Hamersley, and in Medina or Rockingham, have also been reserved. This work has taken a long time, and I am sure that private members realise how difficult this task is.

Together with the setting aside of the sites, the commission has examined very closely the level of tertiary education that will be provided in the country. I think the Jackson report contains suggestions that the form the level might take is a combination of technical and university facilities. I believe that the commission has advanced this idea further. The Commonwealth body which is interested in this matter is very pleased, and it has been described to me that the Commonwealth committee is excited about the development that is taking place in Western Australia in this aspect of education, which is certainly further ahead in this State than in any other. In this regard the commission has been very active, indeed.

Mr. Davies: For my part I was not criticising it. I was merely curious.

Sir DAVID BRAND: I did not say the honourable member was criticising it. The work of the commission should be understood.

Another query of some members was: We have not heard what the commission is doing, so tell us. The inference is that if members have not heard what the commission is doing, then not much is being done. I think that is a fair inference. Nevertheless, the commission has been very active, indeed. It is not necessary for me to point out that in the course of the last two years a great deal of study has been made of, and a great deal of thought has been given to, teacher education, on which some emphasis has been placed, in the hope that teachers will be provided with a better form of tertiary education and will be trained separate from the Education Department.

A query was raised as to when the appointment of representatives of the teachers' training colleges to the commission would be made. I cannot say. I am hopeful the appointments will be made as soon as the way has been cleared and this body has been established. That is the only undertaking I can give.

Mr. Davies: Have you not made long-term planning?

Sir DAVID BRAND: Yes, and that is all. There is no need for me to go into detail. Until this aspect of education has progressed a little more, there is no further information I can supply.

Mr. Davies: Will the representatives of the training colleges be appointed in five, 10, or 15 years?

Sir DAVID BRAND: If I were to give a time I would only be guessing; and so would the honourable member. I think that the appointment of these representatives would be made much sooner than the period mentioned by the honourable member. Here again, I must say that I am a humble layman, and I have not received any special information on the question.

Mr. Davies: Nothing which a change of Government will not fix?

Sir DAVID BRAND: I am glad to hear the honourable member uttering that dash of hope. The fact is that if he were to become a member of a Government he should remember some of the statements he has been making lately.

On the question of the four-year appointments, I think the member for Victoria Park suggested there could be two consecutive periods of four years, making in all eight years. I can only suggest that appointments for four years will allow us the opportunity to make a review of the position. If the commission and everyone else concerned is happy, no doubt a representative on the body will be reappointed for another four years. The four-year appointments will provide the opportunity for a renewal of the appointments every four years until the commission has settled down. If that does not work, or does not prove to be practical, no doubt it will be altered.

Mr. Davies: How about referring to the constitution of the committee while we are dealing with that clause?

Sir DAVID BRAND: I think it would be better to deal with that in the Committee stage.

Mr. Jamieson: As long as they don't put the member for Bunbury on it, it will be reasonable.

Mr. Williams: Speak up!

Sir DAVID BRAND: I think the member for Warren canvassed the field that had already been covered by the member for Victoria Park, and there is little need for me to comment further on his remarks. The members for Karrinyup and Swan expressed their very great concern about education. It would seem to me that in the technical field the Tertiary Education Commission will be one medium that will take an interest in the matter and ensure that the standards which it hopes to achieve for everyone are achieved; and the opportunities which are proposed in the future will, I am sure, be extended by the setting up of the commission.

During the course of his remarks the member for Karrinyup said that the Institute of Technology was growing to the size of the university. To me this seems to stress the need for another university, although the university and the institute cannot be compared. They provide for entirely different forms of tertiary education and we do not want them to be the same. I would imagine that, in its decisions, the commission will ensure that the education provided by those two institutions is not the same—that the institute will be kept to a certain area of education, and the university will be something quite apart from it.

I do not think there is any more I can add except, once again, to thank members for their support of the commission. From the letters I have received—both from the university and from the institute—and the comments that have been made, it is clear that everyone recognises the importance of the step the Government is taking. I trust members will give their support to the amendments which I have on the notice paper because I am sure they cover most, if not all, the points that have been raised.

Mr. Davies: Do you propose that the present members of the commission will continue as members?

Sir DAVID BRAND: That will be a matter for the Government to decide when the legislation becomes law.

Mr. Lapham: As regards the three who have not been named as yet, will they be people from educational institutions, or from outside?

Sir DAVID BRAND: I cannot say at this stage. Until the Bill becomes law, and until we have regard to all factors, including the people who are available, it would be most unwise for me to guess or suggest that the members of the commission will come from one section or another. Nevertheless, the personnel of the commission will be a very important aspect of it—their attitudes and their qualifications will be taken into consideration. I know the Government and the Minister will be doing their best to ensure that we get the right people to make the commission work.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Sir David Brand (Premier) in charge of the Bill.

The CHAIRMAN: Before I commence calling the clauses I would point out that the proposed amendments to clauses 3 and 4 will not be moved—it is unnecessary to move them. They are placed on the notice paper in anticipation of the deletion of certain clauses. As a Committee we cannot anticipate those deletions and any alteration necessary in this regard will be made by the Clerks after the Committee has arrived at its decision.

Clauses 1 to 5 put and passed.

Clause 6: Constitution of Commission—

Mr. DAVIES: In replying to the debate the Premier did not make any comment on the suggestions which have been advanced by various sections, particularly the university, to expand the commission and take away the bias towards Government control of it. At the present time I should imagine the chairman, the Director-General of Education, the Under-Treasurer, the chief executive officers of the university, the Institute of Technology, and the Murdoch University Planning Board would by far outweigh the other three appointments, who shall be persons appointed by the Governor on the recommendation of the Minister. The suggestion has been advanced that there should be three further appointees—from the two universities and the institute of technology, on their recommendation—as well as the three persons appointed by the Governor. Those persons at present are Mr. C. C. Adams, Mr. A. W. Buttrose, and Dr. K. J. Tregonning.

We all know their experience in the field of education and I do not query their qualifications. However, there is still the worry about the grass roots representation—if I can refer to it as such—on the commission, and the suggestion that perhaps there might be scope for a member of the teaching staff, the non-teaching staff, and the general public. I think on page 18 of the Jackson report, after considering the matter in some detail, the chairman of the committee suggested that there should be only a chairman and three other members, making a total of four. The Government has provided for a commission of nine, but I am willing to extend it to 12 to get the widest possible representation. Would the Premier like to comment on my suggestion before I move an amendment?

Sir DAVID BRAND: It is true that the Jackson committee recommended only four members, which indicates that it felt a compact committee could well represent the very many bodies and organisations interested in this matter. In short, it was not prepared to recommend that each organisation should have a representative who would have a vested interest in the question. In reply to the member for Victoria Park I would like to refer to some notes I have on the suggestion that the membership of the commission be extended to 12.

Clause 6 sets out the constitution of the commission and provides for a chairman and three members to be appointed by the Governor-in-Council, and for five *ex officio* members, including representatives of each of the tertiary education institutions that comes within the ambit of the commission. It is considered that this representation is sufficient at this stage, although it would be the intention of the Government to propose additions to the membership of the commission representing other tertiary institutions that may be created from time to time. For example, it would be proposed to provide for representation of the teachers' colleges if at some future time they are separated from the department and are brought under the control of a body such as a board of teacher education.

It has been suggested to the Government that the commission be enlarged to 12 and that each tertiary education institution provide an additional member to increase the academic representation on the commission. I cannot agree to this proposal. It is not desirable for a body of this type to be too large, and I think this is an important factor quite apart from any interest we may have in increasing the membership.

In this respect it is interesting to note that in New South Wales the University Board is composed of not less than seven and not more than nine members, and all those members are appointed by the Governor. The legislation does not provide specifically for each university to be represented. That is because of the number of universities in operation in that State, although I have no doubt the Government of New South Wales would keep its eye on the position when making

appointments and would try to get representation for each of the universities. The New South Wales Advanced Education Board is constructed in exactly the same way.

In our own case, we consider the Tertiary Education Commission, as proposed, to be well balanced. There will be three members representing tertiary institutions who should be able to put forward a strong academic viewpoint. The chairman would obviously be a person with an academic background, and the Director-General of Education will bring to the commission a wide experience in education at all levels. The three members to be appointed by the Governor would obviously be men with a tertiary education background and with a close interest in the needs and aims of tertiary education.

I do not think the present membership of the commission can be criticised on the grounds of lack of academic weight or the lack of experience in education. In this regard I am not suggesting that members have been critical on that point. There is another matter, too, that should not be overlooked by those who seek to enlarge the commission to provide for greater academic representation. The Government does not seek to encourage the commission to involve itself in the detail of tertiary education management. This, of course, is very wise indeed. There could be a trend for the commission to get itself involved in a great deal of detail that concerns any one of the tertiary institutions. Members could be pressed for information of the kind that may cause them to become involved. This is a matter for the institutions themselves and if they have asked for autonomy I think it is a matter that should be left to them—that is, the general detail and running of those institutions. It is preferable for the commission to concern itself more with the aims and principles, and to bring the institutions together to find ways and means to achieve those aims.

The commission will have power to appoint subcommittees to deal at depth with any aspect of tertiary education. It would be preferable for the personnel of those subcommittees to be drawn mainly from the academic body of the institutions rather than from the membership of the commission itself. The role of the commission would be to define the aims and lay down guidelines. It should be the role of the subcommittees, constituted in the way I have described, to give substance to the framework. In this way all tertiary institutions will participate in charting the future course of tertiary education in this State, and need not fear that course will be imposed from above.

For the reasons I have given and the fact that a total of nine is quite a large number, and seems to be adequate—and the commission membership seems to be balanced—I would oppose any move to increase the number.

Mr. Davies: I will accept the Premier's explanation.

Clause put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Functions of commission—

Sir DAVID BRAND: I move an amendment—

> Page 6, lines 9 to 12—Delete all words commencing with the word "Notwithstanding" down to and including the word "the" where first appearing, and substitute the word "The".

I should like to give an explanation in connection with this amendment as the matter has been raised this evening. The university authorities have expressed the view that power to override the governing Acts of the institutions in all matters is too sweeping and they have requested that the preamble be deleted. Other amendments to clause 12, which I shall explain shortly, make the preamble less necessary and, consequently, it is proposed to delete it.

Mr. DAVIES: I am delighted that the Government has agreed to this amendment. This is the one clause in the Bill upon which I would have divided the Committee. I heartily agree with the sentiments expressed by the senate that the powers conferred on the commission through this clause would be far too sweeping. The effect of the amendment will be to make the clause read, "The functions of the commission are," and the functions are set out in the subsequent subclauses, to which some further amendments will be made. I am delighted the Government is moving this way.

Amendment put and passed.

Sir DAVID BRAND: I move an amendment—

> Page 6, line 26—Delete the words "and co-ordinate".

Mr. DAVIES: This is one amendment for which I could not see the reason. The whole concept of the function of the tertiary education commission is to rationalise and co-ordinate. Subclause (c), in its present wording, asks the commission to review and co-ordinate submissions. This is an important matter in its overall functions. Is there any reason for the deletion? I know the staff association of the university requested it but I was not informed of the reason.

Sir DAVID BRAND: Once again, this was one of the points raised under the heading of impacting on the autonomy of the university. This proposal was put up quite early after the Bill was introduced. The words in question are unnecessary as it is intended that the commission should review the triennial submissions of tertiary institutions and

recommend the level of financial assistance required from the State having regard to the needs of other tertiary education institutions and the overall financial resources available. This is the point. Co-ordination, therefore, is inherent in its function.

The amendment has been incorporated simply as a result of the request made by the Senate of the University, the academic staff, and I think the student guild. The Government had certainly proposed the wording but, for the reason mentioned, the university wished to have the words "and co-ordinate" eliminated. Nevertheless I am sure we will achieve our purpose, even though the words are deleted.

Amendment put and passed.

Sir DAVID BRAND: I move an amendment—

> Page 6, lines 32 to 35 inclusive—Delete paragraph (d) and substitute for it a new paragraph (d) as follows:—
>
> > (d) to consider any request for a variation from an approved triennial programme of a tertiary education institution and make recommendations thereon to the appropriate Commonwealth or State authority;

The amendment removes the need for the Minister to become involved with variations from approved programmes which primarily involve transfers of funds from one building project to another to align allocations based on estimates with the actual cost. It is, however, necessary for approval to be obtained from the Australian Universities Commission in the case of universities or from the Commonwealth Advisory Committee on Advanced Education in the case of the Institute of Technology. The amendment provides that the tertiary education commission should consider requests and recommend directly to the authority concerned. This was another request which was made by both institutions.

Amendment put and passed.

The clause was further amended, on motions by Sir David Brand, as follows:—

> Page 7, line 5—Insert after the word "of" the word "each".
>
> Page 7, line 6—Delete the word "institutions" and substitute the word "institution".

Sir DAVID BRAND: I move an amendment—

> Page 7, lines 9 and 10—Delete the words "to the Minister thereon" and substitute the words "thereon to the governing authority of the institution".

Mr. DAVIES: I support this amendment and the subsequent amendments which will be along similar lines. I think this will overcome some of the major difficulties of which the Senate of the University has complained. Incidentally, the Premier did not comment on the attitude of W.A.I.T. to this Bill. Apparently he has had no representations from that body. By way of interjection, the Minister for Education said that the institute appeared to be quite happy with it.

Mr. Lewis: The honourable member said earlier that he wanted the same conditions to apply.

Mr. DAVIES: I think this will overcome the major objections raised by the Senate of the University inasmuch as the matters will be referred back to the governing bodies of the institutions concerned; namely, the University of Western Australia, W.A.I.T., or the Murdoch Planning Board. Of course, they will not have to worry the Minister for Education. I am sure he will be delighted to have the governing bodies of the various institutions look after these matters instead of having to look after them himself. They will come to him eventually, of course, but at least the safeguard which has been provided is a very necessary one, in my opinion, for maintaining the autonomy of the institutions.

Sir DAVID BRAND: I do not want to stonewall this part, but I think I should read to the Chamber the explanation. Paragraph (e) as set down in the Bill provides that it shall be a function of the commission to consider the terms and conditions of appointment and employment, including the salary payable, of all staff of tertiary education institutions and also to consider claims relating to those terms and conditions.

As the Bill now reads, the commission, having considered such claims, shall make a recommendation to the Minister with whom the final decision rests. As I said before, the university has submitted that this proposal removes its traditional autonomy in such matters, although it is recognised that the decision on major salary issues is largely determined by the amount of finance made available by the State and Commonwealth Governments. It has been suggested that it should be sufficient for the commission to review proposals for a new determination of salaries or other conditions of service and make its views known to the governing authority of the institution concerned. That authority would then make its decision having regard to the recommendations of the commission and the finance available. The Government considers that this is a workable arrangement and, for this reason, I have moved the amendment.

Amendment put and passed.

The clause was further amended, on motions by Sir David Brand, as follows:—

Page 7, line 12—Insert after the word "to" the word "each".

Page 7, line 12—Delete the word "institutions" and substitute the word "institution".

Page 7, line 15—Delete the words "to the Minister thereon" and substitute the words "thereon to the governing authority of the institution".

Sir DAVID BRAND: I do not propose to move the next two amendment which appear in my name on the notice paper. I will move another amendment in their place. I move an amendment—

Page 7, lines 16 to 23—Delete paragraph (g) and substitute the following:—

(g) to consider proposals for the establishment of new tertiary education courses of study and to make recommendations thereon to the governing authorities of the respective tertiary education institutions for the purpose of achieving rationalisation of resources and the avoidance of unnecessary duplication;

Paragraph (g) requires the commission to consider proposals for the establishment of new tertiary courses and to approve or disapprove such proposals. I think members will agree that, with the growth in the number of tertiary education institutions, it is vital that there should be a rational approach to the determination of courses to be provided in each institution. With the very high cost of tertiary education, the State cannot afford unnecessary duplication of courses, although it is obvious that there must be some duplication where the student numbers offering warrant it.

However, as framed in the Bill, paragraph (g) confers upon the commission the exclusive right to approve or disapprove proposals for the establishment of new courses of study. It has been put to the Government that the decision on the establishment of new courses of study at present rests with the governing authorities of tertiary institutions and that, as with the previous amendments, it would be sufficient for the commission to direct its recommendations to the governing authority concerned. In this way proposals for the establishment of new courses would have to be submitted to the commission for consideration and recommendation before a decision was taken by the governing authority of the institution. Moreover, if the commission did not agree with a particular proposal on the grounds that it represented unnecessary duplication, it could recommend against funds being provided for that course. As a government, we consider this to be a practical approach.

Amendment put and passed.

The CHAIRMAN: The member for Cockburn has advised me that he does not intend to move the amendment standing in his name on the notice paper.

Sir DAVID BRAND: I move an amendment—

Page 7, line 28—Insert after the word "for" the word "new".

Mr. DAVIES: When discussing recent amendments to the Western Australian Institute of Technology legislation the Minister for Education indicated that a national inquiry had been held in regard to accrediting awards under colleges of advanced education, and that a national body was to be set up in Canberra for this purpose. He also indicated that each State was to have a recommending authority and that in this State the authority would probably be the Tertiary Education Commission. At present, the paragraph indicates to me that the commission is going to take unto itself the power to accredit these awards even though it might not be in agreement with the national advisory council.

If, as was indicated under the previous measure, the Wiltshire committee has recommended this procedure; if, as was indicated by the Minister for Education, this procedure has been adopted in Western Australia; and if we are not to appoint a recommending authority apart from the commission, does the Minister think that the paragraph is sufficient to indicate that the commission is only a recommending authority through the national body rather than an accrediting authority in its own right?

Sir DAVID BRAND: Paragraph (i) requires that the commission perform the function on the State level visualised in the Wiltshire report on awards to be conferred by colleges of advanced education. In future years the spectrum of tertiary education in this State could range over a wide field embracing universities, colleges of advanced education, teachers' training colleges, and tertiary courses provided by the technical colleges. It is obviously necessary for some competent body to keep a close watch on the level of awards granted by those bodies and the minimum requirements for these awards, in order to maintain the standards of tertiary education in this State at the level generally accepted throughout the nation.

It has been pointed out to the Government that it is not necessary for the commission, in performing this function, to determine the minimum requirements for existing awards which have gained

full acceptance, but that its determination should be restricted to new awards. The Government accepts this contention.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13 put and passed.

Clause 14: Duties of the Commission—

Sir DAVID BRAND: I move an amendment—

> Page 8, line 16—Delete the word "arrange" and substitute the word "promote".

I might say that paragraph (c) of clause 14 requires the commission to encourage co-ordination between tertiary education institutions and, where necessary, to initiate moves to achieve co-ordination. In this respect the word "promote" is more appropriate than the word "arrange" as it will be the function of the commission to bring together tertiary education institutions for the solution of mutual problems. This was another request by the senate and I think it goes to show that there was a great deal of misunderstanding regarding some of the wording contained in this Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15 put and passed.

Clause 16: Other officers and employees—

Mr. DAVIES: On more than one occasion I have expressed concern at the growing influence of the Civil Service on the community as a whole and I have pointed out that the Civil Service has increased by something like 85 per cent. in the last 10 years. That is the greatest increase ever in the history of this State. I would like to see inserted at the end of this clause the words "subject to the approval of the Minister," because I believe the commission should not be given a wide power to appoint staff.

I have already said that if the commission can put up an argument to show that the appointment of staff is necessary I do not begrudge such appointment. However, we are going to give the commission *carte blanche* to appoint such staff as it thinks fit. I believe there is a danger of another empire being built. I feel that in regard to staff, we should at least keep appointments subject to the approval of the Minister for Education. I move an amendment—

> Page 8, line 31—Insert after the word "Act" the words "subject to the approval of the Minister".

Sir DAVID BRAND: I see nothing wrong with this suggestion. I think the next clause, clause 17, provides that appointments of staff may be made subject to the approval of the Minister and, therefore, I have no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 to 19 put and passed.

Clause 20: Funds of the Commission—

Mr. DAVIES: This is a financial provision and I think it is appropriate to raise the matter of payments for members of the commission. I understand that, as a general rule, payment is made to members of boards and commissions unless the person concerned is a public servant employed under the Public Service Act.

The Bill contains no provision for payments for sitting fees or payments for members. I do not think we want anyone to suffer any pecuniary loss because he is giving his time to this board. If there is a likelihood of anybody suffering such a loss, I think provision should be made somewhere for suitable reimbursement to be made. Has this been given any consideration?

Sir DAVID BRAND: I believe we ought to ensure that we have a happy commission; and, having regard to other boards and their responsibilities, a general line of policy has been established. I believe this should be a decision of the Government. I would not like to see inserted in this legislation anything of the sort mentioned. I assure the Committee that the chairman, who is a full-time man, and the members will be well looked after.

Clause put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Ministerial boards and committees—

Sir DAVID BRAND: I would like to move to delete the whole of this clause.

The CHAIRMAN: The procedure is to ask the Committee to vote against it.

Mr. H. D. EVANS: I would like the Premier to make some comment about why he is seeking to defeat the clause.

Sir DAVID BRAND: It has been put to the Government—and here again this is a request from the senate—that the power conferred by clause 23 as it stands in the Bill is too wide and could allow of boards and committees being established to take over some existing functions of tertiary institutions. It has been suggested that where a new field of tertiary education is to be established under a board or committee, it would be better accomplished by a separate Act of Parliament which could be considered and debated in the ordinary way.

Clause put and negatived.

Clauses 24 and 25 put and negatived.

Clauses 26 to 28 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

BILLS (5): RETURNED

1. Bookmakers Betting Tax Act Amendment Bill.
2. Totalisator Agency Board Betting Tax Act Amendment Bill.
3. Betting Control Act Amendment Bill (No. 2).
4. Betting Investment Tax Act Repeal Bill.
5. City of Perth Parking Facilities Act Amendment Bill.

Bills returned from the Council without amendment.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR. CRAIG (Toodyay—Minister for Traffic) [9.20 p.m.]: I move—

That the Bill be now read a second time.

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

Present court cases have revealed that there are certain deficiencies in the existing provisions. If the legislation is to have any true value, and breath and blood analyses are to be accepted by the courts, then it is imperative that an amendment be made to the existing section 32C.

At present, the Act provides for "the calculation" which has been interpreted by some courts as being a single figure. The Bill seeks an amendment to section 32C (1) (c) to enable the maximum or minimum values to be given where the single calculation cannot be made because the time of the last drink may not be known. Where this circumstance arises, the spread value—minimum or maximum calculations—can only favour the accused person since the courts will give the defendant the benefit of the lowest value. No action is taken unless the minimum value is above the minimum prescribed by law.

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

(a) the time of the occurrence,

(b) the time of the taking of the breath or blood sample, and

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

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

The last of these factors can only generally be obtained from the suspected person, but in some instances this person may not know the time, or may refuse to give the time of the last drink. It therefore became the practice in such cases to give the court two calculations, a minimum and a maximum calculation, between which a person must have been, no matter when the last drink may have been taken. The time of the last drink will only pinpoint the blood alcohol figure between the lowest and highest value, but the calculation cannot be any lower than the lowest value obtained, or higher than the highest. For instance, if a person was alleged to have been involved in an occurrence at 10.30 p.m. and the time of the latest drink was known to be at 10 p.m., the maximum percentage of alcohol in his blood would have been reached at 12 midnight—two hours after the last drink.

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

If the time of the latest drink is not known, then the alcohol level in the blood at the time of an occurrence can be calculated for any and every possible time of last drink. This gives over 100 values; but, of these, none is less than a certain value—the minimum—and none is greater than a certain value—the maximum. Therefore, the easiest way to communicate the result of the calculation for any and every possible time of last drink is to quote these two values.

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

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

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

The time of latest drink can move back for up to two hours at which the maximum blood alcohol is reached. A latest drink at any time prior to that does not change the final calculation because the blood alcohol per cent. does not rise for any longer than two hours. Thus a person who had a time of latest drink 10

hours before the occurrence would have reached a maximum two hours later and from then on would be declining in his blood level.

Mr. Jamieson: Probably in his physical health also.

Mr. CRAIG: Any time value between the time of occurrence and time of blood or breath test would then be added back at the rate of 0.016 per cent. per hour. I hope the explanation is clear enough. I have endeavoured to make it as clear as I possibly can and, if members have any doubts, a study of the *Hansard* report will, I am sure, help them arrive at the correct conclusion.

Mr. Jamieson: We will refer it to the W.A. Institute of Technology and to the university for an explanation.

Mr. Bickerton: When you introduced that legislation were you not of the opinion that the breathalyser would overcome all the road accident problems?

Mr. CRAIG: No, but I was sure it would reduce them.

Mr. Jamieson: But it did not.

Mr. CRAIG: Can the honourable member prove that?

Mr. Jamieson: I can prove that it increased money coming into the Treasury.

Mr. CRAIG: It probably did, but it also made a tremendous contribution towards decreasing road accidents and fatalities.

Mr. Bickerton: It cannot be effective if you have to amend it.

Mr. CRAIG: It is effective.

Mr. Bertram: In what way?

Mr. CRAIG: Is the honourable member referring to the amendment or to the use of the breathalyser generally?

Mr. Bertram: The use of the breathalyser generally.

Mr. CRAIG: It has been very effective. It has acted as a very strong deterrent.

Mr. Bickerton: In what way?

Mr. CRAIG: I have received requests that we should go further in connection with the use of the breathalyser and have on-the-spot checks, and also that we should reduce the percentage of alcohol, while driving, from 0.08 to 0.05, as is the case in Victoria and England.

Mr. Bickerton: Has the accident rate there decreased?

Mr. CRAIG: Yes: this had a remarkable effect initially, as my colleague pointed out.

Mr. Jamieson: That is because they raided all the hotels.

Mr. CRAIG: That constitutes on-the-spot testing. We have had requests for this to be done here, but we have resisted doing this for various reasons.

Mr. Bickerton: If you prevented people from driving motorcars you would have no problem.

Mr. CRAIG: The best solution would probably be to introduce prohibition.

Mr. Jamieson: You would not want to be Minister for Police if you did that.

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

Since the offence of driving on or above the 0.08 per cent. level committed under section 32AA does not suggest that the person is driving under the influence of alcohol, it is essential that section 32C (1) should be amended to permit the introduction of evidence of the blood alcohol percentage in a similar manner to that in which charges for driving under the influence—that is, above .15 per cent.—are laid.

The existing provision of section 32C (2) provides for acceptance by courts of certificates that certain matters be admitted as *prima facie* evidence. This relates to the certificate of a medical practitioner to the effect that he has taken the sample in accordance with the regulations and also that of the analyst who analyses a sample. An amendment is required to give the same credence to the certificate of the technologist of the Public Health Department that the blood sampling kits have also been prepared in accordance with the regulations. Unless this amendment is effected, it could mean that the technologist would have to travel all over the State to give evidence of the preparation of the blood sampling kit, if it was disputed that the kit had not been properly prepared. This would cause obvious difficulties and impede the mechanics of the legislation.

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

Debate adjourned, on motion by Mr. Davies.

EDUCATION ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Council without amendment.

PHYSICAL ENVIRONMENT PROTECTION BILL

Second Reading

Debate resumed from the 27th October.

MR. TONKIN (Melville—Leader of the Opposition) [9.32 p.m.]: In his article, "A policy for conservationists," G. Kesteven gave what I think is a very good definition of a conservationist. I consider the Government might well have followed this definition in the preparation of its legislation. The definition to which I refer reads—

> A conservationist is concerned to examine ways of using natural resources which both reason and conscience dictate as being in the best interests of all possible beneficiaries.

In order to have a proper understanding of the reason the Bill is here, and here in this form, it is necessary to trace the history of the developments in connection with the demand for conservation and the reaction of the Government to that demand. Members would know that we on this side of the House made an attempt to have an authority set up to conserve the beaches. Not only was the Government not interested, but it was definitely opposed to the idea. We took this action in September last year when the member for Fremantle moved the following motion:—

> That in the opinion of this House the Government should take early action to introduce legislation to create an authority—with local authority co-operation—to plan, protect, and maintain ocean beaches in the metropolitan area and areas to be proclaimed.

The member for Fremantle and others who spoke to that motion indicated the necessity for some action to be taken to protect the beaches in Western Australia, but the Government would have none of it and used its numbers to defeat the motion.

There has been much interest in this matter overseas for some considerable time in countries whose development has been of much longer duration than it has in Australia, and whose experience of the dire results flowing from neglect to control pollution has been responsible for their becoming really concerned and therefore being forced into taking some proper action. In both northern Europe and North America, following a period of ruthless exploitation of natural resources, the various Governments, with firm public support, opted for conservation; and that has been the experience not only in North America and nothern Europe, but in the other States of Australia.

It is at long last realised that the very survival of the human race is threatened unless early action is taken to control pollution, and whilst doing that it is necessary to endeavour to conserve not only for ourselves, but for posterity, those natural assets which a country possesses, the enjoyment of which is desirable for the people as a whole.

Members will recall that the Minister for Industrial Development proposed to go abroad last year to visit America. I took the opportunity of putting to him a question which was designed to cause him to give special attention to what the situation was in America with regard to pollution. On Thursday, the 16th October, 1969, I asked him the following question which is to be found on page 1600 of the *Hansard* for that session:—

> If, as I believe, he will shortly be visiting a city in California which is regarded as the most smog-affected city in the world, will he take advantage of this excellent opportunity to investigate the prevailing conditions with a view to using the knowledge so gained to protect those districts in Western Australia which could be subjected to the development of smog from the large industrial enterprises being established?

I had in mind particularly, of course, the industrial complex at Kwinana. The Minister replied—

> The Leader of the Opposition was good enough to give me advance notice of this question just prior to the sitting, and I appreciate that notice. Firstly, I am not quite sure to which city he is referring.

And I replied, "Los Angeles." The Minister then went on—

> Most of my time in California will be spent in San Francisco. However, it is possible I will go to Los Angeles, which city I know very well. As part of my normal duties, when abroad as Minister for Industrial Development, I make it my business to watch the effect of industry, not only with respect to smog, but also with respect to other aspects. This includes the effect on transport and whether the industry is in a good or a bad location. I have also observed the incidence of smog which has bedevilled some cities.
>
> I have also made it my business to examine the industrial research being carried out in Europe where an advanced stage has been reached in repect of this question of trying to overcome the existing smog problem.

> My main purpose is to follow a line of prevention rather than a line of cure. I think the Leader of the Opposition has foreshadowed that prevention is better than cure.
>
> I can assure the House that if, in the course of my work abroad, I do have an opportunity to gain information which will be of advantage to us in the siting of industry and the handling of industrial problems, advantage will be taken of that opportunity. However, I do record that in our own case we have, in most instances, anticipated some of these problems, and through our own Statutes we have established organisations such as the Air Pollution Control Council. Nevertheless, it is my duty to study the matter, and I appreciate the honourable member's interest.

Members and others would be greatly encouraged by that reply and would expect something of real value from the Minister. But what did we get? A report of a speech about Joe Blow—

Mr. Bickerton: Poor old Joe!

Mr. Court: That great character!

Mr. TONKIN: —in which we were told by the Press what the Minister's views were as expressed to those in the United States. I wish to make a short quotation from the *Daily News* of the 4th November last year. This, by the way, was reported to have caused a row in New York when the Minister said to top businessmen and industrialists something about a mythical character called Joe Blow who was not entirely stupid, but sometimes did not know when to stop. It was reported that—

> Western Australia's Industrial Development Minister Charles Court was speaking about the swing to Labor in the Federal election.
>
> In an off-the-cuff speech at an American-Australian Association luncheon, Mr. Court also said:

He made reference to a number of things, and then said, in the course of his speech—

> "There is a mythical character in Australia called Joe Blow. He is basically a solid citizen but when he starts to swing on something he tends to go the whole hog.
>
> "He is not entirely stupid, but sometimes he doesn't know when to stop."

This apparently had reference to the Minister's views in connection with the treatment the American business people could expect if they came to Western Australia.

The following is from *The West Australian* of the 5th November, last year:—

> . . . Mr. Court said that the Government had faith in the good intentions of most American companies.
>
> But he attacked the pseudo-nationalistic view that American investment should be limited.
>
> There was still a great need of overseas money and expertise, he said.
>
> Though Australia had conservationists and anti-pollutionists like the U.S., the W.A. Government would not spoil American development in W.A. by acting too early.
>
> Mr. Court called for enlightened conservation and avoidance of pollution that older countries were now trying to cure.
>
> "We are better able to adopt prevention," he said.
>
> "Industry can, I believe, prevent pollution at far less cost to itself than I can cure."

Subsequently Ministers in Western Australia denied, on behalf of the Minister for Industrial Development, that he had made any such statements. However the newspapers stuck to their story and stated the source from which they obtained it.

Mr. Court: Until Randal Haymanson put the record straight. He is the senior Australian journalist in New York. He was so incensed with the misreporting that he wrote his own article which was published in Australia to put the record straight.

Mr. TONKIN: What paper published it in Australia?

Mr. Court: I am not sure about the local paper. It was either *The West Australian* or the *Daily News*.

Mr. Cash: The Minister stated that in the House when he came back.

Mr. TONKIN: *The West Australian* mentioned that it had received a report from Heymanson and repeated what the report was.

Mr. Court: The *Daily News* report was a take from *The Australian*. This is the report that was challenged by Randal Heymanson who, I repeat, is the senior Australian journalist in New York and a man of considerable background in the matter. He put the record straight subsequently because he happened to be at the talk.

Mr. TONKIN: He did not put the record straight so far as *The West Australian* was concerned because it stuck to its story.

Mr. Court: No, it did not.

Mr. TONKIN: Yes it did.

Mr. Court: I suggest the Leader of the Opposition should follow through on Heymanson's story which put the record straight.

Mr. Ross Hutchinson: I think the Leader of the Opposition should check it again.

Mr. TONKIN: The Minister could quite easily set the record straight himself by giving us a copy of what he said.

Mr. Court: I would be only too pleased to give a copy of what was actually said at the talk to the mining congress because that is printed.

Mr. TONKIN: I am referring to this particular speech and not to some other.

Mr. Court: That one followed on immediately. It was not the exact text but the same context was used. That was what Heymanson was taking exception to, because he thought I had been unfairly reported.

Mr. TONKIN: I repeat that after being built-up by the Minister's reply to my question, I was let down rather badly by the reported statement he made to the businessmen of the United States. Further, Dr. Boyden, professorial fellow and head of the urban biology group of the Australian National University said, on the 9th February, 1970—

> Abuse of natural environments could lead to a global disaster more dangerous than any war.

On the following day the Minister for Industrial Development had a letter in *The West Australian* in reply to a gentleman called Mr. Peet, who was very concerned about the pollution which might result from the flow of red mud from the alumina refinery. The Minister for Industrial Development sailed right into Mr. Peet. He accused him of misleading the public when expressing alarm over the effect of red mud from the proposed Pinjarra refinery. Doubtless Mr. Peet was concerned, as were many other people, at the possibility that sufficient attention was not being given to ill-effects which could possibly follow from the establishment of this refinery.

I remind you, Mr. Acting Speaker (Mr. Mitchell), if you have forgotten, that when Laporte was being established at Bunbury and the question was raised as to the possibility of some harmful effects, we were assured by the Minister that there was no chance in the world of that occurring because all possible steps had been taken to prevent it. We now know that pollution has resulted to such an extent that the people in the locality have become extremely alarmed at what has taken place and the ill-effects of it.

Mr. I. W. Manning: I think we have got on top of it now.

Mr. TONKIN: The member for Wellington can think what he likes.

Mr. Court: No effluent from Laporte has been put into the sea for a couple of years.

Mr. TONKIN: Is that so?

Mr. Court: It is ponded.

Mr. TONKIN: The Minister might be interested to know that on the 31st July, this year, the Minister who has now been appointed Minister for conservation was obliged to go to Bunbury to quieten people over Laporte. I quote from *The West Australian* of the 31st July—

> Bunbury, Thursday: Health Minister MacKinnon believes that the public is making too much fuss about effluent from the Laporte plant at Australind.

If I may break in at this point, that statement certainly does not suggest that there has been no complaint for two years.

Mr. Court: I did not say that there has been no complaint. I said that no effluent from Laporte has been released into the sea for a couple of years because it is all ponded.

Mr. TONKIN: I was not saying that it had to be released into the estuary.

Mr. Court: It has not been released into the estuary or into the sea.

Mr. TONKIN: I am talking about effluent from Laporte which is causing concern, so much so that the Minister for Health hotfooted it to Bunbury.

Mr. Court: Were they not talking about another aspect of Laporte's operations.

Mr. TONKIN: The article goes on—

> The aesthetics of effluent disposal are not good at all—

I interpolate to say that the Minister is speaking at this point. The article continues —

> —but the ponds on the other side of Leschenault Inlet are in a fairly isolated spot. The ocean is monitored regularly. There is no threat to human health and there is no proof yet that the effluent is any threat to marine life.

After the marine life is all killed the Minister will be satisfied that there was a threat, but he says that there is no threat yet.

Mr. Court: I think the Leader of the Opposition is hoping that there is a threat.

Mr. Williams: There are no dead fish.

Mr. TONKIN: The Minister for Health said—

> The people were forgetful that some years ago people complained bitterly that their children had to leave W.A. to get work suited to their educational standards. Industrial development allows them to work here now. We should not forget that despite its disadvantages Laporte has given Bunbury the advantages of rising employment and industrial activity.

I suggest that this is not a very good start for the newly-appointed Minister for conservation if that is his philosophy.

Sir David Brand: That is not his philosophy.

Mr. TONKIN: He was advocating that we should forget about the harmful effects of an industry so long as it is possible to obtain a job. He was saying that we should not worry about anything else and that if an industry will provide people with jobs that is all they must remember and accept. If that is to be the philosophy of the Minister in this job he will be an outstanding success, I do not think!

Sir David Brand: It is quite unfair to say that.

Mr. Court: It is not his philosophy at all. I think the Leader of the Opposition is taking that out of context.

Mr. TONKIN: I read the whole of the article.

Mr. Court: The Leader of the Opposition is putting his own emphasis on it.

Mr. TONKIN: It is no good for the Minister to say that I am taking it out of context because I read the whole of what the Minister for Health said.

Mr. Lewis: And putting your own construction on it.

Mr. TONKIN: What construction would the Minister for Education put on it?

Mr. Lewis: Not that one.

Mr. TONKIN: What one?

Mr. Lewis: I would not put one extreme or the other extreme. There is a point in between of a balanced point of view.

The ACTING SPEAKER (Mr. Mitchell): Order! The Leader of the Opposition will address the Chair.

Mr. TONKIN: I am sure that if you, Sir, had the opportunity you would not put up an argument like the one advanced by the Minister for Education.

Mr. Lewis: I would not put up yours, either.

Mr. TONKIN: I am prepared to spend a little time in an endeavour to convince the Minister. I shall take it along quietly. The Minister for Health said—

> The public is making too much fuss about effluent from Laporte.

Does that mean what it says or not?

Mr. Lewis: Are you going to take it out of context?

Mr. TONKIN: No, I am starting to read it again. He said that the public is making too much fuss. In other words, they should shut up and accept it; they should remember they are getting jobs through Laporte. That is what the Minister said.

Mr. Court: They also want to remember that the Leader of the Opposition tried very hard to get this industry established.

Mr. TONKIN: Now we have a few more red herrings.

Mr. Court: It was your great ambition to get this industry established.

Mr. TONKIN: Of course, it was.

Mr. Court: You tried very hard.

Mr. TONKIN: I am not ashamed of that. That is what I was sent overseas to try to effect.

Mr. Davies: That is when the present Government tried to stop the present Leader of the Opposition. We have not forgotten that.

Mr. TONKIN: This does not alter the fact of the Minister's attitude to the situation which exists at Laporte. The Minister admits certain things. Let us take his final statement. He said—

> We should not forget that despite its disadvantages . . .

Apparently there are disadvantages. What are they?

Mr. Williams: Has the Leader of the Opposition ever seen an industry without disadvantages in some form?

Mr. TONKIN: Here is another Daniel come to judgment! What are the disadvantages to which the Minister is referring?

Mr. Williams: There are usually some with any industry.

Mr. TONKIN: What are they?

Mr. Williams: Smell.

Mr. Lewis: Noise.

Mr. Court: It is not possible to operate an industry without having light for 24 hours a day. It is not possible to operate an industry like that without some noise. It is not possible to operate an industry like that without some problems with stacks, even with the best of control. I think you will find that the Minister for Health was dealing more with the problem of the local people.

Mr. TONKIN: I have just read what he said. Firstly he said that people were making too much fuss. He then said that they should remember that this industry was providing them with jobs. He said that they should not forget that.

Mr. Williams: That is quite factual.

Mr. TONKIN: Surely this means that the Minister's attitude is that if it becomes a question of putting up with disadvantages and permitting pollution to have a job one should come down on the side of having a job.

Mr. Williams: What do you mean by permitting pollution?

Mr. TONKIN: That is what he said.

Mr. Williams: What do you mean by permitting pollution?

Mr. Court: Tell us what the Minister for Health did at Swan Portland Cement.

Mr. TONKIN: I will tell this story in my own way whether or not the Minister for Industrial Development likes it.

Mr. Court: We are thoroughly enjoying it.

Mr. TONKIN: It is obvious that the Minister is thoroughly enjoying it!

Mr. Court: You ought to be fair to the Minister for Health who solved a problem that no other Minister had been able to solve.

Mr. TONKIN: The bait and the burley have brought from the other side of the House a better response than I expected.

Mr. Williams: There are as many fish in that part of the ocean; in fact, even more than there were before.

Mr. Lewis: We should not have disturbed the cobwebs.

Mr. Jamieson: That is not even original.

The ACTING SPEAKER (Mr. Mitchell): Order!

Mr. TONKIN: The Minister for Industrial Development completed his reply to Mr. Peet in these words—

> I suggest that Mr. Peet catch up with the times and the Government in its very realistic approach to the creation of jobs through development and its protection of the environment.

Here again, the emphasis is on jobs.

Mr. Court: No, it was a joint emphasis.

Mr. TONKIN: The very same day it was reported that a move had started to link all conservation groups in Western Australia in a mass march past Parliament on the day that Parliament opened for the March session. Plans were made for a massive protest to take place on the 17th March.

On the 12th February, it was announced that a final draft of a conservation Bill of rights had been completed and was to be presented to the Minister for Health (The Hon. G. C. MacKinnon), the Press, and the public. I have read that and I think it is a very good document with some excellent recommendations.

On the 20th February it was announced that there was massive support for the proposed protest march. It promised to be Perth's biggest march ever. That surely stirred the Government up. It then got moving. We had first one Minister and then another making references—without coming straight out, which they were not able to do, of course, without upsetting the Premier—to the fact that the Premier was thinking about a Minister for conservation. No doubt he was, when he read about this proposed march.

Mr. Court: Long before that.

Sir David Brand: Twelve months before.

Mr. TONKIN: To help the Premier along with his thinking, the Minister for Immigration, Mr. Lynch, felt it was time to come in and say something. He sternly warned the businessmen that the community was not prepared to tolerate despoliation of the environment. He said that in the future companies might find themselves taxed and rated for the assessed social costs of their operations. If he can be believed, that implies that he was genuinely concerned about the seriousness of the problem which was developing in Australia.

I want that to be contrasted with the utterance of the Minister for Industrial Development on the 3rd February. This is what the Minister is reported to have said—

> We must be on guard against irrational protest which would demand solutions so unnecessary and so costly as to damage the economy and disrupt employment. Irrational protest is based mainly on the tragedies of the past and not on the progress of the present.

If that statement is put alongside the statement of the Federal Minister for Immigration, it is found that they are as wide apart as the poles.

Mr. Court: No, they are not.

Mr. TONKIN: My opinion is that they are. The Minister's opinion is that they are not.

Mr. Court: One of the great problems in America today is the fact that most of the difficult problems—such as Sudbury, for instance—arise from times when no-one thought about conservation or protection, and some of those areas were so remote that people could not care less. Today, of course, they are in the middle of, or near, great metropolises, and the modern industrialist is conscious of this. That is where the difference is.

Mr. TONKIN: I thank the Minister for that addition to my speech. On the 27th February the Minister for Works, Mr. Ross Hutchinson, when speaking to a 20-member delegation which saw him because its members were concerned about the situation in the Pinjarra area, said he believed the Premier was considering appointing a Minister for conservation. On the 11th March, just six days before the opening of Parliament was to take place, when this massive protest was to occur, the Premier came out and obligated his Government to establish a Ministry of conservation. He really had the wind-up.

Sir David Brand: Did you not want us to make a decision? Goodness me! Where do you stand?

Mr. TONKIN: He explained that—

> . . . the responsibilities of the proposed ministry needed to be defined clearly to avoid overlapping and duplication

of effort. Sir David said he was confident that his policy on conservation would enable W.A. to set the lead and the pace for conservation planning in Australia.

Dear, oh dear!

Mr. Lewis: Did you not believe that?

Mr. TONKIN: How could one? Does this Bill set the lead and the pace for Australia?

Sir David Brand: Yes, it does.

Mr. TONKIN: It does? Oh, dear!

Sir David Brand: What other State does? Tell us that.

Mr. TONKIN: If the Premier will be a little patient, I will tell him plenty. New South Wales has had a Statute on conservation since 1949.

Sir David Brand: What was the effect of it? It was conservation of water supply.

Mr. TONKIN: Where is this patience the Premier said he would display?

Sir David Brand: I am sorry.

Mr. TONKIN: I refer to the Conservation Authority of New South Wales Act, No. 8 of 1949, the long title of which reads—

> An Act to provide for the constitution of the Conservation Authority of New South Wales and to define its powers, authorities, duties and functions; to reconstitute the Water Conservation and Irrigation Commission; to amend the Irrigation Act, 1912-1946, the Forestry Act, 1916-1946, the Soil Conservation Act, 1938-1947, and certain other Acts; and for purposes connected therewith.

Let us have a look at the State of Tasmania.

Mr. Court: Let us look at the New South Wales Act, and the extent or limitations of its influence.

Mr. TONKIN: That is a mile ahead of our legislation.

Sir David Brand: Don't talk nonsense!

Mr. TONKIN: What effect will our legislation have? Absolutely none. The Premier is talking about "effect." I would have thought that would be the last question he would raise.

Mr. Williams: Give us some examples from New South Wales.

Mr. Graham: Stand up if you have something to say.

Mr. Court: The name sounds good, but when you get behind it, it is a different thing altogether.

Sir David Brand: That is conservation of water supply and forests.

Mr. TONKIN: Tasmania has a Scenery Preservation Act, 1915, and to show the difference between the powers taken in that State and the powers taken under our Bill, I propose to quote from section 10 of that Act. It reads—

> (1) It shall be lawful for the Governor on the recommendation of the Board—
>
> (a) in the case of Crown land reserved under this Act, by the proclamation declaring the same to be so reserved, or by any subsequent proclamation; or
>
> (b) in the case of private land purchased, acquired, or taken for a reserve for the purposes of this Act, at any time after such taking, purchase, or acquisition by proclamation,
>
> to declare that such land, or any defined portion thereof, shall be exempt from any specified provisions of this Act.
>
> (2) For mining purposes within the meaning of the Mining Act, 1929, the Governor, by proclamation may—
>
> (a) revoke the reservation of any reserve; or
>
> (b) exempt any reserve, or any specified part thereof, from all or any specified provisions of this Act, either absolutely or subject to any specified conditions.

What follows is the very important part of this legislation, which puts it in a class apart from our projected legislation. The section continues—

> (3) Such proclamation shall be made only upon a recommendation made by the Secretary for Mines with the consent of the Board.
>
> (4) The—
>
> (a) Secretary for Mines shall not make; and
>
> (b) the Board shall not consent to,
>
> any such recommendation without being satisfied that the advantages of making the relevant land available for mining purposes materially outweigh the disadvantages thereof; and in the consideration of that question regard shall be had not only to pecuniary advantages but also to any other advantages.

In the face of that, anybody who can say that our projected legislation is going to lead Australia does not know what he is talking about.

Sir David Brand: Yes he does. That legislation is full of ifs and buts.

Mr. Court: That Tasmanian legislation is very restrictive.

Sir David Brand: Of course it is.

Mr. TONKIN: Then we come to the Beach Protection Act of Queensland. No. 17 of 1968. The long title is as follows:—

> An Act to Provide for the Protection of Beaches against, and for the Restoration of Beaches from, Erosion or Encroachment by the Sea and for those Purposes to Establish an Authority and an Advisory Board and to Confer and Impose upon them certain Functions and Powers.

How much power does this legislation confer upon the advisory council which is to be established? None at all! Yet the Government has the effrontery to say we are going to lead Australia. Gold help us if this legislation leads Australia!

Mr. W. A. Manning: To what else does the Queensland legislation refer, apart from beaches?

Mr. TONKIN: I could go on and quote further legislation, copies of which I have here.

Mr. Cash: That is easy.

Mr. TONKIN: However, there is no necessity to do that and I do not want to be here all night.

Mr. Lewis: Hear, hear!

Mr. TONKIN: So seriously is this question of pollution viewed that it was one of the subjects of discussion at the recent Commonwealth Parliamentary Association conference. I have had the advantage of reading the discussion which took place, and it is obvious that people from other parts of the British Commonwealth of Nations are most concerned that more is not being done to control pollution and to conserve the natural advantages possessed by various countries.

We are led to believe that when the advice of this advisory council—which is going to advise on this, advise on that, and advise on something else—reaches the Minister and then ultimately gets to Cabinet, something will be done. If that is to result in anything, there will need to be a very different attitude from that which has already been adopted.

I recall that not such a long time ago Dr. Macey who is the chief engineer of the authority that was set up by the Government in relation to clean air went so far as to issue an instruction against a company in Western Australia that the incinerator which it was marketing resulted in pollution of the air. He based this opinion upon sound observations and the fact that it was prohibited from sale in New South Wales.

The company resented the fact that Dr. Macey took this attitude against it, so it wrote what Dr. Macey was advised was a libellous article against him attacking his status as an engineer and questioning his capacity to make such a recommendation. I believe, to his credit—I am in no position to prove this—Dr. Macey's Minister (Mr. MacKinnon) recommended that Government support be given to Dr. Macey. However, Cabinet decided against it and would not support him in the action he had taken. Cabinet let him down.

He then made application to the Civil Service Association to see if that body would pay his legal costs if he took action against the company concerned. The association declined to do so on the grounds that it would create a precedent. I read about the matter in *The Civil Service Journal*.

Mr. Court: What is the basis of your information that the Government was involved in this?

Mr. TONKIN: The Minister does not expect me to answer that, does he?

Mr. Court: Well, I should think you should.

Mr. TONKIN: Oh, does the Minister? Why does he not adopt the same attitude in regard to questions I ask him?

Mr. Court: I must admit that I do not know anything about this.

Mr. TONKIN: The Minister wants one-way traffic. He expects me to disclose my source of information when I have no hope of getting a similar answer from him.

Mr. Court: You seem to spend half your life asking questions.

Mr. TONKIN: I do not expect to get caught with that chaff. The fact remains that the company took on Dr. Macey; there is not the slightest doubt about that. However, he did not receive support from the Government for the action he took. I could name the company concerned, but it is not necessary to do so.

What does this Bill do? It establishes a department under a Minister who is already overworked. It gives the administration of the legislation and the department to the Minister, whereas in the cases I have quoted in other States the administration of the legislation is given to the board that is established subject, of course, to the Minister. The Bill then appoints a director who is to be subject to direction from the Minister. Some of the Eastern States Statutes which appoint a director subject to the direction of a Minister specifically provide that the Minister shall not direct the director in any recommendations he makes. There is no such provision in this Bill, yet we are supposed to be leading Australia.

Mr. Bovell: The Eastern States measures—

Mr. TONKIN: Do not mumble; say it loudly.

Mr. Bovell: The Eastern States legislation does not cover the wide sphere of activity which our legislation is to cover.

Mr. TONKIN: Oh, dear me! The wide sphere of our legislation! The Minister has a wonderful imagination. How much notice can we expect to be taken of the advice that is tendered? Mr. Speaker, I am sure you are aware of some advice tendered to the Minister for Industrial Development by the Crown Law Department. It told him—I think it was four years ago—that some regulations which were issued by Hamersley Iron did not comply with the requirements of the law, and should be issued as by-laws. How much notice did the Minister take of that advice from the Crown Law Department? Exactly none. The so-called regulations which the Crown Law Department said should be issued in the form of by-laws are not by-laws yet.

Mr. Court: Yes, but you are missing a vital part of the total situation—

Mr. TONKIN: That is the fact of the matter. The Crown Law Department advised the Minister's department that the regulations should be issued in the form of by-laws and the Minister took no notice of that advice.

Mr. Court: It is not a question of taking no notice. There is provision in the ratified agreement for the port to operate as it does.

Mr. TONKIN: Not the way the Minister is saying it; not by any means. When is the Minister going to take notice of the advice and make the by-laws?

Mr. Court: It is not a question of the advice being ignored.

Mr. TONKIN: It is just not acted upon —there is a difference.

Mr. Court: You are doing what you normally do; namely, taking one half of the argument.

Mr. TONKIN: Tell me the other half. Did the Minister receive the advice of the Crown Law Department?

Mr. Court: I think you have a question on the notice paper, and I will answer it tomorrow.

Mr. TONKIN: Yes, I can guess how the Minister will answer it.

Mr. Court: Because you know the right answer.

Mr. TONKIN: Yes, because the right answer is that the regulations still exist and the Minister has taken no notice of the Crown Law Department.

Mr. Court: At one stage I used to think you were a good Minister. Now I wonder how you function at all.

Mr. TONKIN: The Minister can think what he likes; that does not worry me. I am quoting the facts, and from them I am entitled to draw a deduction; that is, if the Government pays as much attention to the advice it receives from the Minister for conservation—or environmental protection, as the Government prefers to call it—as the Minister for Industrial Development took of the advice given to him by the Crown Law Department about regulations, we can expect nothing to be done.

Mr. Speaker, you are probably aware of the fact that the Australian Senate set up a Select Committee on air pollution, and its report—a copy of which I have here—was issued in 1969. Among other things, that committee reported on these three matters—

> An air pollution problem exists in Australia today. Urgent and co-ordinated action is required immediately. A more uniform approach to the problem by the States and the Commonwealth is essential. The Commonwealth should give increased tax relief to industry and others involved in expenditure on air pollution control.

Then the New South Wales Government, being very concerned about the problem resulting from waste disposal, because the streams were being contaminated, brought to its State a gentleman called A. E. Barton who is very highly qualified and experienced. He went very thoroughly into this garbage question and the report created real alarm in New South Wales. He had this to say—

> There is urgent need for jurisdiction and responsibility to be defined at central Government level.

If you have read the Bill, Mr. Speaker, you will know that the measure before Parliament today fails to recognise, or to do anything about, that aspect. A further statement in the report by Mr. Barton was—

> There is urgent need for a single regional authority covering liquid and solid industrial waste and household garbage disposal and action to counter pollution needs to be comprehensive, effective, and actively enforced.

I have had a look at the legislation before us and I cannot see how I can expect to get that result from the Bill as drafted.

I was referring earlier to the discussion that took place at the Commonwealth Parliamentary Association conference and I thought the most appropriate statement which should be extracted from all the discussion that took place was this one—

> Pollution is not the only thing involved in environmental control. It includes much wider terms of reference, taking in ecology and matter relating to human beings and not necessarily involving the situation we call pollution.

One of my objections to the Government's Bill is that there is too much emphasis on pollution and not enough on other aspects of environmental protection and conservation.

The Chairman of the Soil Conservation Authority of Victoria was reported as having said in March, 1968—

> That the modern concept of conservation presented a whole new aspect of culture which should be promoted within the community as a basic aspect of education; its understanding and acceptance within the community was urgent and important, because it appeared to be not only the best means of drawing together the separate cultures of aesthetics and technology which were tending to split modern society, but was also a necessity for the ultimate survival of man.

No wonder we have a lukewarm sort of Bill here, because after the Premier made his announcement that this State was to lead Australia with this legislation, he must have run into trouble. I say this because when he attended the 40th Conference of the Shire Councils' Association of Western Australia, to my amazement—as it was following so closely upon the statement that we were to lead Australia—he said there that there was a tendency for people to jump on the bandwagon and as conservation and anti-pollution appeared to be the vogue this was the cause of much pressure for Government action.

However, he hoped that the proposed Ministry would achieve a balance between the natural environment and the development of the great natural resources of the State.

Sir David Brand: What is wrong with that?

Mr. Bovell: A very fair and balanced statement.

Mr. TONKIN: That is a matter of opinion.

Mr. Bovell: That is my opinion.

Mr. Graham: Nobody asked for it, either.

Mr. Cash: Unbiased.

Mr. Graham: An unbalanced opinion.

Mr. TONKIN: If I had had the time I would have endeavoured to obtain a copy of the South Australian Bill which was before the Parliament of that State last week. I have here an article extracted from the *Advertiser* which refers to the fact that there was a Government Bill to prevent irretrievable scarring of the Adelaide hills and other parts of the State by mining and quarrying and that this Bill had been lifted from the bottom of the notice paper to No. 4 position.

This report appeared in the *Advertiser* of the 27th October, 1970, so it is quite possible that the Bill referred to might have already been dealt with in the Lower House of the South Australian Parliament. The article goes on to state—

> The Bill, to amend the Mines and Works Inspection Act, provides:
>
> > That a mining inspector be able to call a halt of any mining (or quarrying) operation or practice that has impaired, or is likely to impair unduly the amenity of any area or place.
> >
> > That he have power to give directions to prevent or reduce undue impairment.
>
> The Bill seeks to widen Government powers to make regulations to preserve an amenity.
>
> These would be able to regulate, restrict or prohibit operations that interfere with the surface of the land.

It would be very interesting to see what that Bill does provide. It is more in line with my way of thinking.

We have many complaints about the scarring of the Darling Range scarp, but it is still carried on. There is nothing in this Bill to suggest that any attempt will be made to interfere with it in any way, but according to the report that appeared in the Adelaide *Advertiser*—if it can be believed—there is power for persons in the authority that is to be established to take action, and that is what we want. We do not want a great deal of advice where we have no guarantee that it will be acted upon. What we want is some guarantee that action will be taken to preserve assets and prevent despoliation of reserves.

I suggest that the first thing the Government should do is to declare a number of areas completely inviolable; to declare that they cannot be touched at all without reference to Parliament. Do not leave that to the advice of Ministers, but let us set out in the Bill that these particular areas—such as King's Park—cannot be touched for mining, for the establishment of refineries, for the building of reservoirs or for anything else, without the proposal being put to Parliament so that Parliament and the people will know all about it. That should be the first stage.

Mr. I. W. Manning: Hear, hear! I will go along with that.

Mr. TONKIN: I have one convert, anyhow. Having done that we would have a very sound starting point, and the advice as to what should be done could follow later. It ought to be argued on the basis of the Tasmanian legislation that the advantages and disadvantages should be taken into consideration with regard to any proposition, and the final decision should not rest on the criterion of the pecuniary advantage to be derived or the number of jobs to be provided.

I would like to see a State land use authority established under the legislation; an authority with some real powers to stop people from proceeding. The present situation is entirely unsatisfactory, because leases can be pegged in reserves, after which people have to go and argue before the court that the leases should not be granted.

We ought to do something here and now to control that situation if we want to take the lead in this matter. I suggest to the Government that a very good starting point for this legislation would be the proposals in the "Bill of Rights" issued by the W.A. Nature Conservation Council.

I was disturbed to read in the paper this morning that a recommendation made by the Australian conservation federation —I think it calls itself that or a name very similar to it—that a total of 13,900,000 acres be set aside for reserves resulted in only 4,300,000 acres being so reserved, and that the Government policies in this State were blocking action.

Mr. Bovell: That is not correct.

Mr. TONKIN: What is not correct—that I read it?

Mr. Bovell: No, what you say.

Mr. TONKIN: That is what I read. Did the Minister read it?

Mr. Bovell: Yes.

Mr. TONKIN: I have not seen any denial so far. Is there going to be a denial published in the paper tomorrow morning?

Mr. Bovell: No, because I have not received replies to my queries.

Mr. TONKIN: When I read that I began to wonder whether the Bill before us was any more than a pretence.

Mr. Bovell: There was one area alone of 5,000,000 acres which we reserved.

Mr. TONKIN: I suggest the Minister would have a very good case to refute what was said. When I read that report in the paper—as many others must have done—I could not help but be disturbed—if the report is true—that Government action in this State was blocking a recommendation that these areas be declared as reserves.

From what I have said I think you will probably have gathered, Mr. Speaker, that I do not like the Bill very much. In the circumstances, I suppose we have to accept what the Government has brought down in the hope that when it finds the legislation is not worth much it might endeavour to improve upon it. If we have the opportunity, we will certainly give the country a far better deal than is contained in this legislation.

Debate adjourned, on motion by Mr. H. D. Evans.

House adjourned at 10.35 p.m.

Legislative Council

Wednesday, the 4th November, 1970

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

QUESTIONS (6): ON NOTICE

1. TRAFFIC

Road Courtesy

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

(1) Is it unlawful for the driver of a vehicle to leave the headlamps on full beam in the face of oncoming traffic?

(2) If so, will the police pay particular attention to this aspect of road courtesy, and so eliminate another contributing factor to road accidents?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Yes.

2. *This question was postponed.*

3. LOCAL GOVERNMENT

Litter

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

(1) Is it compulsory for vehicles carrying rubbish, industrial waste and rubble etc., to have the load completely covered to avoid spillage?

(2) If so, will instructions be given to the appropriate authorities to enforce this law?

The Hon. L. A. LOGAN replied:

(1) Yes. Road Traffic Code Regulation 1608A, and Section 665A of the Local Government Act.

(2) I am not aware that the regulation is not enforced.

4. TRANSPORT RESTRICTIONS

North-West

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

(1) Did the Government make a recent announcement that transport restrictions on northern transport would be relaxed north of the 26th Parallel?

(2) (a) Was it also announced that the Government was studying the possibility of extending the revised conditions to other areas, including the Murchison;